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AVIATION SECURITY AND TRANSITION

HEARING

BEFORE THE

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

JULY 25, 2002

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ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

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AVIATION SECURITY AND TRANSITION

THURSDAY, JULY 25, 2002

U.S. SENATE,
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
Washington, DC.

The Committee met, pursuant to notice, at 9:35 a.m. in room SR–253, Russell Senate Office Building, Hon. Ernest F. Hollings, Chairman of the Committee, presiding.

OPENING STATEMENT OF HON. ERNEST F. HOLLINGS, U.S. SENATOR FROM SOUTH CAROLINA

The CHAIRMAN. The Committee will come to order. We are pleased to proceed now with our hearing on aviation security.

I want to congratulate Secretary Mineta in appointing Admiral Loy to take over this Transportation Security Administration, in that we're behind the curve. My record shows that they've only, in a six-to-seven month period, employed some 2,500 screeners. That's grossly, grossly inadequate, slow, incompetent.

What we had, on course, was a mammoth task of privatizing, as you were, publicly employing some 40–50,000, whatever, screeners and securing these airports, and we even confirmed the former head of the Transportation Security Administration without a hearing. It was before Christmas, and we all wanted to get going, hit the ground running. And instead, we've been dragging our feet.

The Secretaries have showed us at every turn that we're right on schedule, we're right on schedule, and I was a little dismayed, Mr. Secretary, when, on the House side, you complained for the lack of money. You can't catch this Congress off base on homeland-security money. This Congress will fight you trying to give it more money. Everybody knows we're at war and that homeland security is front and center, and everybody is voting for the money. So we hadn't heard, at this committee level, of any lack of money.

However, one of the main things I want to touch on, because I know Senator Burns and others have bills in with respect to the pistols in the cockpit, and we have a bill that's at the desk. It wasn't assigned to the Committee, but is at the desk. And I want to reemphasize the intent and mission, Senator Murkowski, that a commercial airliner would never be used again as a weapon of mass destruction. And the only ones we know that have ever done that successfully is the Israelis, the El Al Airline.

In fact, where Senator Murkowski is seated, we were seated just last September, a group of us senators on the Committee with the chief pilot, and the chief pilot allowed that, look, once that door is secured, it's never opened in flight. We find those now that insist

upon pistols, of course, contemplating an insecure door, a penetrable door. In fact, our friend, George Wills, says there's no such thing as an impenetrable door. I refer him to El Al Airlines. It hasn't been penetrated in 30 years. They have not had a hijacking.

And that was one thing that this particular senator emphasized even before Christmas with the Transportation Security Administration. Look, let's—once can fall, get on. They told me up in Massachusetts—Senator Kerry testified they had a Kevlar door. The Delta folks—airlines, they had a plan to do it and everything else like that. Try a penetrable door alone. If the door can be broken into, then forget about these pistols and everything else like that. The enemy are not wandering minstrels. They are karate, judo experts. They'll break in the door before you can ever get to your pistol strapped in trying to fly a plane. You've really armed the terrorists.

So let's begin, once and for all, to understand that the door has got to be fixed, impenetrable and never opened in flight. Once that's done, then we'll solve the problems of a commercial airliner flying into the Empire State or the Sears Building or into a nuclear power plant, we'll solve the problem of guns in the cockpit.

The media is still asking me, "Well, where is your compromise? Would you go along with stun guns rather than"—they don't understand the problem. The problem is to make sure that a commercial airliner—now, these private planes, they can run into a building, like down in Tampa, but they don't have all that fuel and can really bring the World Trade Towers down to the ground like occurred.

So the whole idea is, once that door is secure, the intended terrorist knows that it's going right to the ground and law enforcement are taking them off to the jail. Otherwise, you don't have this 30 minutes after takeoff remain in your seat, that 30 minutes before you land, take on your seat. I have to fly a Charlotte connection. And coming back, trying to make votes, I'm terrorized that somebody's going to stand up, because the pilot warns if you stand up and leave your seat, we're going to another airport. I'm going to miss the thing, and I'm ready to knock them in the head and put them back in their seat right away——

[Laughter.]

The CHAIRMAN.—because I'm trying to make votes up here. We've got ridiculous rules. You don't have to have all the planes flying around to shoot people down. The door is secure and never opened in flight.

[The prepared statement of Senator Hollings follows:]

PREPARED STATEMENT OF HON. ERNEST F. HOLLINGS,
U.S. SENATOR FROM SOUTH CAROLINA

Good morning. We created the Transportation Security Administration (TSA) last November to change entirely the way our nation provides aviation security. We made fundamental changes, demanding a focus on security and recognizing that as a country we were at war. We asked you to create from nothing a well trained, motivated work force to screen everything going on-board passenger aircraft, and to address other parts of the aviation community—general aviation, cargo, flight schools, for example—as quickly and effectively as possible. No one here, and I think you would agree, wants to see these programs and initiatives delayed.

In providing difficult deadlines, we wanted to make sure that everyone understood that our security is a top priority. You have met many of the early challenges, but many remain, and it must continue to be a top priority. You have two pending dead-

lines looming—November 19 (screeners) and December 31 (explosive detection systems). I want you to keep your foot on the gas pedal, and don't let up. Where there are a few airports with specific problems, tell us—you have a mandate to get the job done, and to do it right. The law gives you that ability and direction.

Do not use the budget as an excuse—yes, the Supplemental cuts your funding somewhat, but Mr. Danials asked for more than $219 million in cuts. You received much of what you requested for this year.

You have told us all year *you will make the deadlines*, and we have supported your efforts. You also told us "No" to guns. Now, I see that you may "reconsider"—under the original bill, we gave you discretion to allow guns or even less than lethal weapons, tasers, in the cockpit. You said no. I agree with you.

Under the Act, we also mandated that the cockpit doors be locked at all times during flight except for authorized personnel. I want to close the door and lock it for the entire flight. I understand, though, that right now there are a series of measures on board to make sure that if one pilot leaves the cockpit, the integrity of the cockpit is not breached. That is a good first step, but as I look at new designs for kevelar strips as a second door, or other relatively easy fixes to the cockpit, I want you to order the deployment of those doors and devices. If we had another billion to spend, which is the initial cost of arming the pilots, we could spend it more wisely on new doors. To ensure that terrorists are unable to take control of an aircraft I introduced, S. 2497, a bill that requires cockpit doors remain closed while in flight unless the plane is fitted with mantrap doors that provide secure entrance and egress to the flight deck. My legislation would bring us in line with the Israeli approach, a layered "onion" of security, that allows the pilots to focus on flying, and keeps potential threats out of the cockpit.

You will need to lay out for us the time frames you envision to hire all of the screeners—right now you have about 2,500 on payroll, and another 4,000 about to be hired, as I understand it. You want to have on board 35,000 by November. How do you get there? Can you get there?

With respect to the December 31 deadline, you have bought about 800 of the 1100 explosive detection systems (EDS) and a substantial number of the smaller trace detection units. We can not discuss the differences in open session, but we all recognize there are substantial differences in cost, time and personnel. You also will need to make substantial changes to a number of airports, and have hired Boeing, along with Siemons to carry out that mission. As I said, for some airports, you may need some additional time—take it and do it right. For others, deploy it, man it and run it.

It has been difficult to communicate with the TSA from the start, and while I am certain that conditions will improve under Admiral Loy's leadership, I must make it very clear that Congress wants to know the truth. Congress is here and we are listening. We do not want to hear that there is a problem implementing security from the airports or an airline—we want to hear it from you. Far too much is at stake to play games at a time like this.

There may have been some changes in the faces at TSA, but the challenge remains the same—to develop a system of security which justifiably restores the confidence of the American people. We continue to expect this challenge to be met. I implore you to work with us, and provide straightforward assessments of your efforts as you move forward. Without proper communication, questions and doubts will continue to shroud the TSA, and no doubt will hinder your ability to be successful in this most important of missions.

The CHAIRMAN. I yield to Senator McCain.

STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR FROM ARIZONA

Senator MCCAIN. I thank you, Mr. Chairman. I thank you for holding this very important hearing.

The Transportation Security Administration is at a crucial point in its short history. The agency is working simultaneously on several extremely challenging tasks. The TSA must purchase and install thousands of pieces of explosive-detection equipment, hire tens of thousands of passenger and baggage screeners at 429 airports throughout the country, all in the next few months. At the same

time, it must build its own massive organization from the ground up.

If these challenges were not enough, the President has recommended that the TSA be moved to another entirely new entity—the Department of Homeland Security. And as of last week, the TSA now has a new acting leader, Admiral Loy, whose accompanying Secretary Mineta today.

In the midst of all these efforts and transitions, the TSA must come to grips with one of its most difficult jobs, dealing with a Congress that's pulling the agency in different directions. For example, some legislators are trying to move the deadline for screening all bags using explosive-detection equipment, while others are saying we must keep the pressure on and not weaken our security measures.

The appropriators have substantially limited the total number of TSA employees cutting the President's supplemental funding request and using earmarks to tie up much of the rest of the money.

Just two days ago, Secretary Mineta testified that the amount of money Congress is providing in the Supplemental Appropriations Act and the strings attached to that funding will not support the mandates and timetables for aviation security that Congress set up last year for TSA. We passed a law authorizing certain funding. Again, the appropriators have now undercut the authorization that was passed by the Senate by a 98-to-nothing vote.

On top of it all, every sector of the aviation community seems to be voicing one complaint or another about how security is being handled. All of this is making it difficult for TSA to do the job we gave it eight months ago to keep our aviation and other transportation systems secure.

I hope that the first panel of witnesses will shed more light on some of the issues that TSA faces in the coming weeks and months. DOT and TSA have tried to do a good job, especially given the circumstances, but it is evident that everything has not gone as well as it should. The road ahead is likely to be even rougher than the one already traveled. In that regard, I know that the GAO will have some important observations about where we stand today and what the future may hold.

Another issue being addressed today is the arming of pilots. I'm sure that it is a very important issue, and we will have a lot of discussion and debate about it, and I hope we can resolve it. But I've got to tell you, Mr. Chairman, we should be focusing on how we're going to implement the law that we passed eight months ago, which is going to cost billions of dollars, tens of thousands of employees, how we're going to ensure the safety of every passenger in every plane in our aviation system.

Eight months ago, members of Congress were unable to reach a consensus on this contentious issue due, in part, to a lack of sound information and analytical data on the issue as well as the urgent need to pass the legislation. We placed the authority for the ultimate decision with the TSA, which we expected to objectively assess the potential benefits and hazards of arming airline pilots.

At our last hearing on aviation security two months ago, former Undersecretary Magaw announced that TSA would not support the arming of pilots. That decision prompted the introduction of several

bills in Congress to explicitly allow pilots to use firearms. The issue remains contentious, and there seems to be little hard analysis on either side.

Even the GAO recently concluded that without additional research, quote, "The potential benefits, risks, and costs of using weapons on aircraft cannot be fully determined." Therefore, I am anxious to hear from all our witnesses today on this issue.

It's my genuine hope that Congress, the Administration, and the aviation community can reach greater consensus and unity of purpose in the area of aviation security. Assigning blame and finger pointing are easy here in Washington. We shouldn't lose sight of the stakes in this fight. Aviation has always been a popular target for terrorists, and there is no reason to believe that has changed. It's not easy to balance the need for greater security with the efficient flow of air commerce that's vital to the economy of our country, but the task will be made more difficult unless we get a lot more direction and a lot less infighting.

I thank our witnesses for being here. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Wyden?

STATEMENT OF HON. RON WYDEN,
U.S. SENATOR FROM OREGON

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Chairman and colleagues, the House of Representatives is now poised to grant extensions of the deadlines with respect to the aviation security requirements, and I want to make it clear that I will strongly oppose any extensions unless they are ones that strengthen the protections for passengers in the public, rather than roll them back. Any modifications of the law ought to make our system safer rather than less secure.

And I will tell you, I find it especially troubling that in recent weeks the Administration has had to replace the director of the Transportation Security Administration. I'm going to ask Secretary Mineta this morning why that was done, because clearly it does not send a message that the Administration is on top of this issue if, in fact, at a crucial time, the head of the Transportation Security Administration has to be replaced, and I think we need to know what is going to be done differently with a new head of that agency.

Finally, what it all comes down to is that there is an indication that this issue is sliding back into the same pattern of the last 15 years. For 15 years, the pattern has been there would be a significant tragedy, there would be a huge and understandable outcry from the American people, and Congress would move ahead on reform. After that was done, there was all kinds of backsliding, all kind of blame and finger pointing. But, for one reason or another, the job didn't get done.

I think—and I want reflect your comments, Mr. Chairman, and those of Senator McCain's—the challenge now is to stay at it until it's done right. And if that means staying through the summer, working with the Administration on issues relating to funding, working with the airports on the issues that they have with respect to the realignments of their facilities and the like, so be it. But I

don't think excuses, either from the Administration, from the airports, from the Congress or anyone else are acceptable at this point, given the understandable public concern.

I look forward to working with you and our colleagues on a bipartisan basis.

The CHAIRMAN. Thank you.

Senator Kerry?

STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

Senator KERRY. Mr. Chairman, thank you very much. Thank you for holding this hearing, which is obviously important.

In the last weeks—months, I guess—Americans have lost about $1.8 trillion of value in the marketplace. One of the elements, certainly only one—there are many, many things going on—but everybody would agree that the economy has been sluggish, not where we want it to be and that one significant component of it that remains affected is tourism, travel, people aren't coming here from other countries. I hear this all over the nation—tourist places.

People are scared, afraid of another act of terror in the United States, afraid of travel. The full measure of travel in our own country remains reduced. And you hear it all the way down the economic food chain—taxicab drivers, limousines, restaurants, theater, hotels, the people who do the linen for the hotels, the people who work at them—all the way through the economic food chain, America is impacted.

And back in September, when we first addressed this issue, we knew we were not addressing just the issue of travel, or of, airline safety. We were addressing the restoration of confidence for the American people in our entire system.

I regret to say that this spectacle of the leaders of our agencies, of our entire airport system, and, to whatever degree, the Congress—and I take issue with you, Mr. Secretary, that the Congress is responsible for not providing enough money, because Mr. Daniels clearly cut significantly from the supplemental, as we all know. If the issue were money, all we'd have to do is really put it in front of this Committee, and this Committee will take care of it in about ten minutes.

The fact is that there is disarray, in my judgment. And the rhetoric of war is far outstripping the response or the results in this sector and in other sectors. It is incomprehensible to me that given the predicament of flying and what we are asking Americans and anybody who gets on an airplane to do with respect to baggage inspection, that we are not pushing this at the rate that it ought to be pushed.

Now, I'm pleased to say that the CEO of the Massachusetts Port Authority, Craig Coy, will be testifying on the second panel. They've made enormous strides in turning MassPort around since September 11th. They've turned the bureaucracy around, and they've set some goals, and they're meeting them.

As a result of that effort, Logan Airport is becoming a leader in aviation security, and I'm proud to say it has in place a plan that will achieve one-hundred percent screening of checked baggage by the year's end. And it's also becoming a laboratory for emerging se-

curity technology. So I think it's moving in the right direction, as are some other airports.

But I regret to say that—you know, when you go to war, you go to war. Your purchasing procedures change. You accelerate. Your hiring procedures change. You mobilize. And what we're witnessing is, sort of, this incredible back-and-forth turf struggle, political struggle, confusion, lack of leadership, and our economy is going to suffer for it, and the American people are going to suffer for it, and I regret that enormously.

So, Mr. Chairman, I think this is the appropriate time to have this hearing to measure whether we can do it. And may I say we're not measuring this, I think, unfairly. At Mr. Magaw's confirmation hearing and in subsequent public statements, the Administration itself said, "We're on track." Deputy Secretary Jackson told this Committee, quote, "Secretary Mineta has given us a simple mandate with regard to these deadlines. Let's figure out how to meet them, because they are not negotiable." Secretary Mineta himself offered similar statements as recently as May.

So now the rhetoric is changing, as I think everybody is aware, and the TSA's ability to meet the deadline is in question. Well, I think we have to demand a plan, a clear plan, the money it takes, the time it takes, the people it will take, and a specific date by which we can expect one-hundred percent compliance. And I respectfully say to my colleagues, until we do that, I think we're not going to be meeting the full measure of responsibility with respect to the economy.

Finally, with respect to the weapons, you know, I understand what our distinguished Chairman and my very, very good friend is saying. I understand that. And he's absolutely correct. If the doors are secure and there is a procedure, then you shouldn't need it. But there are all kinds of scenarios in airports and otherwise, even in the air, where who knows what may develop. If this gives greater confidence—and that's what we're really looking for here, is the question of confidence—it's very hard to make the argument that a pilot with whom we entrust a hundred-million-dollar-plus aircraft and several hundred lives, the pilot, who is, in fact, in charge of managing what has been turned into a weapon previously and could ever, at any occasion, be a weapon again, that that plane, which is, in and of itself, we now know, a weapon, can't necessarily have a sidearm, which is also a weapon, for some contingency.

And for those who argue that a properly trained pilot, many of whom have military experience and background, all of whom have enormous clearances and are supposed to be of the highest level of responsibility, can't be an adjunct to an air marshal or even to the police forces in an airport in order to deter whatever violence, as we saw recently in Los Angeles, some mad person might engage in. It's very hard to understand how we can't set up a protocol of use and training that doesn't meet that standard to maximize the confidence. Though I agree with my colleague, if the door is locked, that contingency ought to be taken care of, but who knows what other contingency may arise.

So, Mr. Chairman, I hope we get this done. I think the American people are growing impatient, and the spectacle is not a pretty one.

The CHAIRMAN. If we can shorten our opening statements, please, we have two distinguished colleagues waiting.

Senator Burns?

STATEMENT OF HON. CONRAD BURNS, U.S. SENATOR FROM MONTANA

Senator BURNS. I'll keep mine very short, Mr. Chairman. I just want to thank you for holding this hearing today. Understanding the circumstances that surround this and, besides that, we can—maybe we can put to bed some of the misinformation that seems to swirl around this issue.

Seventy-nine percent of the public support a voluntary program to arm pilots—79 percent. Fifty percent of those people said they'd be willing to pay up to $20 more to have armed pilots on the flight deck. And another 50 percent said they'd switch from their current airline to an airline that had pilots who had a deterrent on the flight deck. That's pretty overwhelming, when we start taking a look and seeing where our policy should be going.

Many foreign pilots already carry weapons in the cockpit when they fly into the United States of America. We allow them to do it through an FAA regulation and bilateral agreements we have with those countries. S.2554 includes explicit indemnification language that exempts the airlines from any liability. Further, the cost to train a pilot is so much affordable than those costs to train—similar to those costs to train an air marshal. Furthermore, in the case of the air marshal forced to fire, an intruder trying to break into the cockpit, what is his target? What's behind that target? I would suggest probably the pilots.

What about a double-door reconfiguration of aircraft that some would suggest? That is not happening, and I have my doubts whether it will happen on domestic flights in the United States. What will be the cost to the airline if required airlines to reconfigure their planes to a double door? What would be the cost of revenue to airlines if they had to reduce the number of seats on their aircraft? The consumer pays those costs, leading to higher airfares.

Regarding the issue of hardening doors, Congress has allocated $25 million to harden aircraft doors. At 35,000 per aircraft in approximately 7,000 aircraft in the U.S., that's a total cost of nearly $250 million. We haven't allocated enough money. And we don't even have a hardened door yet. Testing prototypes has led to failure. Sure, we can harden the door, but we can still ram a food cart right through it, breaking it down—not only the door, but also the frame of the door.

Now, we're only weeks away from the anniversary, and I think what will happen today, Mr. Chairman, both pro and con on this issue, we clear the air of some information, and logic then will take us to where we want to be as a Congress and also with the American people

So I thank you today for this hearing. I appreciate it very much.

The CHAIRMAN. Thank you.

Senator Allen?

STATEMENT OF HON. GEORGE ALLEN,
U.S. SENATOR FROM VIRGINIA

Senator ALLEN. Thank you, Mr. Chairman, for holding this hearing on aviation security. Many of the comments that have been made by you and others, regarding the ramp up of the TSA—are appropriate.

There are a couple of issues that I hope we'll address here—the problems of building a new agency and flexibility for different airports that have different security needs. Not every airport is the same. The airports in Missoula are different than Richmond, they're different than Dulles, and different than Dallas/Fort Worth, and I hope that we'll discuss that.

Another issue that I hope that Secretary Mineta will address has to do with the question I asked—when we had a hearing on aviation security in this Committee back in May. I asked the Secretary about the situation at our nation's capital airport, Reagan National Airport and the operation of general aviation there. The Secretary assured this Committee that a plan would be announced by the end of that month. Again, that was May. We're still waiting for a plan. In fact, it's been stated that they'll not allow general aviation into Reagan National Airport. And I hope that—and I'm very eager to hear, about the plans from the Department of Transportation and the Transportation Security Administration to remedy this problem. I think it's inexcusable that a solution has not been identified to allow general aviation back at Reagan National Airport.

On the other issue of this hearing, I look forward to listening to witnesses on the issue or arming of pilots. We have discussed a variety of different approaches for the last nine months. You, Mr. Chairman, and I are in complete agreement that the cockpits ought to be as secure as a vault. No one should be able to get in. Unfortunately, that is not the physical state of cockpits today.

In the May hearing, then-secretary of the TSA—Under Secretary Magaw, when I asked him, "Well, if the pilots on September 11th, had firearms, would that have done any good?", he responded, "Well, it could not have hurt." And then when asking him—"What use would it be in the future," he could not answer.

But we have to use some common sense. Maybe they can't figure it out. While I think GAO reports may be relevant and useful, I don't think we really need to rely on GAO reports to try to quantify what we know would be beneficial.

The bill that was introduced by Senators Burns and Smith addresses many of the concerns of pilot qualifications and the training in a variety of different matters that I think are very, very important. Indeed, I think probably the perfect world on all of this is that the federal government would withdraw its prohibition on pilots being armed with certain qualifications and training and so forth and then let the marketplace decide. I think the airlines that have pilots that are armed would get more customers, because I think more of the travelers—consumers—would feel safer.

That's the ideal, but that's not what we have here. We have nothing other than the bill that Senator Burns and others have proposed. And not only does it, in my view, address all the qualifications, training, competence, and needs, it also addresses the concerns of the air carriers' liability, and it provides them a very

strong shield in the event that the pilots have to use, as flight-deck officers, a firearm.

So I'm very pleased to hear the testimony today. I've studied this issue very carefully, listened to people on it, and I would like to say, Mr. Chairman, and say this to Senators Burns and Smith, thank you for your leadership.

And I want to sign on as a cosponsor to your bill, because I think we need to move forward in this commonsense matter to give the flying public greater assurances, and I think the pilots can have the training, can do the job, and it's a last line of defense that makes a great deal of sense, and I hope we'll move forward on that matter, as well.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Hutchison?

STATEMENT OF HON. KAY BAILEY HUTCHISON, U.S. SENATOR FROM TEXAS

Senator HUTCHISON. Thank you, Mr. Chairman.

I'm very pleased that we're having a hearing that is more comprehensive than the House approach has been. I think it is way out of line for the House to look at passing an extension of the deadlines when we need to address all of the issues of Transportation Security Administration.

We passed a landmark bill, and we gave the Department of Transportation a monumental task. We need, through this hearing, to get a mid-year update to see what we need to do to refine the law, to address issues of concern. We need to hear from Secretary Mineta and Deputy Secretary Jackson about the problems so that we can address all of them in a comprehensive way.

To suddenly say, in July, we're not going to have deadlines for inspecting checked bags, is slightly irresponsible. I think we need to ask, are we doing everything possible to screen every checked bag? And if it's not with a piece of equipment, then how are we going to backstop the lack of equipment?

I think we should be trying to meet the deadline. If we need to prepare it a little, then we should address that in September, but now is not the time to do that.

Second, what are we doing about cargo security? I think the top of the airplane is pretty darn safe. We've got more air marshals on flights. We've got a better cockpit configuration. Passengers are ready to report anything that is amiss and, if necessary, to take action. We have better screening, by and large, throughout our system. But I think the bottom of the aircraft needs to be addressed. So I want to pursue questions about cargo and the trusted traveler program. We have a lot left to do here.

I commend Secretary Mineta for replacing the head of TSA. It is my understanding that he wasn't satisfied that we were making enough progress. That's exactly what you do if you don't think the head of an agency is being aggressive enough. And I was concerned that Mr. Magaw did not even think a trusted traveler program should be attempted. We must ensure safety and security, but, at the same time, we can make those lines move faster if we use com-

mon sense. And I think a trusted traveler program is common sense.

So I thank you, Mr. Chairman, for holding the hearing. And mostly, Mr. Chairman, I would ask you if, when we have all of the information in this midcourse correction opportunity, that we would address it in a comprehensive way and not piecemeal and take out a deadline here and a deadline there. I think we need to address it in a comprehensive way.

Thank you, Mr. Chairman.

The CHAIRMAN. Very good.

Senator Cleland?

STATEMENT OF HON. MAX CLELAND, U.S. SENATOR FROM GEORGIA

Senator CLELAND. Thank you, Mr. Chairman. I'm just sitting here thinking about the difference in intensity between when the Committee first met, right after September 11th, literally with the smell of war in the air. I can remember, just a few days after 9/11, the Committee held an important hearing that showed that the market value of the entire United States airline industry was little better than junk bonds. That is why I supported the $15 billion aid package to American airlines and the airline industry. I was willing to do whatever it took to increase security for our airline passengers, because I knew that was the only way to get people flying again, which, in turn, is one of the key ways of restoring our economic health.

Now that I am concerned the smell of war has been replaced by bureaucracy and by what we used to call in Vietnam "wait a minute vines." Wait a minute vines were always those things in the jungle that just held you up. Every time you turned around, there was one more wait a minute vine. And one of the things I think has challenged us over the last nine months is a series of wait a minute vines. Wait a minute, we don't have enough money. Wait a minute, we don't have the regulations in place. Wait a minute, we don't have the right person in charge. Wait a minute, wait a minute, wait a minute.

The truth of the matter is, we're still at war. We still have many of the same people out there who came after us on September 11th. So I don't think we have time to wait a minute. I think the intensity that we felt that week after 9/11 ought to be present today, and we ought to do whatever it takes to restore security for our airline passengers. I think that's the only way we're going to get people back in the seats and get America in effect flying again, flying in the air and flying economically.

So, Mr. Chairman, I'm here to support whatever it takes financially, legally, legislatively, to enhance the security of our airline passengers. And representing the busiest airport in the world, Hartsfield, and one of the major airline traffic carriers in the world, Delta, I think it is in our economic interest and our national security interest to do whatever it takes to get this ball moving and get away from the wait a minute vine.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Dorgan?

STATEMENT OF HON. BYRON L. DORGAN,
U.S. SENATOR FROM NORTH DAKOTA

Senator DORGAN. Mr. Chairman, I think that security issues will always be more important than convenience issues, with respect to air travel, and if people feel air travel isn't safe and secure, they simply won't use it.

At the same time, while there's a tension between security and convenience, if, ultimately, the security issues cause so much inconvenience, people won't fly either. I mean it—I landed at an airport on Monday of this week, and I think were about 500-plus people waiting in line to go through security. And you could see some of them were furious. That is something unusual that happened at that airport, but the line stretched way outside, and I'm sure a lot of people missed flights as a result of that. And I'd bet you a lot of those people are going to say, "Well, if this is the way it's going to look at an airport, I ain't gonna be here very soon again."

But my point is, there is an urgency here—there's not question about that—an urgency with respect to security issues, and we ought to address it. I agree with Senator Hutchison, let's not talk about extending deadlines until we get down the road a ways and find out what we can do.

And also there's a tension between dealing with things on an urgent basis and bureaucracy. Bureaucracy is not, by nature, fast. So I think it's really important for us. It's important for this industry and for the economy to get this right.

Let me make one final point. I just want to say thank you, as well, to the DOT on one piece of information. You know, after 9/11, they put in place rules with parking lots and so on, and it was one-size-fits-all. And a 300-foot rule, for example, Mr. Chairman, on short-term parking? Well, 300-foot happened to take all the parking at Dickenson, North Dakota. I mean, that's a small airport with commuter flights.

So we talked, and DOT made some adjustments and did the right thing. You know, they've worked their way through some of these things in a thoughtful way in certain areas, and I want to say thanks to the folks who had the common sense to do that, as well, because there's a lot to criticize, but there's also some things to say thanks for thinking through them in a thoughtful way.

Thanks, The Chairman.

The CHAIRMAN. Senator Boxer?

STATEMENT OF HON. BARBARA BOXER,
U.S. SENATOR FROM CALIFORNIA

Senator BOXER. Thank you, Mr. Chairman. Can I put my statement in the record? And I'd like to summarize.

The CHAIRMAN. Go ahead.

Senator BOXER. Thank you.

I wanted to thank you so much, and Senator McCain, for this hearing and for you dedication to staying on this subject. It is so important, and it's always on the front of my mind.

And we get closer to the anniversary of 9/11, and I do believe that air travel is safer than it's been in a very long time, but we have a long way to do. A long way to go. And this is not the time

to slow down our efforts, to skip deadlines or anything else. We need to move forward.

I'm going to quickly run through the issues of concern. I have strong doubts that the air marshal program is as robust as it should be. The number of air marshals is classified, but DOT must be held accountable on this issue.

Senator McCain helped me write the provision in the law that says that air marshals shall be onboard all high-risk flights, with priority given to nonstop long-distance flights. There was a reason we wrote that, because those were the flights that were targeted by the terrorists. It was the heavy fuel load.

And all I can say is that Senator Burns and I have been asking for a briefing on this issue for two full months, since the last hearing we had in May. The briefing wasn't scheduled until yesterday. And so I say to my Chairman and ranking member, thank you for this hearing, because I don't think we would have gotten it yet were it not for this hearing.

Second, our checkpoint screening is still inadequate. On July 1, the press reported results of an investigation showing that checkpoint screeners at 32 of the nation's largest airports failed to detect weapons. Los Angeles and Sacramento Airports had failure rates of 41 and 40 percent, respectively. In other words, failure 40 percent of the time.

I learned, when I called those airports, on the heels of that USA Today article, that they still had acting federal security chiefs. Now Los Angeles has a full-fledged director, and I'm very happy about that, but Sacramento does not, and this is not good.

My call to that airport that day gave me little comfort. The federal head of security at that airport had to read about her airport's failure rate in the newspaper. She said she didn't even know that was the failure rate, and she was responsible for safety at that airport.

There are still vulnerable spots at the airports, as Senator Kerry said. The breach of security at LAX ticket counter, at the El Al ticket counter, is a key example. If El Al Airlines, Mr. Chairman, didn't have two security guards who were armed at the site of the incident, the death toll would have been far more devastating.

I wrote to Mr. Magaw that day, urging him to help local police provide security at these areas of our airport and to use the National Guard until that could happen. I never received a response to that letter, and there would good comments in the paper that this was going to be done, but I got an e-mail—when was it—did we get this?

Staff Member: The following week.

Senator BOXER.—the following week that said, no. No commitment was made. Nothing's been done about expanding security to the check-in counters.

Fourth, the installation of baggage detection machines may not be completed. They must be completed, period.

Fifth, our security system needs to provide protection against the use of fake IDs. I was troubled by a CBS news investigation that showed people getting through security with fake IDs. Mr. Chairman, the technology exists to fix this problem, and it needs to be used. It's cheap. It's easy. It must be used.

Sixth, the crews of our airlines need to be prepared as the last line of defense against terrorist. Pilots need to know what's happening in the cabin in real time. That means a video camera in the cockpit so they know what's happening. It's like your rearview mirror. Flight attendants need wireless communication devices between the cabin and the cockpit. And pilots who are fully trained and volunteer should be part of a "guns in the cockpit" program.

This is something I feel very strongly about, because the military is under orders to shoot down a commercial flight if it is hijacked. We have a layer of defense in our aviation system, as Secretary Mineta has stated many times. Trained flight attendants and pilot marshals would be an essential layer, a last layer of defense.

And I do agree with Senator Hutchison that a trusted flyer program should be on track. I myself have been frisked 15 times. Now, I don't care. It's fine. But the bottom line is, it's a little bit of a waste of money for a five-foot-tall grandma senator. You know?

[Laughter.]

Senator BOXER. So there's got to be a way that we can concentrate on the bad actors.

So we need to get a lot done. Let's get it done, and let's keep the pressure on, Mr. Chairman, because without you and Senator McCain keeping the pressure on with this Committee, I'm afraid we'll never have safe skies.

Thank you.

[The prepared statement of Senator Boxer follows:]

PREPARED STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Good morning. Mr. Chairman, after checkpoint screeners at airports in Los Angeles and Sacramento were ranked in the bottom five airports for high failure rates earlier this month, I sent you a letter requesting a hearing on aviation security—so we could get an update of the implementation of the Aviation and Transportation Security Act. I appreciate your holding this hearing.

We are seven weeks away from the one year anniversary of the September 11 terrorist attacks on the World Trade Center and Pentagon. The terrorists hijacked four commercial jets—all of which were heading to California—and 39 Californians on board the planes died.

As we get closer to that one year anniversary, I can say that air travel today is more secure than it was last September. But, it is not as secure as it could be. And, now is not the time to slow down or delay our efforts to increase and improve aviation security. The job is not done and it must be done.

First, in my opinion, we still don't have enough air marshals on planes. I know the number of air marshals is classified for security reasons. However, that does not give DOT the right *not* to be accountable on this issue. I wrote the provision of the law that air marshals shall be on board all high risk flights, with priority given to non-stop, long-distance flights. Yet, Senator Burns and I have been asking for a briefing on this issue for two months—since the last hearing on aviation security in May. The briefing wasn't scheduled until yesterday. I can't monitor DOT's progress on this issue if I have to go through such as a hassle to get a briefing.

Second, our checkpoint screening is still inadequate. On July 1, the press reported results of an investigation showing that checkpoint screeners at 32 of the nation's largest airports failed to detect weapons. Los Angeles and Sacramento airports had failure rates of 41 and 40 percent, respectively. I learned when I called those airports that they still had acting federal security chiefs. Now, Los Angeles has a full fledged director, but Sacramento does not and this is not good. My call to that airport gave me little comfort. The federal head of security at that airport had to read about her airport's failure rate in the newspaper.

Third, there are still vulnerable spots at our airports. The breach of security at a Los Angeles airport ticket counter earlier this month is a key example. If El Al Airlines did not have two security guards at the site of the incident, the death toll would have been far more devastating. I wrote to Mr. Magaw urging him to help

local police provide security at these areas of our airport—and to use the National Guard until that could happen. I never received a response and as far as I can tell, no action has been taken by this Administration.

Fourth, the installation of baggage detection machines may not be completed by the Congressionally mandated deadline of the end of this year. While DOT has met the deadline to screen all checked baggage either by bag-match, hand search, or bomb-sniffing dogs, we all know that bag matching will do nothing to prevent a suicide bomber. We need these machines, and the Administration needs to ensure that these baggage detection machines are in place by the deadline. Period.

Fifth, our security system needs to provide protection against the use of fake IDs. I was troubled by a CBS news investigation that showed people getting through security with fake IDs. Therefore, I have introduced legislation to provide for training of airline personnel in the detection of fake IDs and to provide for the deployment of technology at airport security checkpoints. I hope the Committee can move my bill soon.

Sixth, the crews of our airlines need to be prepared as the last line of defense against terrorists. Pilots need to know what's happening in the cabin in real time. Flight attendants need wireless communication devices between the cabin and the cockpit. And, pilots who are fully trained and volunteer should be part of a guns in the cockpit program. This is something I feel strongly about because the military is under orders to shoot down a commercial flight if it is hijacked. We have a layered defense in our aviation system. Trained pilot marshals would be an essential layer.

I know that we have a lot to get done. We must fulfill our responsibility to the American people and the traveling public.

Thank you, Mr. Chairman.

The CHAIRMAN. Very good.

Senator Smith?

STATEMENT OF HON. GORDON SMITH, U.S. SENATOR FROM OREGON

Senator GORDON SMITH. Thank you, Mr. Chairman.

I must admit that I was leaning against the guns-in-the-cockpit idea until, on a recent flight from Oregon to Washington, we were supposed to change planes in Chicago, we were deterred because of weather and sat on the ground for a long time, and I took occasion to go and speak with the pilots, and I asked them their opinion, because I truly have an open mind on this question. And even still, I do. But they said something I'll never forget. Senator Boxer just referred to it. It was that, "Senator, there are armed pilots already, but they're armed with F–15s and F–16s. They have instructions to shoot us down if we can't control our airplanes. We'd rather take the first shot, if it comes to that." And I think that that's the logic that really is important to remember in this calculation. And I'm—I will admit I have some trepidation about this, but we're dealing in a whole new world here.

And, finally, Mr. Chairman, I want to echo the thoughts that—of my colleagues who have expressed some concern about the efficiency of how we check in security. We need to spend the money. We need to do the scans. We need to take the steps that are necessary to improve efficiency, not sacrifice security, but improve efficiency, or we will continue to retard the tourist industry and the business of this nation in a way that we have, frankly, difficulty calculating.

So I hope we will get on with that and keep the pressure up, and it's good to be here, and thank you, Mr. Chairman, for your attention to this issue.

The CHAIRMAN. Very good.

Senator Nelson?

STATEMENT OF HON. BILL NELSON,
U.S. SENATOR FROM FLORIDA

Senator NELSON. Mr. Chairman, I'm not going to make a speech. I just am looking forward to the uniformity that the department will insist on eventually in all of the magnetometers, for example. Every time I go through the magnetometer here at National, it never sets it off. But with the same clothes on when I go through the magnetometer at the Tallahassee Airport, it always set it off. In the Tampa Airport, it depends, I suppose, on the weather, because some days it'll set it off, and some days it doesn't. And so other passengers are having that same kind of experience, and it'll be good to have the uniformity.

I would just mention in passing also, on the overall issue of airline safety, when we addressed this in our initial bill, we put, in this Committee, a provision that said foreign flight students would have background checks. When it got to conference, it was altered that foreign flight students only learning to fly aircraft of 12,500 pounds or more would have background checks. And if what we're trying to do is to get at the problem of the Mohammad Atta's, we need to change the law so that it is foreign flight students, on any kind of training, get background checks.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Ensign?

STATEMENT OF HON. JOHN ENSIGN,
U.S. SENATOR FROM NEVADA

Senator ENSIGN. Thank you, Mr. Chairman, and—for you and Senator McCain, for holding this hearing.

Safety is very, very important. I think we all consider it paramount. But we have to do this in a way that, first of all, is reasonable. We've heard the deadlines. And if the deadlines could be met, physically, they should be met.

And I'll give you an example, though. McCarron Airport, cannot—no matter what they do, they cannot, because if they have the machines there, they can't plug them in, because they are waiting for a power substation to be built that will not be online for at least three months, post-December 31st. So no matter what the airport does, they cannot use the machines.

There are many other examples that we have around the country where there are problems. So having a—you know, keeping the pressure on, I think, is very, very important, but we also have to do it in a way that allows these things to be done to where they can be done. And sometimes taking a few extra months to do something and doing it right and doing it for the limited resources that we have—we do have—we don't have unlimited resources, so I think that we need to do it right.

It was mentioned the efficiency, you know, in—and having the, you know, screening in a way with the trusted traveler program. I'm glad to see that hopefully we're going to be going toward that direction, because it is ridiculous—once again, when you have limited resources, if you can take 15 to 20 percent of the people out

of going through all of the security checks that the general flying public has to go through, that's efficient. That becomes more efficient, and it keeps those business travelers.

Right now, if you're a business traveler, if you don't have to make that short haul between San Francisco and Los Angeles, you don't want to. You just don't want to. It's becoming—and when these—the December 31st deadline comes, it's going to be worse.

I want—some of the other concerns that I have—the 40–40–20 rule. McCarron Airport did a study that if that goes into effect, as is currently looking like it's going to, on Sunday and Thursday—not on Thanksgiving, not on Christmas, not on just the busy holidays, but every Thursday and Sunday are our two busy days in and out of Las Vegas. We are the second-busiest airport in the country when it comes to baggage check. It's not like Dallas or Chicago, where a lot of through passengers—Las Vegas—Los Angeles is number one, Las Vegas is number two, the number of bags checked.

Southwest Airlines—current, with no increases in passenger numbers, the average wait at the Southwest Airlines ticket counter is going to be four hours and 18 minutes every Sunday and every Thursday, with the—because of the 40–40–20 rules. It's going to cause such a backup. What is that going to do to our economy?

And I want to propose something, because of what happened in Los Angeles. We're talking about security now. And you talked about now wanting security at the ticket counter. What we're going to do with this 40–40–20 rule is—on average, there's going to be two to three thousand people in the terminal now down at the ticket counter in Las Vegas. What happens when somebody now takes a backpack bomb or a suitcase bomb or an automatic weapon into that crowd? You've just created a security problem where we're going to lose more people than if they're blown up on an airplane.

And that's what I'm saying, is we need to think about what we are doing here, overall. We can't just look at—you know, the flying public thinks of this airplane crashed in—and that's great television, and that scares the bejeebas out of everybody. But we have to think what the—how a terrorist thinks. A terrorist looks for the weakness in the system. Well, if you back everybody up at the ticket counter, you've just created another weakness in the system, and that's going to stop airline travel just as fast as crashing an airplane would.

And that's why I think that we need to look at these things. We need to work with the TSA. Keep the pressure on, put the resources in. I agree. We need to put resources to make sure that you have plenty of people that check in people and get them through as efficiently as possible, because we want to have a balance with security, as Senator Smith talked about, and getting people through so that if people want to take a tourist trip or if they want to take a business trip, that it isn't a deterrent.

You know, because if you have an—even an average of an hour wait—if you're taking a business trip, and I know I'm going to sit in security for an hour every time, that's going to be a deterrence against travel, Mr. Chairman.

So thank you for holding this hearing, and let's make sure that we do this in a balanced way.

The CHAIRMAN. All right, thank you.

Senator Snowe?

STATEMENT OF HON. OLYMPIA J. SNOWE, U.S. SENATOR FROM MAINE

Senator SNOWE. Thank you, Mr. Chairman. Thank you for holding this extremely critical hearing. It comes at a very significant time as we try to understand why we haven't been able to be as effective as we should be in implementing many of the enhancements to our aviation security program. Obviously, the status quo before September 11th is now history. And I don't think that we can ever think for a moment that we can relax our standards and/or our deadlines. I think it sends absolutely the wrong message.

As it is, I think the American public are getting a mixed message. You know, we heard last year that the January 18th deadline could not be met on baggage match. The bureau was created, and the deadline was met. And I think that's essentially the same reaction here today, is that we have to send a message that we intend to meet those deadlines.

It seems to me that it's incongruous, at a time in which we are proposing and will be voting on the first major reorganization in more than 50 years to create the Department of Homeland Security, to reorganize 160 agencies at approximately $40 billion, and we're saying somehow we can't meet these deadlines to uphold aviation security standards. We can't vacillate.

I would hope that we will hear the can-do spirit here today, and I'm pleased that Secretary Mineta has selected Admiral Loy, because I do believe that he'll bring the same can-do organizational and managerial experience to this agency, as he did to the Coast Guard as commandant, because that's precisely what we will need.

And what we'll also need is a plan, Mr. Chairman. We need a plan. We need to know how the Administration is going to approach the baggage screening and the federalizing of all of the major airports across this country by the precise deadlines that have been stated in law. We need a plan. Because, obviously, if there is no plan, it's going to be virtually impossible to meet those deadlines as each week passes by.

So I would hope that, here today, we will hear precisely how the Administration intends to uphold these standards and how we can help. And, obviously, we have a responsibility, as well, to make sure that we're providing the—sufficient resources for the Administration, for the Secretary, for the Undersecretary of the Transportation Security Agency to meet their responsibilities and obligations. It's a failure on our part, as well, if we don't provide the necessary resources and the funding that's essential to keep them on track to meet the deadline.

We can't continue to lose weeks and months, because the first deadline is rapidly approaching. So we have to help, consistent with the obligations of the statute that we enacted, to help the Secretary and the Undersecretary to meet their responsibilities under law.

But I don't think that we can afford, as a nation, to send this inconsistent, vacillating message—we can and we can't, we don't know, it's going to be difficult—I mean, what kind of message does

that send? I mean, time is not on our side. Time is our enemy. Time is our enemy. And this is a national imperative that requires a national urgency on the part of each and every one of us.

So I think we all have to help, recognizing there are some challenges and hurdles to overcome, but that's why a plan is essential, to understand exactly what they are, what the time table is for manufacturing, the production of the screening machines. How can we get these in place? Where are the airports? Can they accommodate them? Are they prepared to accommodate them? The number of screeners that are essential, how are they going to begin to employ the thousands remaining, as required by statute, the thousands that are remaining, both on the checked baggage and also for security personnel at the airports?

So we need to have a schedule and a program, because it's only in that way that we're going to meet our obligations. But I don't think that we can afford to take any chances by suggesting here today that we should relax our standards.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Fitzgerald?

STATEMENT OF HON. PETER G. FITZGERALD, U.S. SENATOR FROM ILLINOIS

Senator FITZGERALD. I have no opening statement, Mr. Chairman, so we can—I'll spare everybody any more comments from us.

Thank you.

The CHAIRMAN. Thank you.

Senator Murkowski, Senator Smith, we appreciate your patience, and we welcome you to the Committee.

Senator Murkowski?

STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA

Senator MURKOWSKI. Thank you very much, Mr. Chairman.

I've listened carefully to the presentations by my colleagues, and one of the suggestions that came to mind for Senator Ensign is if those lines in Las Vegas are four hours, I suggest they move them over alongside the one-armed bandits, because that might offset some of the economic loss.

[Laughter.]

Senator MURKOWSKI. Seriously, Mr. Chairman, I'm here specifically to talk about one issue, and that's the arming of pilots, and I join with Senator Smith. And I want to point out that we have to recognize that this is not necessarily the answer. But, by the same token, it is a significant contributor to responsible steps being taken from the standpoint of the lines of defense that are traditional in evaluating, if you will, the risk associated with riding on an aircraft.

Before September 11th, I think we all had little flashbacks that we hoped there wasn't a mechanical problem—hoped there wasn't a pilot error, hoped there wasn't an accident of some kind. The exposure of terrorism was not in our mentality. It is now.

And I think we have to recognize that we're going to continue to have a certain risk in any form of transportation, whether it is the train, the bus, or the airplane. You've got the mechanical, you've

got the accident, you've got the terrorist. You can't reduce them all, so you have to keep a balance.

And if this Congress thinks we're going to eliminate all the risks associated with terrorism and the exposure, we're wrong. We're not. We can reduce risk, but we can't eliminate it. That's just the practical reality.

Now, the Chairman indicated his view relative to securing the cockpit. Last weekend, I flew about 8,000 miles, and I flew on three airlines. I flew on United, Northwest, and on Alaska. And when you're sitting there for six or seven hours, and you don't have much to do except read, you begin to take on little projects. And one of the projects I took on was the entry and exit into the cockpit and how the crew handled it. And it was different with every airline.

One airline, with a Boeing, had taken it upon itself to basically arm its own doors. They took conventional doors and armed them with mesh and so forth. One of them had a procedure that when there was an entry and exit in and out of the cockpit, that the cart that goes up and down the aisles carrying beverages would block the entry door, with the two flight attendants. But there was an average of eight to twelve entries and exits during the six-hour flight. They were necessitated by providing the crew—the captain and the copilot—with food, and obviously relief, because there's no relief capabilities in the cockpit.

So unless you redesign the aircraft, you're going to have a real problem with the idea of keeping that door closed through the entire flight. It simply is not a practical alternative the way aircraft are currently designed. I think we have to recognize that.

Now, it seems to me that what has been presented here, from the standpoint of lines of defense, and the realization that the word out officially is if an aircraft is taken over by terrorists, the United States Air Force, the military, has a capability and the authority to shoot it down. Now, that's not necessarily, nor should it be, the first and last line of defense. You're going to find that cockpit crew fighting, under whatever circumstances exist, if that door is penetrated. But if you arm them, they at least have an opportunity to fight back.

Now, all aircraft don't have sky marshals. Fewer have them than we think. They all carry guns. They're armed. Now, logic seems to dictate the reality that if you have a skyjacker that comes in and takes over your aircraft, and you have a marshal that has a gun, you have, obviously, the exposure for an event. What's the difference in that event occurring there and also having an additional backup in the cockpit? These pilots are trained. Most of them are former military. They know how to handle a pistol. They know the character associated with it.

In my state, Mr. Chairman, all our bush aircraft carry, in either the luggage of the captain or in the cockpit, a sidearm. It's for a number of purposes—if their aircraft goes down in a wilderness area and so forth.

But I have yet to hear one good reason not to arm the pilots. And, you know, the idea that we ought to do some other thing, is fine. But the question, I think, that we should resolve, is whether it's appropriate to arm the pilots. And I have yet to hear a good reason for the pilots not to have that additional capability, because,

again, Mr. Chairman, if there is a break into that cockpit, people will fight. They'll fight, as they previously did in the hijacking. But give them an opportunity when they hear that door banging open. Because they're going to hear an entry. And then they will have an opportunity to react. That reaction in a trained individual, I think, could be a significant detriment.

I thank you for the opportunity to be with you this morning. I wish you well on your deliberations.

The CHAIRMAN. Thank you.

Senator Smith?

STATEMENT OF HON. BOB SMITH,
U.S. SENATOR FROM NEW HAMPSHIRE

Senator SMITH. Thank you very much, Mr. Chairman, for holding the hearing. I understand that my request for testimony from four expert witnesses was denied by the Committee, but I would like permission to submit written testimony on behalf of those four witnesses.

The CHAIRMAN. Very good.

Senator SMITH. That would be Patricia Friend, the International President of the Association of Flight Attendants, Captain Tracy Price, the chairman of the Airline Pilots Security Alliance, Captain Phillip Buehl, chairman, Committee for the Armed Defense of the Cockpit, and Ellen Seracini, the wife of the late Captain Vic Seracini, who was the pilot on the United Flight 175 that crashed into tower two.*

Senator SMITH. Mr. Chairman, I would just make another request of you to allow Ellen Seracini to testify. It's a—three or four minutes. She's come here at her own expense. She's lived through this personally. So, again, I would make an appeal to you to reconsider that request.

The CHAIRMAN. Well, we'll look and see. We've got a lot of other witnesses. And as you have indicated, there are plenty more witnesses that want to be heard. The flight attendants, for example, have been left out, and we're possibly going to have another hearing. So I would indicate at this point that that's what she'll have to do, is appear at that hearing.

Go right ahead.

Senator SMITH. Thank you, Mr. Chairman.

I'm honored to testify here on behalf of the pilots, flight attendants, commercial airline passengers, and the American people who support the idea of arming pilots. They—the pilots and flight attendants and others are the experts, and their testimony will speak for itself.

But I want to congratulate Senator Burns and Senator Murkowski, Senator Boxer and others for—particularly those three—for their leadership and cooperation as we work through some issues in trying to get legislation that we could—that we could move forward in an expeditious manner to get this situation taken care of before another tragedy occurs, and they have worked very hard with me in order to accomplish that.

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*The information referred to was not available at the time the hearing went to press.

As you know, Mr. Chairman, the House passed, overwhelmingly, a bill, 310 to something, and the Administration now is beginning to change its mind, fortunately. The American people are overwhelmingly in support of it. Pilots are. Flight attendants are. And I appreciate the fact that you have held this hearing, and I would hope that you would allow for a markup of the bill so that we could deal with this quickly—or a bill, if not this particular one.

I did speak with Ellen Seracini last week at a press conference, as did other senators—Senator Burns was there, and others—and her husband, Vic, supported, even before this incident, obviously, armed pilots in the cockpit. And some say, well, maybe had the pilots been armed on that day, we could have prevented this tragedy. And I don't know the answer to that, but I could ask this question for your consideration, "How could it have been any worse if they had been armed?"

Our nation has suffered a great loss, and not only with the pilots, but thousands of people on the ground and the flight attendants, as well, and none of us want to see that happen again. And I know, obviously, you don't either. But our airline—armed pilots are the first line of deterrence and the last lien of defense. It's been said here—I'm not going to repeat all the comments, because they were all said very eloquently, but, in particular, the eloquence of, I believe, Senator Allen, when he talked—I'm sorry, maybe it was Senator Smith, who talked about the fact that we have to shoot down a commercial airliner. That is not a good option, believe me, and I would rather take my chances with a pilot.

Once the pilot—once somebody breaches the cockpit, then there's a struggle, at best. And we need to know that anybody who comes through that door, or tries to come through that door, will be stopped. Now, some argue that less than lethal weapons are the answer. I would urge you to look at the tape that is—a five or six minute tape that has been prepared by the pilots, in terms of the effectiveness of stun guns and tazers as opposed to lethal weapons, and you will see that they are not the answer. They might be a supplement to a firearm, but they're not a replacement. And a firearm is truly the proper tool.

And let me also say, on marshals—we can't go into the specifics of how many marshals are there, but obviously there are not marshals on every flight. And cockpit doors are not reinforced enough to block somebody from getting into the cockpit. We shouldn't be even thinking about taking another chance that something like this may happen again.

So these pilots would be trained. Some are already trained. They will be trained, Mr. Chairman. And I believe the time is now to pass legislation to allow armed pilots in the cockpits before we have another incident turning an aircraft into a weapon of mass destruction.

Thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Smith.

And if there are not any further questions, Secretary Mineta, we appreciate your patience, and please come forward here with the Deputy Secretary Jackson and the administrator, Admiral Loy. I'm glad to see Admiral Loy with clothes on.

[Laughter.]

The CHAIRMAN. I usually see him uniform.

Well, and Dr. Dillingham they had down there listed panel two, but—from the GAO—with the first panel.

Secretary Mineta, I'll take my text from Senator Cleland, "whatever it takes." That's the hearing we're having. We're all on the same team, and you've found and listened now for the past hour about all the flaws that we have, as 17 senators have testified, let's hear your testimony and complete the thought, "What do you need?" Tell this Committee, because we haven't heard about any needs. We've heard that everything was on course, "We're on schedule. We're going to comply with deadlines." Now, the ox is in the ditch and we're behind the curve, so tell us what you need.

STATEMENT OF HON. NORMAN Y. MINETA, SECRETARY, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY: MICHAEL P. JACKSON, DEPUTY SECRETARY, DEPARTMENT OF TRANSPORTATION, AND ADMIRAL JAMES M. LOY, ACTING UNDER SECRETARY OF TRANSPORTATION FOR SECURITY

Secretary MINETA. Thank you very much, Mr. Chairman, for holding this hearing. And good morning to you, Mr. Chairman, as well as Senator McCain and all the members of the Committee.

With me today is Deputy Secretary Michael Jackson and Acting Under Secretary of Transportation for Security, James M. Loy. Today Jim Loy makes his first appearance before the Senate as acting head of the Transportation Security Administration, which everyone has come to know as TSA. I know that you have had the pleasure of working with Jim in his previous position as Commandant of the United States Coast Guard. He is an outstanding manager with impeccable credentials in security, intelligence, law enforcement, and customer service. He has deep operational skills and leadership focus. This is his first week as acting undersecretary, so I would ask that you welcome him to this large task.

This testimony is an opportunity to provide a status report on our work, to build the TSA and to meet the vital objectives that Congress set out for this new agency some eight months ago. TSA's every step has appropriately been the focus of intense scrutiny.

Now, there is a great deal of concern expressed in various quarters about the difficulty of federalizing security at the nation's 429 commercial airports. Some are urging Congress to revise its mandated deadlines, which were spelled out in detail last fall in the Aviation and Transportation Security Act legislation. Others seek earmarks or payments of non-federal security costs that distract from TSA's core missions.

The Department of Transportation willingly took on the responsibility to implement that law and its ambitious time tables. I recruited a superb team that has met literally every single one of the many tough congressional deadlines to this point, tasks that in normal times would have been the work of years of preparation. We have made tremendous progress, but there is much more to accomplish.

Now, my full text of prepared remarks summarizes details of how we are standing up the TSA to meet the mandates set by Congress. We shouldered this task with enthusiasm for an important

reason. We are at war against remorseless, determined, well-trained terrorists who seek to attack and seriously damage our nation and our people. Without doubt, this threat has not abated. Just the opposite. The threat is real. The war is real.

So the questions that we meet here today to discuss are profoundly important. President Bush has rightly urged the American people to return to life as normal. He has encouraged us to vacation with our loved ones, to conduct business as usual, not to be covered by the evil ones. But make no mistake, the TSA employees we are recruiting and training nationwide are front-line troops in the war against terrorism.

Unlike the military troops that our nation sent to meet this challenge abroad, at home we began TSA's deployment with a blank slate and a clear command, "Get the job done, and do it this year. No excuses." And again, we accepted that mandate willingly, because I am briefed and read the intelligence reports on a daily basis, and I know that the threat is real.

Today, I will discuss TSA's challenges, seek your counsel, report to you what we're doing, and tell you what's working and what needs improving. The entire Department of Transportation has been focused relentlessly on meeting the ambitious deadlines and important mission established by Congress for the Transportation Security Administration. We have made tremendous progress, and we now have private-sector partners at work with us at over 300 airports.

But the delay in approving emergency funding, the fact that the President's emergency request has been cut by one third, and the numerous new restrictions imposed on TSA have dramatically undermined our ability to meet this goal. And let me explain why.

Four months ago, President Bush asked Congress to approved a $4.4 billion emergency supplemental to stand up this new agency. Now, I recognize that's a lot of money, but that should not be surprising, because the mandates set out in the ATSA legislation are ambitious. And we set out to work in good faith, launching the massive effort required to meet the statutory plan, and we waited for the funding through May and June and now July. In the meantime, TSA borrowed money, renegotiated payment schedules with our vendors, deferred purchase of explosive-detection equipment, and set back the pilot testing of various security measures. Now TSA is literally days away from running out of money to pay for the ongoing work of screeners nationwide.

Now, we expected active congressional oversight, but we also needed Congress' support to fund TSA and to do it in a timely manner. The Administration's emergency supplemental request was the amount that we needed to do the job—no more, no less. Yesterday, Congress voted to cut $1 billion from the $4.4 billion requested by President Bush, and then to impose new restrictions on our ability to get the job done.

Here are the five facts about the emergency-supplemental conference report. First, it eliminated $550 million right off the top. Second, it places $480 million in a so-called contingency fund that may not be available to TSA. Third, it imposes $445 million in numerous earmarks not requested, nor supported, by the Administration. Fourth, it limits the total number of full-time TSA employees

to 45,000, at least 20,000 employees short of what TSA needs to meet its statutory mission. And, finally, report language severely restricts our discretionary authority to manage TSA expenses in a cost-effective manner. In short, TSA's budget was cut by at least $1 billion, and possibly up to $1.5 billion, and this is a whopping 34 percent cut from the President's request.

Now, here's the dilemma that Congress has created. Congress has not changed TSA's mission, the budget to do the job has been radically diminished while new restrictions and mandates are being imposed. There are a number of voices in Congress calling for more resources or less, maintaining current law or seeking flexibility and change in the present law.

What can be done? The amount of money Congress has approved simply will not support the mandates and the timetables for aviation security that Congress set last fall for TSA. Less money with no flexibility means fewer TSA employees, less equipment, longer lines at the airports, delays in reducing the hassle factor at airports, and/or diminished security at our nation's airports. These conflicting signals have forced us to regroup and revise the TSA business plan. And to complete that task will probably take several more weeks. It will involve complex negotiations with our contractors and vendors and a review of literally thousands of TSA commitments and plans.

We need adequate funds now to continue fighting the war on terrorism and protecting the homeland. After the TSA reevaluates and revises its business plan to reflect the impact of the supplemental funding level, the Administration will propose a significant budget amendment for fiscal year 2003 for TSA. And even if approved, we are still confronted, however, with a load that TSA cannot lift. Such funds will not arrive prior to our having to make immediate changes to our existing deployment schedule. Congress has given us a strict and inflexible mandate and insufficient funds to meet it.

Now, I want to reiterate that we are not asking for a free pass from rigorous oversight or criticism. That is expected. Nor am I telling you that everything is perfect. Everything is not tidy, but it is unreasonable to expect, from a massive standup, the same type of certainty and stability that is usually found in long-established programs.

I have been blunt today about the dilemma that TSA now faces, but the circumstances demand no less. I know how difficult your job is, and I understand the competing pressures all of you face in making sound public policy. And, as a former member, I come before you as one who loves this great institution, the Congress of the United States. I am a lifelong Democrat proudly serving an outstanding Republican President.

I close with this simple message. There are literally thousands of committed TSA employees working furiously to improve transportation security. Please support them in their mission. Restore the money and allow us the discretion to complete our work effectively. Give us the tools and the flexibility that we need to build this young organization. We will then be able to hand off to a new Department of Homeland Security, led by a Cabinet colleague, who,

like me, will continue to work with you to strengthen the Transportation Security Administration.

Mr. Chairman, I ask unanimous consent to submit my full statement for the record.

The CHAIRMAN. It'll be included in the record.

[The prepared statement of Secretary Mineta follows:]

PREPARED STATEMENT OF HON. NORMAN Y. MINETA, SECRETARY, DEPARTMENT OF TRANSPORTATION, ACCOMPANIED BY: MICHAEL P. JACKSON, DEPUTY SECRETARY, DEPARTMENT OF TRANSPORTATION, AND ADMIRAL JAMES M. LOY, ACTING UNDER SECRETARY OF TRANSPORTATION FOR SECURITY

Good morning Mr. Chairman, Senator McCain, and Members of the Committee. With me today are Deputy Secretary Michael Jackson and Acting Under Secretary James Loy.

Today Jim Loy makes his first appearance before the Senate as the Acting head of the Transportation Security Administration (TSA). I know that you have had the pleasure of working with Jim in his previous position as Commandant of the Coast Guard. He is an outstanding manager, with impeccable credentials in security, intelligence, law enforcement and customer service. He has deep operational skills and leadership focus. This is his first week as Acting Under Secretary so I would ask that you welcome him to this large task.

This testimony is an opportunity to provide a status report on our work to build the TSA and meet the vital objectives that Congress set out for this new agency just over eight months ago. TSA's every step has, appropriately, been the focus of intense scrutiny.

There is a great deal of concern expressed in various quarters about the difficulty of federalizing security at the nation's commercial airports. Some are urging Congress to revise its mandated deadlines, which were spelled out in detail last Fall in the TSA legislation. Others seek earmarks or payments of non-federal security costs that distract from TSA's core mission.

The Department of Transportation willingly took on the responsibility to implement that law and its ambitious timetables. I recruited a superb team that has met literally every single one of the many tough Congressional deadlines to this point—tasks that in normal times would have been the work of years of preparation. We have made tremendous progress. There is much more to accomplish.

We shouldered this task with enthusiasm for an important reason: we are at war against determined, well-trained terrorists who seek to attack and seriously damage our nation and its people. Without doubt, this threat has not abated. Just the opposite. The threat is real; the war is real. So the questions we meet here today to discuss are profoundly important.

President Bush has rightly urged the American people to return to life as normal. He has encouraged us to vacation with our loved ones to conduct business as usual, not to be cowered by the evil ones. But make no mistake, the TSA employees we are recruiting and training nationwide are frontline troops in the war against terrorism.

Unlike the military troops that our nation sent to meet this challenge abroad, at home we began TSA's deployment with a blank slate and a clear command: get the job done, and do it this year. No excuses. Again, we accepted that mandate willingly, because I have read the intelligence reports, I know the threat is very real.

Today I will discuss TSA's challenges, seek your counsel, report to you on what is working, and tell you what needs improving. The entire DOT has been focused relentlessly on meeting the ambitious deadlines and important mission established by Congress for TSA. We have made tremendous progress and we now have private sector partners at work with us at over 300 airports.

But the delay in approving emergency funding, the fact that the President's emergency request has been cut by one-third and the numerous new restrictions imposed on TSA have dramatically undermined our ability to meet this goal.

Let me explain why. Four months ago, President Bush asked Congress to approve a $4.4 billion Emergency Supplemental to stand up this new agency. That is a lot of money, but that should not be surprising because the mandates set out in the TSA legislation are ambitious.

We set to work in good faith, launching the massive effort required to meet the statutory plan. We waited for the funding through May, June, and now July.

In the meantime, TSA borrowed money, renegotiated payment schedules with our vendors, deferred purchase of explosive detection equipment, and set back the pilot

testing of various security measures. Now TSA is literally days away from running out of money to pay for the ongoing work of screeners nationwide. We expected active Congressional oversight, but we also needed your support to fund TSA, and to do it in a timely manner.

The Administration's Emergency Supplemental request was the amount we needed to do the job. No more, no less. Yesterday, Congress voted to cut $1 billion from the $4.4 billion requested by President Bush and to impose new restrictions on our ability to get the job done. Here are five facts about the Emergency Supplemental Conference report:

- First, it eliminates $550 million off the top;
- Second, it sets aside $480 million in a so-called contingency fund that may not be available to TSA;
- Third, it imposes $445 million in numerous earmarks not requested or supported by the Administration;
- Fourth, it limits the total number of full-time TSA employees to 45,000—at least 20,000 employees short of what TSA needs to meet its statutory mission; and
- Finally, report language severely restricts my discretionary authority to manage TSA expenses in a cost-effective manner.

In short: TSA's budget was cut by at least $1 billion, possibly up to $1.5 billion. That is a whopping 34 percent cut from the President's request.

Here is the dilemma Congress has created. You have not yet changed TSA's mission, yet the budget to do the job has been radically diminished while new restrictions and mandates are being imposed. There are a number of voices in Congress calling for more resources, or less; maintaining current law, or seeking flexibility in the law.

What can be done? The amount of money Congress has approved simply will not support the mandates and timetables for aviation security that Congress set last Fall for TSA.

Less money with no flexibility means fewer TSA employees, less equipment, longer lines, delay in reducing the hassle factor at airports, and/or diminished security at our nation's airports. Frankly these conflicting signals sent by Congress have forced us to regroup and revise the TSA business plan. That will likely take several more weeks. It will involve complex negotiations, and a review of literally thousands of TSA commitments and plans.

We need adequate funds now to continue fighting the war on terrorism and protecting the homeland. After the TSA reevaluates and revises its business plan to reflect the impact of the supplemental funding level, the Administration will propose a significant budget amendment for FY 2003 for TSA. Even if approved, however, we are confronted with a load TSA cannot lift. Such funds will not arrive prior to our having to make immediate changes to our existing deployment schedule.

Congress has given us a strict and inflexible mandate, and insufficient funds to meet it.

TSA was poised for achieving tremendous success. We are managing two massive roles simultaneously. First, in February, we assumed responsibility for the contract screeners formerly employed by the airlines. We integrated over 1,000 FAA security employees into the new TSA organization. In the short term, TSA has significantly strengthened these existing security systems with new tools and techniques. TSA is, in other words, maintaining and improving the existing security system while we systematically disassemble it.

Second, we are building from scratch an entirely new transportation security organization to support core security tasks at 429 airports nationwide. Today we are eight months into implementation, four months from the one-year deadline for full Federal staffing of checkpoints, and a little over five months from the deadline for installation of explosive detection systems. My message to the DOT team has been consistent and clear: we will do what it takes to meet all the deadlines Congress set in the Act.

We have set up an unprecedented public-private partnership that is supported by comprehensive services from three major contractors each of whom is required contractually to complete their work by the statutory deadlines—provided we have enough money to pay them. You are going to hear from some of these colleagues later today. Our airport rollout began in earnest within the last month with these firms being deployed nationwide.

Screener hiring. We have contracted with NCS Pearson to recruit, assess and hire about 55,000 passenger and baggage screeners at 429 airports. By the end of

this week, we will have posted job vacancy announcements for every airport in the country, and will soon receive our one-millionth inquiry for employment with TSA. We have received more than half a million applications, and completed the hiring process for more than 6,500 screeners so far. By mid-August, we planned to be hiring over 4,000 new screeners per week.

Screener training. We have developed a world-class training program with the assistance of the Federal Law Enforcement Training Center and leaders from the private sector. This program, which includes 40 hours of classroom training and 60 hours of on-the-job training, is being delivered by instructors from Lockheed Martin for passenger screeners, and by Boeing for baggage screeners. We have ramped up to train more than 5,000 screeners per week.

Overall project coordination and checkpoint re-design. Lockheed Martin will upgrade screening checkpoints based on the model we tested successfully at Pier C at BWI, a model that significantly decreases wait times and prevents costly terminal evacuations. Lockheed is already in place in about 250 airports. Their team has built a sophisticated, automated system to track over 185,000 discreet tasks at the 429 airports.

EDS installation. Boeing engineers are assessing airport facilities submitting design plans, and will soon undertake needed construction. As you have heard from your airport constituents, many of these projects are complex, though absolutely necessary to meet the requirements of the law. Boeing is already at work in about 150 airports. With this deployment, we are also implementing a four-part plan to reduce the hassle factor of airport travel. It includes steps to end gate screening, and new tools to identify selectees more intelligently.

I am confident that, with funding, these plans would have enabled us to complete the job you gave us. Now much of the program I've just described will have to be thoroughly reevaluated in the next few weeks.

I want to reiterate that we are not asking for a free pass from rigorous oversight or criticism—that is expected. Nor am I telling you that everything is perfect. Everything is not tidy, but it is unreasonable to expect from a massive stand-up the same type of certainty and stability found in long-established programs.

I have been blunt today about the dilemma TSA now faces but the circumstances demand no less. I know how difficult your job is, and understand the competing pressures each of you faces in making sound policy.

As a former Member, I come before you as one who loves this great institution—the Congress of the United States. I am a lifelong Democrat proudly serving an outstanding Republican President.

I close with a simple message. There are literally thousands of committed TSA employees working furiously to improve transportation security. Please support them and their mission.

Restore the money and allow us the discretion to complete our security work effectively. Give me the tools and flexibility we need to build this young organization. We will then be able to hand it off to a new Homeland Security Department, led by a Cabinet colleague who, like me, will continue to work with you to strengthen TSA.

The CHAIRMAN. We thank you and——

Secretary MINETA. And I'm happy to respond to your questions.

The CHAIRMAN. Good.

Secretary Jackson, do you have a statement?

Mr. JACKSON. No, sir, I do not.

The CHAIRMAN. How about Secretary Loy?

Admiral LOY. No, sir, I do not.

The CHAIRMAN. And—all right. I'm trying to find—since we say that it's whatever it takes——

What about Dr. Dillingham? He doesn't have any statement right now.

[Laughter.]

The CHAIRMAN. Whatever it takes—we want to get on and get this $1 billion shy that you're talking about, Mr. Secretary, and I'm trying to find out from this staff behind me—by gosh, they have 480 and all of these other darn figures—are you telling the truth on—or, to put it more politely, are you accurate or inaccurate on

this thing? Because you asked for 4.4, and the actual figure was 4.95 that the Transportation Committee approved as of yesterday. We don't want to get along with this here flexibility.

You haven't justified flexibility. We find needs at the airport. We're—other needs and everything else. So this Committee is not going along with flexibility. If you justify a request, we're going to give it to you. But we're not going along with this nebulous—just tell us what you need. That's what I want to know. And have you got the figures now, or not?

Staff Member: I do.

The CHAIRMAN. What?

Staff Member: They got $3.85 billion.

The CHAIRMAN. You got $3.85 billion. Go ahead.

That's right. That cut was from the request by Mitch Daniels. I suggest you talk to the OMB crowd.

Secretary MINETA. Well, with all due respect, Mr. Chairman——

The CHAIRMAN. Yeah?

Secretary MINETA.—Mr. Daniels doesn't vote on these numbers. It's the Congress. And——

The CHAIRMAN. Well, he carries—if you've been in the Congress, for lord's sakes, don't give us that stuff. He says the President's going to veto it unless you cut it. You know good and well how these markups in conferences work. You've been in the Congress—don't tell me he doesn't vote. He's got the best vote at the table. He's got the President's vote.

So that was cut. And then they put in 445 earmarked funds all for security, so that was—1 billion. But you put in the 480 contingency, so you—you want to still contend that you are a billion shy. Is that correct?

Secretary MINETA. Yes, sir. Again, the $480 million contingency is not available to us unless the President exercises the $5.1 billion total contingency fund. So, to me—I'm not going to count the $480 million. You know, it's like what little I have at home to spend. And if it ain't there, I can't spend it.

And so, again, in terms of trying to be responsible in our stewardship of public funds, I cannot commit on the $480 million and even if I do, the $480 million will still not handle the $445 million in earmarks that are in the appropriations bill.

The CHAIRMAN. Well, let's say you've got 4.95. That's what the Transportation Committee——

Secretary MINETA. No, sir.

The CHAIRMAN.—marked up. And you need 5.95? Is that what you're——

Secretary MINETA. The 4.95, I believe, might have been what was done yesterday.

The CHAIRMAN. Right.

Secretary MINETA. It's the fiscal year 2003 appropriations level, not the fiscal year 2002 supplemental number.

The CHAIRMAN. So the 2002 supplemental needs how much money?

Secretary MINETA. Four-point-four billion is what we requested.

The CHAIRMAN. Well, how much more than—actually, the President's going to sign the supplemental today. We passed it yester-

day. So how much more do you need? That supplemental provides—how much did it provide?

STATEMENT OF HON. TED STEVENS, U.S. SENATOR FROM ALASKA

Senator STEVENS. Mr. Chairman?

The CHAIRMAN.—3.85.

Senator STEVENS. Mr. Chairman?

The CHAIRMAN. Yeah?

Senator STEVENS. But he has 30 days to sign the declaration of emergency. The money's not available until he signs——

The CHAIRMAN. Well, I'm just trying to find out for the Committee just how much we've got to get for him. I mean, the gentleman says he's been cut.

Secretary MINETA. But, again, Mr. Chairman, the 3.895 figure is the 4.4 billion figure, less the $550 million that the Committee took off the top. And then they, as I say, earmarked an additional $445 million, and the $445 million is still taken from what we needed from TSA other things. We did not ask for the $445 million in earmarks.

As an example, the $231 million for airport security or the $125 million in port security funds, and there are a number of other items. Those are important items, but they're—it takes away from the $4.4 billion that we had requested originally that were earmarked for things to make sure that we were going to be able to comply with the November 19th date and the December 31 date.

The CHAIRMAN. Let me yield to Senator McCain.

Senator MCCAIN. Mr. Chairman, could I ask, did Dr. Dillingham have an opening statement? Doctor, did you have an opening statement?

Dr. DILLINGHAM. Yes, sir.

Senator MCCAIN. Mr. Chairman, could we——

The CHAIRMAN. Go right ahead. I thought you all came up as assistants to the Secretary. I'm trying to move the hearing along. Let's hear you.

[Laughter.]

STATEMENT OF GERALD L. DILLINGHAM, PH.D., DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GENERAL ACCOUNTING OFFICE

Dr. DILLINGHAM. Thank you, Mr. Chairman, Senator McCain, and Members of the Committee.

I'm pleased to be here this morning to provide testimony on behalf of the General Accounting Office. My testimony is based on our aviation security work that took place prior to and immediately following 9/11 and our ongoing work for this Committee.

I will be focusing on three areas. First, what has been accomplished since 9/11? Second, what remains to be done to strengthen transportation security? And, third, the challenges and opportunities that TSA faces as we move forward.

Before offering my observations, I want to begin by acknowledging the tremendous task that TSA and its employees faced. Within a year, they would have to go from being nonexistent to a fully functioning agency with tens of thousands of employees

charged with protecting the security of the American traveling public. To accomplish all this in the mandated time frames is an unprecedented undertaking. While there certainly have been frustrations, the efforts of the DOT TSA team are commendable.

Secretary Mineta has just referred to some of the TSA accomplishments. We certainly agree that TSA has made progress in meeting some of the deadlines mandated by the act to improve security. It is also the case that TSA's initial difficulties in hiring and training passenger screeners and providing for the screening of checked bags with explosive-detection equipment could make it extremely difficult to meet two key deadlines by the end of the year.

TSA's experience with hiring passenger screeners at Baltimore-Washington International Airport may be a preview of things to come. In that case, not as many people showed up for the job as was expected. Only about a third of the applicants who had passed the initial screening and who were scheduled for pre-hiring assessments reported for that assessment. And of those who reported, only about a third passed the assessment. As it currently stands, TSA will need to hire and train about 7,600 screeners per month to staff the commercial airports with federal employees by the November 19th deadline.

In addition, assuming that enough EDS equipment can be manufactured, purchased, and deployed to the airports, hiring and training the estimated 20- to 30,000 checked baggage screeners before the December 31st deadline may be very difficult.

In the area of what remains to be done, perhaps the most critical is the enhancement of systems for gathering, processing, and using intelligence information. This will require TSA to work with other agencies to identify potential threats before they reach the airport, before they reach the screener checkpoints, and certainly before they board aircraft.

Another critical security vulnerability is the cargo carried by passenger aircraft. Twenty-two percent of all cargo loaded in the United States in the year 2000 was carried by passenger flights. Following Senator Hutchison, logic suggests that there is little point to carefully screening every piece of luggage if the cargo placed aboard the same flight is not inspected.

General aviation has also been identified as a potential threat area. General aviation includes more than 200,000 small, privately owned planes, which are located in every state at almost 18,000 airports. There are only a few new guidelines related to general aviation. This leaves general aviation far more open and potentially vulnerable than the commercial sector.

Additionally, the undersecretary has discretion with regard to such matters as how to further secure the cockpit, including whether commercial pilots should be armed. These are now subjects of pending legislation.

In the longer term, TSA's challenges include meeting the responsibility for all modes of transportation and addressing some government-wide challenges. And although TSA is responsible for security in all modes of transportation, it has initially focused primarily on strengthening certain aspects of the aviation security system. And because of the push to meet critical aviation security deadlines,

TSA has not yet assumed full responsibility for the security of other modes of transportation.

TSA also has an opportunity to set a government-wide standard by establishing an organizational culture where the focus is on performance at every turn. The act requires the undersecretary to establish a results-based management system that sets measurable goals and standards. Ultimately, by measuring performance in such a way, the undersecretary would be able to quickly spot any problems TSA would have in carrying out its mission. This would reduce the chance that terrorists could exploit weaknesses at any point in the system.

Mr. Chairman, in the final analysis, if the question were asked today, "Is air travel more secure than it was on 9/11?" I would answer yes, with a "but." The fundamental long-term challenge is when this Committee holds future hearings on the subject. We hope that the answer to the question would be a simple and emphatic yes, with no ifs, ands, or buts.

Thank you, Mr. Chairman.

[The prepared statement of Dr. Dillingham follows:]

PREPARED STATEMENT OF GERALD L. DILLINGHAM, PH.D., DIRECTOR, PHYSICAL INFRASTRUCTURE ISSUES, GENERAL ACCOUNTING OFFICE

Mr. Chairman and Members of the Committee:

Nearly a year has passed since the terrorist attacks of September 11 turned commercial aircraft into missiles, killing thousands of people, destroying billions of dollars' worth of property, and realigning our national priorities. With these attacks, the safety and security of the nation's civil aviation system assumed greater importance, and efforts to strengthen the system were the subject of much congressional attention. Through dozens of reports and testimonies published since the early 1990s (see app. I), we have contributed to the national discussion on aviation security and to the reforms enacted last November in the Aviation and Transportation Security Act (the act).[1] Among these reforms was the creation of the Transportation Security Administration (TSA), which was assigned responsibility for security in aviation and other modes of transportation. The act also set forth deadlines by which TSA was to implement specific improvements to aviation security.

We are pleased to be here today to discuss TSA's progress in enhancing aviation security and in implementing the act's provisions for addressing security weaknesses in aviation and other modes of transportation. Our testimony, which is based on our prior work as well as our ongoing work for this Committee, includes observations about (1) what TSA has done since September 11 to strengthen aviation security, (2) what immediate challenges TSA faces to strengthen transportation security, and (3) what longer-term challenges TSA can anticipate as it organizes itself to enhance security in all modes of transportation.

In summary:

- Since September 11, TSA has assumed responsibility for aviation security and focused on meeting congressionally mandated deadlines for strengthening aviation security. TSA's accomplishments to date include developing plans and implementing procedures for using federal workers to conduct security screening at 429 commercial airports; hiring and beginning to train almost 4,000 key security personnel; and implementing more rigorous background checks of employees with access to secure areas of airports. TSA faces an extraordinary challenge in hiring and training 33,000 federal workers to conduct passenger security screening by November 19. As of July 13, TSA had hired only 2,475. In addition, deploying explosive detection systems to screen all checked bags by December 31 poses major challenges. Of approximately 1,100 explosive detection systems and 6,000 explosive trace detection machines TSA plans to purchase and deploy at 429 airports, only 200 explosive detection systems and 200 trace detection machines were in use at 56 airports as of June 12, 2002. It is cur-

[1] P.L. 107–71, November 19, 2001.

rently uncertain whether, by December 31, TSA can purchase the remaining equipment and hire enough staff to operate and maintain the equipment, whether airports can complete and pay for any modifications required to install the equipment, and whether the equipment will operate as intended.

- TSA faces immediate challenges in assuming responsibility for security in other transportation modes, in improving screeners' performance, and in addressing aviation security issues not covered by the act's current-year deadlines. First, while TSA has begun to coordinate and cooperate with DOT's modal administrations and with other federal agencies, most of the work with these agencies lies ahead. Second, other aviation security challenges facing TSA include improving screeners' ability to detect weapons and explosives and to conduct screening in accordance with federal requirements. Recent TSA tests showed, for example, that screeners at 32 of the nation's largest airports failed to detect fake weapons and explosives in almost a quarter of the tests, and observations by the DOT Inspector General found that contract screeners were not consistently following federal screening requirements. While newly hired federal screeners are being trained to follow these requirements, contract screeners are still conducting screening at most U.S. airports and have not received upgraded training. Third, other actions are required or have been proposed: for example, the act requires TSA to improve cargo security, and proposed legislation would require TSA to authorize the arming of pilots.
- TSA faces several longer-term challenges as it organizes itself to protect the nation's transportation system. These challenges include strategically managing the workforce, controlling costs, and sharing threat information. TSA is charged with creating a federal screener workforce to replace a private workforce that had been plagued by performance and retention problems. In addition, long-term attention to strong systems and controls for acquisition and related business processes will be critical both to ensuring TSA's success and to maintaining its integrity and accountability. Such attention includes establishing cost control mechanisms and monitoring contractors' performance with respect to cost, schedule, and quality. This is particularly important because of TSA's large acquisition and personnel needs. Finally, the agency depends on access to timely, accurate information about threats, but information sharing among agencies that gather and maintain such information has been hampered by organizational cultures that make agencies reluctant to share sensitive information and by outdated, incompatible computer systems.

Background

The task of securing the nation's aviation system is unquestionably daunting. The enormous size of U.S. airspace defies easy protection. Furthermore, given this country's hundreds of commercial airports, thousands of planes, and tens of thousands of daily flights, as well as the seemingly limitless means terrorists or criminals can devise to attack the system, aviation security must be enforced on numerous fronts. Safeguarding airplanes and passengers requires, at the least, ensuring that perpetrators are kept from breaching security checkpoints and gaining access to aircraft. The Federal Aviation Administration (FAA), which was responsible for aviation security before TSA was created, developed several mechanisms to prevent criminal attacks on aircraft, such as adopting technology to detect explosives and matching boarding passes to identification cards at the gate to ensure that passengers are positively identified before boarding a flight.

Despite the development of these preventative measures, we and others often demonstrated that significant, long-standing aviation security vulnerabilities existed. These vulnerabilities included inadequate controls for limiting access to secure areas at airports, failure to detect threats when screening passengers and their carry-on bags before they board aircraft, and the absence of any requirement to screen checked baggage on domestic flights. As we reported in May 2000,[2] our special agents used counterfeit law enforcement badges and credentials to gain access to secure areas at two airports, bypassing security checkpoints and walking unescorted to aircraft departure gates. The agents, who had been issued tickets and boarding passes, could have carried weapons, explosives, or other dangerous objects onto aircraft. In addition, FAA's tests of screeners found that their abilities to detect test threat objects located on passengers or contained in their carry-on luggage declined during the 1980s and 1990s, and this problem persists today.

[2] See U.S. General Accounting Office, GAO–OSI–0010, *Security: Breaches at Federal Agencies and Airports* (Washington, D.C.: May 25, 2002).

Over the years, plans were developed to address some of these vulnerabilities, but they were not implemented promptly or at all. For example, the Federal Aviation Reauthorization Act of 1996 authorized a certification program that would have established performance, training, and equipment standards for screening companies, but FAA never issued final regulations for the program. In addition, many initiatives were not linked to specific deadlines, making it more difficult to monitor and oversee their implementation.

On November 19, 2001, the Congress passed the Aviation and Transportation Security Act, which created TSA within the Department of Transportation (DOT) and defined its primary responsibility as ensuring security in all modes of transportation. The act also shifted responsibility for the security screening of air passengers and their baggage from the airlines to the federal government, making TSA responsible for overseeing screeners. Finally, the act established a series of requirements for the new agency with mandated deadlines (see app. II), the most important of which are:

- to deploy federal screeners at 429 commercial airports across the nation by November 19, 2002, and
- to have explosive detection systems in place at these airports for screening every piece of checked baggage for explosives not later than December 31, 2002.

Recent proposals would move TSA to the proposed Department of Homeland Security.

To help fund its security initiatives, the act authorized air carriers to collect a fee for passengers of $2.50 per flight segment, not to exceed $5.00 per one-way trip or $10.00 per round trip. In addition, the act authorized the Under Secretary of Transportation Security to impose a fee on air carriers if revenues from the new security fee were insufficient to meet the needs mandated by the act. For fiscal year 2002, TSA is seeking a total of $6.8 billion in appropriated funds—$2.4 billion of which has already been appropriated and an additional $4.4 billion in supplemental funding.

TSA Has Begun to Address Known Weaknesses in Aviation Security but Is Having Problems Meeting Key Congressional Deadlines

TSA has begun addressing weaknesses in aviation security but may encounter problems in meeting key congressional deadlines. In the 10 months since September 11, TSA has focused on meeting congressionally mandated deadlines for assuming security responsibilities, upgrading aviation security measures, and reporting to the Congress on its progress. Among other accomplishments, TSA has assumed responsibility for overseeing security screening at 429 commercial airports, established qualifications for federal screeners, developed a plan to hire and train federal screeners, contracted with companies that screen passengers, and overseen the implementation of a variety of federally approved methods to check all bags for explosives. As of July 13, 2002, TSA had also hired about 4,000 staff, including nearly 2,500 passenger screeners, 1,034 former employees of FAA, and 529 other staff. These other staff included federal security directors for airports, attorneys, program analysts, computer information technology specialists, personnel specialists, and administrative staff. In addition, TSA has made significant progress in expanding the federal air marshals service.[3] Finally, TSA has worked with airlines to implement critical interim security measures, such as strengthening cockpit doors.

However, TSA has encountered problems in responding to the congressional mandates that it federalize the screener workforce by November 19, 2002, and provide for screening all checked baggage using explosive detection systems by December 31, 2002.

Difficulties in Hiring and Training Passenger Screeners Pose Challenges for TSA

Initial difficulties in hiring and training the passenger screener workforce will make it challenging for TSA to meet the deadline for federalizing this workforce. According to TSA's estimates, this effort will involve hiring and training an estimated 33,000 passenger screeners so that 429 commercial airports can be staffed with federal screeners. TSA planned to hire 3,700 passenger screeners and supervisory screeners during May and projected that it would then need to hire and train more than 5,000 passenger screeners a month from June through November. As of July, TSA had hired only 2,475 screeners in total. Because of delays, the DOT Inspector General now estimates that TSA will need to hire 7,600 passenger screeners each month to meet the deadline.

[3] Because the number of federal air marshals is classified information, their numbers are not included in the total for employees hired by TSA.

TSA Faces Difficulties in Meeting Baggage Screening Deadline

TSA faces several challenges in trying to provide for screening 100 percent of checked baggage using explosive detection systems by the end of calendar year 2002. To accomplish this mandate, TSA plans to purchase and deploy an estimated 1,100 bulk explosive detection systems (EDS) and 6,000 explosive trace detection machines (trace devices). The installation of the large EDS equipment may require significant modifications to airports. As of June 12, 2002, 200 EDS and 200 trace devices were being used at 56 airports to screen checked baggage. To expedite installations at other airports, TSA has hired the Boeing Service Company to (1) conduct site assessments at over 400 airports, (2) submit proposals to TSA on what equipment each airport will have and where that equipment will be installed, (3) modify facilities to accommodate this equipment, (4) install and make the equipment operational, (5) maintain the equipment, and (6) train approximately 30,000 screeners to operate the equipment. Given the magnitude of this task, it is unclear whether enough bulk EDS machines can be manufactured, deployed, and operationally tested and whether enough staff can be hired and trained to use the bulk EDS and trace devices by the deadline. Finally, the performance of the existing technologies for detecting explosives has been less than optimal: for example, the machines frequently sound false alarms. Furthermore, TSA's decision to deploy a combination of bulk EDS and trace devices could have long-term budgetary implications. Although funding is available for airports to purchase the equipment, no specific funding has been provided for airport modifications. These modifications are expected to cost millions of dollars at some major airports. In addition, TSA's plan to install bulk EDS in airport lobbies first and then to move them to the baggage handling areas at certain airports will involve additional costs. It is unclear how much this relocation will cost or who will pay for it. Furthermore, the initial procurement costs may quickly be overshadowed by the costs of the personnel needed to operate the equipment, which might exceed $1.6 billion each year.

Given the cost of procuring, installing, and operating bulk EDS and trace devices to examine all checked baggage, some security experts and academicians have suggested that an alternative be considered. These individuals advocate adopting a risk-based approach that would match resources to risk levels by establishing a screening process that begins with passengers and concludes with baggage. First, with the use of computer-assisted passenger screening,[4] they believe that passengers could be sorted into different risk groups, such as those who might represent a threat, those about whom little is known, and those about whom enough is known to make them low risk. Second, baggage-screening resources could be targeted according to risk. The passengers who might represent a threat, for instance, could be personally screened, and all available tools (such as explosive detection equipment and manual searches) could be used to ensure that no explosives were present in their checked baggage. The stated advantage of such an approach is that fewer expensive bulk EDS may be needed and the costs may be lower than TSA is projecting. In addition, advocates believe that more cost-effective decisions can be made to replace equipment as newer technologies become available. Conversely, concerns have been raised by TSA and others that the suggested approach increases the risk of not detecting explosives because, for the first level of screening, it uses technology that can screen large numbers of passenger bags quickly but may be less effective in detecting explosives.

Many Immediate Challenges Remain to Improve Transportation Security

Many immediate challenges remain for TSA to improve both the security of other modes of transportation and to strengthen aviation security in areas not covered by specific deadlines. TSA has not yet assumed full responsibility for the security of other modes of transportation, such as highways, railroads, mass transit, ports, and pipelines; however, it has established a number of functions to collaborate and communicate with the DOT agencies responsible for these other modes, as well as with other government agencies. For example, TSA officials told us that the agency has created a broad memorandum of understanding with the U.S. Coast Guard that will serve as a template for such agreements between TSA and other agencies, including the Federal Transit Administration (FTA) and the Federal Bureau of Investigation (FBI). In addition, other DOT modal agencies have various initiatives under way to improve security during this transition period. FTA has, for example, launched a multipart initiative to assess the security of over 30 transit agencies, provide free emergency preparedness and security training for transit agency personnel and first responders, and make grants available for organizing and conducting emergency re-

[4] Computer-assisted passenger screening is an automated procedure that reviews data in airline passenger records to identify passengers who might present a risk.

sponse drills. Similarly, the U.S. Coast Guard has acted as a focal point for assessing and addressing security concerns for the nation's ports.

Other challenges also confront TSA as it attempts to strengthen aviation security. Passenger screeners still fail to detect weapons and other threat objects (e.g., knives, scissors, and sharp objects) at unacceptable rates, and enhanced screening procedures are unevenly applied among airports. In November 2001, staff from the DOT Inspector General's office observed private contractors carry out screening at 58 security checkpoints and concluded that they were not consistently and uniformly following FAA's screening requirements. For example, in some cases screeners were not checking passengers' identification against their boarding passes, were not adequately screening carry-on bags for threat objects, and were not performing continuous random secondary screening measures, such as manually searching carry-on items or using wands to screen passengers. Recent TSA testing found that screeners at 32 of the nation's largest airports failed to detect fake weapons (guns, dynamite, or bombs) in almost a quarter of the undercover tests at screening checkpoints. Since TSA took over aviation security responsibilities on February 17, 2002, discoveries of guns, knives, and other potential weapons on passengers who had passed security checkpoints have prompted evacuations at 124 airports and resulted in 631 flights being called back to terminals so that passengers could be searched again.

Furthermore, the enhanced security procedures have contributed to longer waits and congestion at airport terminals. TSA's goal is to process passengers through security in 10 minutes or less, but airlines have reported significantly longer waits during peak times at a number of the nation's major airports. These conditions can discourage air travel and adversely affect the travel industry.

Finally, the challenge of identifying and removing airport workers who cannot meet new requirements for background checks continues. Last October FAA ordered background checks on an estimated 750,000 airport and airline employees with access to secured areas of airports. By April 28, 2002, federal law enforcement officials had arrested or indicted more than 450 workers at 15 airports for being in the United States illegally or using phony social security numbers. These workers, who were employed by private companies that clean airplanes, operate airport restaurants, and provide other airport services, had security badges giving them access to planes, ramps, runways, and cargo areas. Completing these background checks will enhance aviation security.

Some other immediate challenges, such as the security of cargo and general aviation, were discussed in the act itself, and more recent legislative proposals have raised these and other outstanding aviation security issues. To address these issues, bills have been introduced to arm pilots, enhance cargo security, require background checks for all foreign applicants to U.S. flight schools, prohibit the opening of cockpit doors during flights, train airline personnel to conduct passenger identification checks, make it a criminal penalty to intentionally circumvent airport security, and provide whistleblower protection for air carrier and airport security workers. (See app. III for a summary of pending legislation on aviation security.) All of these are complex and controversial issues. In moving forward, TSA must work with stakeholders to assess the risks and vulnerabilities of the various options and carefully weigh both the policy implications and the implementation strategies required for their success, keeping in mind the long-term implications of short-term decisions.

To illustrate the challenges and complexities TSA faces in attempting to strengthen aviation security, we examined some of the issues raised by proposals to arm pilots; establish a "trusted traveler" program, which would use biometric identifiers to expedite security checks; and enhance cargo security.

Arming Pilots

Last month, at the request of this Committee's Chairman, we provided information on, among other things, reasons for and against arming pilots and questions to be addressed if pilots were to be armed.[5]

- Proponents of arming pilots cited the potential deterrent value of firearms, their usefulness as a last line of defense, and past regulatory precedents, while opponents cited the moral dilemma pilots would face if they were prohibited from leaving the cockpit, as they would be by the legislation, when passengers or crew members were being threatened in the cabin. Opponents also said that arming pilots would introduce another 10,000 to 100,000 guns into our society, which they believe would have negative effects.
- Questions to be addressed if pilots were to be armed included (1) who would regulate and oversee pilots' carriage of weapons; (2) what qualifications and

[5] *Information Concerning the Arming of Commercial Pilots* (GAO–02–822R, June 28, 2002).

training pilots would need to carry weapons; (3) what types of weapons would be carried and how they would be maintained, stored, and transported; (4) what aircraft modifications would be required; and (5) how much it would cost to arm pilots.

Trusted Traveler

TSA has not yet completed its evaluation of the benefits and disadvantages of a trusted traveler program. Such a program, if successfully implemented, could reduce airport waits and speed security checks for passengers who voluntarily submit information about themselves and undergo background checks. It could also minimize the economic disruption caused by congestion at the terminal by allowing airline and TSA staff to focus more attention on lesser known passengers who could present greater security risks. However, such a program has the potential to increase the system's vulnerability by using reduced security measures for some passengers. If terrorists were to steal the identities of trusted travelers, the consequences could be particularly dire.

The trusted traveler concept presents many procedural questions that would need to be answered before a decision could be reached on implementing the program. Such questions include which passengers would be eligible to enroll, what information would be collected, how frequently their status would be updated, what entity would run the program, and what biometric identifiers would be used to positively identify the passengers.

Aviation Cargo Security

Both the act and recent legislative proposals have raised the security of aviation cargo as an issue. The act requires that all cargo transported in all-cargo aircraft be screened as soon as practicable, but it is silent on how best to accomplish this screening. TSA has not announced how it plans to meet this requirement, in part because it has focused most of its efforts on meeting the deadlines for screening passenger bags. Two recent legislative proposals (S. 2668 and S. 2656) call for enhancing aviation cargo security by tightening the security of the "known shippers" system—the major system currently used to ensure aviation cargo security. The DOT Inspector General and others have identified gaps in this program, which allows shippers who meet DOT's requirements to ship their cargo without inspection. The proposed legislation calls for investigating known shippers more thoroughly to ensure they are who they say they are, establishing a documentary "chain of custody" for all shipments, and inspecting a greater percentage of cargo than is currently done. These legislative proposals are intended to address the most difficult problem in ensuring cargo security—screening the vast amount of cargo without major disruptions in service—by increasing the level of scrutiny on shippers, middlemen, and recipients.

TSA Faces Longer-Term Institutional Challenges

TSA faces several longer-term challenges as it organizes itself to protect the nation's transportation system. These challenges include strategically managing its workforce, controlling costs, and sharing threat information.

Strategic Human Capital Management Is Essential for Maximizing TSA's Performance

A human capital strategy is critical for TSA, which may have a workforce as large as 70,000. To assist agencies in managing their human capital more strategically, GAO has developed a model of strategic human capital management that identifies cornerstones and related critical success factors that agencies should apply and steps they can take.[6] Our model is designed to help agency leaders effectively lead and manage their people and integrate human capital considerations into daily decision making and the program results they seek to achieve. In ongoing work for this Committee, we are reviewing aspects of TSA's implementation of results-oriented practices, such as human capital management. Today we would like to share some preliminary observations on TSA's progress in this area.

TSA's success in protecting the nation's transportation system depends in large part on its ability to recruit, train, and retain key people. Our prior work on aviation security identified problems with the training and retention of contract screeners. TSA has been charged with hiring and training a federal screener workforce and has encountered unexpected difficulty in doing so, especially in large metropolitan areas. For example, at Baltimore-Washington International Airport—the first of 429 airports to be staffed with federal passenger screeners—TSA's hiring of screen-

[6] U.S. General Accounting Office, *A Model of Strategic Human Capital Management,* GAO–02–373SP (Washington, D.C.: March 2002).

ers was delayed because high percentages of applicants did not show up for or did not pass their prehiring assessment. Only about a third of the qualified applicants who were contacted to schedule an assessment reported for their assessment, and of those who reported, only about a third passed. If TSA experiences similar problems in trying to staff other airports, then the hiring challenge facing the agency is daunting.

A critical success factor in human capital management is to tailor human capital approaches to meet organizational needs by using the full range of tools and flexibilities available to an agency under current laws and regulations. The act allows TSA to use and modify the personnel system established by FAA, which is exempt from many federal personnel provisions. To meet its need for talented resources quickly, TSA officials told us that they made use of flexibilities such as temporary hiring authority, on-the-spot hiring authority, and the authority to use detailees from other agencies and executives on loan from the private sector. TSA is also basing its compensation system on FAA's pay banding approach, which allows the agency to hire employees anywhere within broad pay bands for their positions. For example, the pay band for screeners ranges from $23,600 to $35,400 (from about $11 to $17 per hour).[7] Pay banding is one approach that can support a more direct link between pay and an individual's knowledge, skills, and performance if an agency's performance management systems can support this link.

Another critical success factor is linking individual performance to organizational goals. The act requires TSA to establish a performance management system and performance agreements, with organizational and individual goals for employees, managers, and executives. TSA has made progress in setting up the performance management system. The agency has drafted but not approved an interim employee performance management system for the current fiscal year. The system lays out the processes and procedures for establishing performance agreements that include organizational and individual goals and objectives, measuring and monitoring performance, determining employees' development needs, and appraising and rewarding employees. Until the interim system is approved, TSA has implemented a temporary performance agreement for newly hired screeners and supervisory screeners. The temporary performance agreement contains a general description of duties and the manner in which the duties should be performed; it does not include specific individual and organizational goals. Finalizing a performance management system linked to organizational goals is critical to motivating and managing staff, ensuring the quality of screeners' performance, and, ultimately, restoring public confidence in air travel.

Cost Controls and Contractor Oversight Are Critical for Ensuring TSA's Success

Federal organizations have a stewardship obligation to acquire goods and services at reasonable prices; expend federal tax dollars appropriately; ensure financial accountability to the President, Congress, and American people; and prevent waste, fraud, and abuse. Long-term attention to cost and accountability controls for acquisition and related business processes will be critical both to ensuring TSA's success and to maintaining its integrity and accountability. Such attention includes establishing cost control mechanisms and monitoring contractors' performance with respect to cost, schedule, and quality. This is particularly important because of TSA's large acquisition and personnel needs.

TSA oversees many large-dollar contracts; however, according to the DOT Inspector General, it could improve its controls over these contracts, which total $3.1 billion in fiscal year 2002. For example, TSA initially budgeted $2,500 per screener for background checks but was able to reduce this estimate to $200 per screener after the Inspector General expressed concern. This change is projected to save the agency approximately $95 million in fiscal year 2002 alone. According to the Inspector General, although TSA has made progress in addressing certain cost-related issues, it has not established an infrastructure that provides an effective span of control to monitor contractors' costs and performance.

Cost controls are also important in establishing employee compensation levels and controlling salaries. While pay banding can be used to ensure that salaries are commensurate with position duties, it should not be used to arbitrarily set salaries higher than comparable positions in other agencies. For example, TSA is hiring law enforcement officers from a number of other law enforcement agencies. TSA's starting salary for most federal air marshals is $36,400, which is supplemented by a 25 percent law enforcement pay differential that raises it to $45,500. In contrast, the starting salaries for law enforcement employees at the Defense Protective Service,

[7] Before TSA assumed responsibility for oversight of screening, contract screeners' pay was much lower, ranging, for example, from $7 to $10 per hour.

the U.S. Capitol Police, and the Federal Protective Service—where some of the new federal air marshals previously worked—are capped at $37,000, in part because they do not include this pay differential.

Further cost reductions due to efficiencies and economies of scale may be possible if TSA is moved to the proposed Department of Homeland Security. Costs reductions might be possible by consolidating administrative, technical, or other types of staff. As a result, TSA should exercise caution in staffing certain positions, such as creating its own criminal investigative workforce, when such functions might be merged with an already existing workforce. For example, under the President's proposal, Customs and the Immigration and Naturalization Service (INS), which have a combined criminal investigative workforce of about 5,000, would join TSA in reporting to an Under Secretary for Border and Transportation Security.

Information Sharing and Coordination Among Agencies Are Crucial for Threat Identification and Response

Timely, accurate information about terrorists and the threats they pose is vital to TSA's mission. Such information is gathered and maintained by numerous law enforcement and other agencies, including the Federal Bureau of Investigation (FBI), INS, the Central Intelligence Agency (CIA), and the State Department. Timely information sharing among such agencies has been hampered by organizational cultures that make agencies reluctant to share sensitive information and by outdated computer systems that lack interoperability. For example, INS, FBI, and the State Department all need the capacity to identify aliens in the United States who are in violation of their visa status, have broken U.S. laws, or are under investigation for criminal activity, including terrorism. In the immediate aftermath of September 11, it was reported that the computerized database systems of INS and State were incompatible, making data sharing difficult and cumbersome.

Increased coordination among agencies with responsibilities for national security is called for in the act, as well as in proposals for the creation of a new Department of Homeland Security. Specifically, the act established a transportation security oversight board, which is responsible for (1) facilitating the coordination of intelligence, security, and law enforcement activities affecting transportation; (2) facilitating the sharing of threat information affecting transportation among federal agencies and with airlines and other transportation providers; and (3) exploring the technical feasibility of developing a common database of individuals who may pose a threat to transportation or national security. The board includes representation from the DOT, CIA, National Security Council, Attorney General, the Departments of Defense and Treasury, and the Office of Homeland Security. Similarly, proposals to create a new Department of Homeland Security include provisions to share and coordinate intelligence information among many federal agencies. Moving TSA and agencies with responsibility for border protection, such as INS, into the proposed Department of Homeland Security may provide the opportunity for increased information sharing using state-of-the-art technology to manage threat information.

Closing Observations

Mr. Chairman, it is worth repeating the two central issues confronting TSA as it strives to improve aviation security: it must meet mandated deadlines and demonstrate results swiftly while it creates a federal agency whose plans, policies, and procedures generally ensure long-term success. Achieving either goal would be challenge enough; to accomplish both simultaneously requires truly extraordinary efforts. Carefully considering how it strategically manages its large workforce, controls costs, and coordinates with other agencies to share threat information will help it meet its mission both now and in the future.

This concludes my prepared statement. I will be pleased to answer any questions that you or Members of the Committee may have.

Appendix I

Selected GAO Reports and Testimonies on Aviation Security

Aviation Security: Information Concerning the Arming of Commercial Pilots. GAO–02–822R. Washington, D.C.: June 28, 2002.

Aviation Security: Deployment and Capabilities of Explosive Detection Equipment. GAO–02–713C. Washington, D.C.: June 20, 2002. (CLASSIFIED)

Aviation Security: Information on Vulnerabilities in the Nation's Air Transportation System. GAO–01–1164T. Washington, D.C.: September 26, 2001. (NOT FOR PUBLIC DISSEMINATION)

Aviation Security: Information on the Nation's Air Transportation System Vulnerabilities. GAO–01–1174T. Washington, D.C.: September 26, 2001. (NOT FOR PUBLIC DISSEMINATION)

Aviation Security: Vulnerabilities in, and Alternatives for, Preboard Screening Security Operations. GAO–01–1171T. Washington, D.C.: September 25, 2001.

Aviation Security: Weaknesses in Airport Security and Options for Assigning Screening Responsibilities. GAO–01–1165T. Washington, D.C.: September 21, 2001.

Aviation Security: Terrorist Acts Demonstrate Urgent Need to Improve Security at the Nation's Airports. GAO–01–1162T. Washington, D.C.: September 20, 2001.

Aviation Security: Terrorist Acts Illustrate Severe Weaknesses in Aviation Security. GAO–01–1166T. Washington, D.C.: September 20, 2001.

Responses of Federal Agencies and Airports We Surveyed about Access Security Improvements. GAO–01–1069R. Washington, D.C.: August 31, 2001.

Responses of Federal Agencies and Airports We Surveyed about Access Security Improvements. GAO–01–1068R. Washington, D.C.: August 31, 2001. (RESTRICTED)

FAA Computer Security: Recommendations to Address Continuing Weaknesses. GAO–01–171. Washington, D.C.: December 6, 2000.

Aviation Security: Additional Controls Needed to Address Weaknesses in Carriage of Weapons Regulations. GAO/RCED–00–181. Washington, D.C.: September 29, 2000.

FAA Computer Security: Actions Needed to Address Critical Weaknesses That Jeopardize Aviation Operations. GAO/T–AIMD–00–330. Washington, D.C.: September 27, 2000.

FAA Computer Security: Concerns Remain Due to Personnel and Other Continuing Weaknesses. GAO/AIMD–00–252. Washington, D.C.: August 16, 2000.

Aviation Security: Long-Standing Problems Impair Airport Screeners' Performance. GAO/RCED–00–75. Washington, D.C.: June 28, 2000.

Aviation Security: Screeners Continue to Have Serious Problems Detecting Dangerous Objects. GAO/RCED–00–159. Washington, D.C.: June 22, 2000. (NOT FOR PUBLIC DISSEMINATION)

Computer Security: FAA Is Addressing Personnel Weaknesses, but Further Action Is Required. GAO/AIMD–00–169. Washington, D.C.: May 31, 2000.

Security: Breaches at Federal Agencies and Airports. GAO–OSI–00–10. Washington, D.C.: May 25, 2000.

Aviation Security: Screener Performance in Detecting Dangerous Objects during FAA Testing Is Not Adequate. GAO/T–RCED–00–143. Washington, D.C.: April 6, 2000. (NOT FOR PUBLIC DISSEMINATION)

Combating Terrorism: How Five Foreign Countries Are Organized to Combat Terrorism. GAO/NSIAD–00–85. Washington, D.C.: April 7, 2000.

Aviation Security: Vulnerabilities Still Exist in the Aviation Security System. GAO/T–RCED/AIMD–00–142. Washington, D.C.: April 6, 2000.

U.S. Customs Service: Better Targeting of Airline Passengers for Personal Searches Could Produce Better Results. GAO/GGD–00–38. Washington, D.C.: March 17, 2000.

Aviation Security: Screeners Not Adequately Detecting Threat Objects during FAA Testing. GAO/T–RCED–00–124. Washington, D.C.: March 16, 2000. (NOT FOR PUBLIC DISSEMINATION)

Aviation Security: Slow Progress in Addressing Long-Standing Screener Performance Problems. GAO/T–RCED–00–125. Washington, D.C.: March 16, 2000.

Aviation Security: FAA's Actions to Study Responsibilities and Funding for Airport Security and to Certify Screening Companies. GAO/RCED–99–53. Washington, D.C.: February 24, 1999.

Aviation Security: FAA's Deployments of Equipment to Detect Traces of Explosives. GAO/RCED–99–32R. Washington, D.C.: November 13, 1998.

Air Traffic Control: Weak Computer Security Practices Jeopardize Flight Safety. GAO/AIMD–98–155. Washington, D.C.: May 18, 1998.

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Appendix II

Deadlines in the Aviation and Transportation Security Act

Deadline	Provision*
Nov. 19, 2001	Require new background checks for those who have access to secure areas of the airport Institute a 45-day waiting period for aliens seeking flight training for planes of 12,500 pounds or more
Dec. 19, 2001	Establish qualifications for federal screeners Report to The Congress on improving general aviation security
Jan. 18, 2002	Screen all checked baggage in U.S. airports using explosive detection systems, passenger-bag matching, manual searches, canine units, or other approved means FAA is to develop guidance for air carriers to use in developing programs to train flight and cabin crews to resist threats (within 60 days after FAA issues the guidance, each airline is to develop a training program and submit it to FAA; within 30 days of receiving a program, FAA is to approve it or require revisions; within 180 days of receiving FAA's approval, the airline is to complete training of all flight and cabin crews) Develop a plan to train federal screeners Foreign and domestic carriers are to provide electronic passenger and crew manifests to Customs for flights from foreign countries to the United States. Begin collecting the passenger security fee
Feb. 17, 2002	The Under Secretary is to assume civil aviation security functions from FAA Implement an aviation security program for charter carriers Begin awarding grants for security-related research and development The National Institute of Justice is to report to the Secretary on less-than-lethal weapons for flight crew members
May 18, 2002	Recommend commercially available security measures to airports for secure areas Report to The Congress on the deployment of baggage screening equipment Report to The Congress on progress in evaluating and taking the following optional actions: • Require 911 capability for onboard passenger telephones • Establish uniform IDs for law enforcement personnel carrying weapons on planes or in secure areas • Establish requirements for trusted traveler programs • Develop alternative security procedures to avoid damage to medical products • Provide for the use of secure communications technologies to inform airport security forces about passengers who are identified on security databases • Require pilot licenses to include a photograph and biometric identifiers • Use voice stress analysis, biometric, or other technologies to prevent high-risk passengers from boarding • Provide for the use of instant communications technology between planes and ground

Deadline	Provision[a]
Nov. 19, 2002	Deploy federal screeners, security managers, and law enforcement officers to screen passengers and property Report to The Congress on screening for small aircraft with 60 or fewer seats Establish pilot program to contract with private screening companies (program to last until Nov. 19, 2004)
Dec. 31, 2002	Screen all checked baggage by explosive detection systems
May 18, 2003	Review reductions in secure-area incursions
No deadline	Carriers are to transfer screening property to TSA FAA is to issue an order prohibiting access to the flight deck, requiring strengthened cabin doors, requiring that cabin doors remain locked, and prohibiting possession of a key for all but the flight deck crew Improve perimeter screening of all individuals, goods, property, and vehicles Screen all cargo on passenger flights and cargo-only flights Establish procedures for notifying FAA, state and local law enforcement officers, and airport security of known threats Establish procedures for airlines to identify passengers who pose a potential security threat FAA is to develop and implement methods for using cabin video monitors, continuously operating transponders, and notifying flight deck crew of a highjacking Require flight training schools to conduct security awareness programs for employees Work with airport operators to strengthen access control points and consider deploying technology to improve security access Provide operational testing for screeners Assess dual-use items that seem harmless but could be dangerous and inform screening personnel Establish a system for measuring staff performance Establish management accountability for meeting performance goals Periodically review threats to civil aviation, including chemical and biological weapons

Appendix III

Pending Legislation on Aviation Security

Bill number and date	Name/Subject	Key features
S. 1794 Dec. 10, 2001	Airport Checkpoint Enhancement Act	• Subjects individuals who intentionally circumvent, in an unauthorized manner, a security system or procedure within a U.S. commercial service airport, to criminal penalties, including imprisonment for up to 10 years.
S. 1980 Mar. 1, 2002	Training of Airline Personnel on Passenger Identification Checks	• Directs the FAA Administrator and appropriate personnel, including TSA, to develop guidance within 60 days for training all commercial aviation personnel who are responsible for checking passenger identification. • Directs each air carrier to develop and submit a training program that meets these guidelines to the Administrator within 60 days. Also requires air carriers, within 180 days of receiving the Administrator's approval, to complete the training of all airline personnel responsible for checking passenger identification. • Directs the Administrator to establish and carry out a program to require the installation and use at airports within 180 days of identification verification technologies, such as identification scanners or retinal or facial scanners, to assist in the screening of passengers.
S. 2497 May 9, 2002	Would prohibit opening of cockpit doors during flight	• Requires that the door of any aircraft that is required to have a door between the passenger and pilot compartments remain closed and locked at all times during flight. Establishes a mantrap door exception that allows authorized persons to enter or leave the cockpit if the aircraft is equipped with double doors and remote cameras between the doors.
S. 2554 May 23, 2002	Arming Pilots Against Terrorism and Cabin Defense Act	• Establishes a program within 90 days to (1) deputize volunteer qualified pilots of commercial cargo or passenger aircraft as federal flight desk officers; and (2) provide training, supervision, and equipment for such officers. • Requires TSA to deputize at least 500 qualified pilots within 120 days. Requires full implementation within 2 years. • Authorizes flight deck officers to carry firearms and to use force, including lethal force, when they judge an aircraft's security at risk. Shields an air carrier from liability for the actions of the crew in defending an aircraft. • Directs the formation of the Aviation Crew Self-Defense Division within TSA.
S. 2642 June 18, 2002	Would require background checks for alien flight school applicants	• Eliminates the current background check requirement for aliens taking training at flight schools, which applies only to training on planes that weigh 12,500 pounds or more. • Requires background checks for all alien flight school applicants regardless of the size of the plane that would be used in their training. • Requires the Transportation and Justice departments to report to The Congress within 1 year on the effectiveness of the program.
S. 2656 June 20, 2002	Would establish cargo security measures	• Requires the head of TSA to submit to the Congress by Sept. 30, 2002, a security plan for the transportation of cargo into and out of the United States and to oversee the implementation of security measures with respect to cargo at airports and other transportation facilities. The final plan must be implemented by Sept. 30, 2003. • By that date, the head of TSA must implement random screening of at least 5 percent of cargo at airports and other transportation facilities, an authentication policy for "known shippers," regular audits of shippers to ensure full compliance with security procedures and background check requirements for cargo handlers, and develop a security training program for entities that handle cargo.

Bill number and date	Name/Subject	Key features
S. 2668 June 21, 2002	Air Cargo Security Act	• Requires the head of TSA to establish a security system to screen cargo in all passenger and cargo aircraft. Further requires the head of TSA to ensure that this security system establishes a verifiable record of the chain of custody for cargo and that each person who handles the cargo is known and properly certified. • Requires the establishment of a comprehensive system of certification for shippers and providers of cargo transportation services that includes the assignment of a unique encrypted identifier, as well as a system for the regular inspection of shipping facilities for cargo.
S. 2686 June 26, 2002	Airport Employee Whistleblower Protection Act	• Establishes whistleblower protection for employees of air carriers or contractors or subcontractors of air carriers and airport security personnel, both federal and local.
S. 2735 IS July 16, 2002	Aviation Security Enhancement Act (Same exact legislation as the House bill of the same name.)	• Requires the Under Secretary to notify individual airports of the number and type of explosive detection systems (EDS) to be deployed by Oct. 1, 2002. • Requires airports to notify TSA by Nov. 1, 2002, if they will be unable to meet those requirements by Dec. 31, 2002. If so, requires TSA and the airports to work together to develop an alternative plan. • If EDSs are not in place at a U.S. airport on Dec. 31, 2002, allows alternative methods, such as hand searches and bag matching, until the EDSs are in place. • Requires all EDSs to be placed in nonpublic areas to the maximum extent practicable. • Requires that TSA purchase any EDSs on behalf of the airports. • Requires that TSA conduct demonstration projects of alternatives to EDSs. TSA shall report the results of these projects to The Congress by Dec. 31, 2003.
H.R. 4635 May 1, 2002	Arming Pilots Against Terrorism Act	• Directs TSA to establish a program to (1) deputize volunteer pilots of air carriers as federal law enforcement officers to defend the flight decks of aircraft against acts of criminal violence or air piracy and (2) provide training, supervision, and equipment for such officers. • Requires the Under Secretary to begin training and deputizing qualified pilots to be federal flight deck officers under the program. • Directs TSA to authorize flight deck officers to carry firearms and to use force, including lethal force, according to standards and circumstances the Under Secretary prescribes. Precludes an air carrier from prohibiting or threatening any retaliatory action against a pilot for becoming a federal flight deck officer. • Amends the Aviation and Transportation Security Act to authorize the Under Secretary to take certain enhanced security measures, including to require that air carriers provide flight attendants with a discreet, hands-free, wireless method of communicating with the pilot of an aircraft. • Directs the Under Secretary to study and report to the Congress on the benefits and risks of providing flight attendants with nonlethal weapons to aid in combating air piracy and criminal violence on commercial airlines.

Bill number and date	Name/Subject	Key features
H.R. 5005 June 24, 2002	Homeland Security Act of 2002	• Requires TSA to consult with FAA before taking any action that might affect aviation safety, air carrier operations, aircraft airworthiness, or the use of airspace. • Maintains TSA as a distinct entity within the Department of Homeland Security. Provides that TSA will cease to exist as a distinct entity after 2 years. • Requires TSA to notify all major airports by Oct. 1, 2002, of the number and type of EDSs that they will be required to deploy in order to screen all checked baggage by Dec. 31, 2002. Allows the airports to use other methods of screening, such as bag matching, canine sniffers, or other technology, if they cannot make the modifications necessary to meet the Dec. 31, 2002, deadline. • Requires that the total number of passengers and baggage screeners in place after Nov. 19, 2002, shall not be less than were deployed on Sept. 11, 2001, at each individual airport.

The CHAIRMAN. Dr. Dillingham, I'm used to comptrollers giving us audited figures. How much money, between now and the end of the fiscal year, is needed, and how much do you have?

Dr. DILLINGHAM. For?

The CHAIRMAN. How much do you intend to spend, or hope to spend, between now and September the 30th, the end of this fiscal year? And how much money do you have? I'm trying to get to the shortage. We want to correct this.

Dr. DILLINGHAM. I think that's—Secretary Mineta is probably better able to answer that. I'm with the General Accounting Office, not TSA.

The CHAIRMAN. But you don't have an accounting of the figures at all.

Dr. DILLINGHAM. No, sir. We have not looked at it.

The CHAIRMAN. Senator McCain?

Senator MCCAIN. Thank you, Mr. Chairman. Thank you, Dr. Dillingham. It's very interesting figures that you do cite, and I'd like to ask Secretary Mineta.

Secretary Mineta, Dr. Dillingham just stated that you have to hire 7,600 people per month between now and the deadline for screening and security, as I understand it. You're going to have to hire and train 30,000 people to man the explosive-detections systems. Are you going to be able to meet those deadlines?

Secretary MINETA. In terms of our hiring program for both passenger screeners and baggage screeners, there is a plan that was devised. If I could just back up a little bit——

Senator MCCAIN. You know, I don't have a lot of time——

Secretary MINETA. Okay. All right.

Senator MCCAIN.—but I would appreciate——

Secretary MINETA. Well, then let me say——

Senator MCCAIN. But take the time——

Secretary MINETA.—yes, we are on——

Senator MCCAIN.—whatever time you need.

Secretary MINETA.—we are on schedule. In terms of the plan that we had for hiring screeners, it's one of these programs where you start out slowly, and then you start increasing the number of people who are recruited, tested, trained, and deployed. And we look at what we're doing on a regular timetable basis, and we are on schedule to make sure that we have a sufficient number of people on the 19th of November for passenger screening and the number of people for baggage screening by December 31.

Now, someone said, "Well, we hear that there are only 2,500 screeners that have been hired so far." That is not correct. It's well over double that figure. But again, what we're doing is building up this force.

Dr. Dillingham is absolutely correct in terms of the people we're recruiting and the people who then report to the assessment center. Remember, to apply for a job, you either dial 1–800, or you get onto the internet. And then, once they do that, then we tell them to report to the assessment center. And that's the percentages that Dr. Dillingham was talking about.

Senator MCCAIN. Dr. Dillingham——

Secretary MINETA. But we are on schedule right now, Senator.

Senator MCCAIN. Thank you, Mr. Secretary.

Dr. Dillingham, are you optimistic about their ability to make those—meet those deadlines?

Dr. DILLINGHAM. Senator McCain, I think the jury's really still out. It is the case that the hiring has increased significantly over

the last few weeks. They're moving faster. But it's also true that they're having a tremendous amount of difficulty finding screeners in the big metropolitan areas, as well as finding an appropriate number of female screeners to match up with the searches of female passengers.

So a couple of weeks from now is a better time to see if that prediction will hold true.

Senator MCCAIN. Maybe we ought to have you back.

Mr. Secretary, what is the effect of the appropriators putting a cap on the number of full-time employees that TSA can have?

Secretary MINETA. Well, first of all, we have four major contracts, in terms of recruiting for people to do site assessments at airports for placement of equipment and where are the check lines going to be. We have——

Senator MCCAIN. My question is what is the effect——

Secretary MINETA. The effect is that, with the lack of money, we are now going to have to tell these contractors, "We're going to have to cut you off." And so that's why I say if it's the NCS Pearson contract that's going out and recruiting people, if we have to cut off that contract, we will not have a sufficient number of people to be able to do the screening for us. And that's what's going to happen to us, in terms of each contract, whether it be for NCS Pearson to bring people in, whether it's the Boeing Siemens contract that goes out to the airports to do the site assessments, or the Lockheed-Martin contract that does the hiring and the training——

Senator MCCAIN. So you will not be able to carry out your assigned mission with this provision in the appropriations bill.

Secretary MINETA. Given what our plan was and given where we are with the supplemental appropriation, we will not be able to hire the numbers that we planned to do.

Senator MCCAIN. And, therefore, unable to carry out your mission.

Secretary MINETA. The obligation——

Senator MCCAIN. Did you want to add to that, Mr. Jackson?

Mr. JACKSON. Yes, sir. We would struggle to get to the end of this fiscal year under that 45,000 cap while hiring both passenger screeners and baggage screeners. And the real difficulty comes instantly in September. We are going to project to go over that—over that 45,000 cap in our total employment. This includes the air marshal program, and it includes the overhead, it includes the support for ports and other issues. So this is the entire TSA. Our hiring is going to, in September, punch over that cap, and if we are operating under a CR, for example, in October, we've hit the wall. We have to just stop.

Senator MCCAIN. Do you agree, Dr. Dillingham, with that assessment?

Dr. DILLINGHAM. As much as we've looked at the numbers, Mr. McCain—or, Senator McCain, I'm sorry—we would agree with that.

Senator MCCAIN. Senator Ensign is going to voice this concern to you far more emphatically than I will, but there is a concern that if you meet these deadlines—suppose you had the equipment, suppose you had the proper number of employees, you still would have inordinate delays in major airports across America—Sky Har-

bor, McCarron, et cetera. How do you respond to that, Mr. Secretary?

Secretary MINETA. Well, I guess, first of all, it goes airport by airport. But I think, within the last probably couple of weeks, we have said that there will be difficulty with about 20 to 30 airports across the country.

Senator MCCAIN. Well, then should there be some exemption for them?

Secretary MINETA. That's something that we've talked about in-house, and we haven't come to any determination between our department and the White House on what we ought to be doing on——

Senator MCCAIN. Well, please keep us informed as soon as possible——

Secretary MINETA. Oh, absolutely. I mean——

Senator MCCAIN.—as to what decisions you make on that.

Well, I see that my time is expired, and I don't want to overrun. But this is a—this is an important issue, obviously, in major airports around America, and I hope you'll come to a decision on that as quickly as possible.

Welcome, Admiral Loy. We appreciate your willingness to serve and we appreciate your past service to the nation, and we look forward to working with you.

Thank you, Mr. Chairman.

The CHAIRMAN. Let the record show that the Committee was furnished last evening an updated figure of TSA occupation employees—certain directors, attorneys, law-enforcement officers, and investigators. Under "screeners," it said screeners, 759; supervisory screeners, 1,725, for a total of 2,484. Mr. Secretary, that's where the record is as of—furnished to the Committee, as of last evening.

Senator Wyden?

Senator WYDEN. Thank you, Mr. Chairman.

Mr. Secretary, I've made a priority to focus on the performance of screeners at the airports, and particularly through undercover audits. And it is very troubling to see the results thus far. We, for example, have seen 30–40 percent failure rates at airports, where apparently the testers didn't even do anything fancy to conceal large weapons, and yet they all seemed to get through.

And I guess I'd like to start by asking you, will the results of these audits have consequences? What's been done to date with respect to these airports with these huge failure rates with respect to weapons getting by the screeners?

Secretary MINETA. Well, first of all, I want you to recognize that probably 95 percent of the screeners that are in the workforce right now were the ones who were there prior to the 11th of September. Under the law, we took over all of the contracts on the 17th of February from the screening companies. We have three airports right now that are totally federalized with federal employees.

Now, the report that was referred to in USA Today, that was a leaked report that was conducted by our own TSA investigation people. And so there are two responses: One is in terms of overall, across the system, getting to everybody—the interim security directors and the federal security directors at all of the airports—in terms of the deficiencies that they're going to have to pay attention

to regarding their on-job training, to tell their screeners what has to be improved. The second aspect is the specific airport where those violations occurred, to go ahead and make sure that they're corrected. And to the extent that they're not corrected, or if we find a pattern of under-performance, then those folks have been released. But——

Senator WYDEN. Has that happened to date? I mean, what I want to——

Secretary MINETA. Yes, sir. Yes, sir.

Senator WYDEN. It has.

Secretary MINETA. Yes, sir.

Senator WYDEN. How many airports, for example, did you put in place changes with respect to making sure that screening performance changed?

Secretary MINETA. Well, I can think of one FSD that we've replaced. And, as I recall, that original report had four or five airports, and——

Senator WYDEN. Well, I will move on, but I'd like you to furnish——

Secretary MINETA. Sure.

Senator WYDEN.—for the record what have been the consequences of these significant audit failures. I mean, this is a very real problem, and I will tell you, I want to meet you halfway, but you have to show us that there are consequences when there has been failure.

Senator WYDEN. Now, let me move.

Secretary MINETA. Do you want—do you want——

Senator WYDEN. I'd like to ask about another——

Secretary MINETA. We'll submit it for the record.

Senator WYDEN. Thank you, that'll be fine.

Set aside, for a moment, personalities and working style and those sorts of issues. What was deemed not done on Mr. Magaw's watch that concerned you? I'd like to know why you replaced him and——

Secretary MINETA. Again, I think there——

Senator WYDEN.—get that on the record.

Secretary MINETA.—are two things there. One is replacing Mr. Magaw. Mr. Magaw submitted his resignation because of his health. He had—I believe it was, four or five months ago, a stent put in his—I guess it's——

Senator WYDEN. Mr. Secretary——

Secretary MINETA.—I'm not sure what the——

Senator WYDEN.—we know about his health problems. What——

Secretary MINETA. Okay. There was a problem——

Senator WYDEN.—was not being done?

Secretary MINETA.—there was a problem in terms of his health, and he submitted his resignation, because when you're standing up this kind of an agency, this is a very long working day, and he was, frankly, not up to working those long days. And so, to the extent, then, that long days are not possible, then his attention was not being put on the job.

Senator WYDEN. So he was doing everything, in terms of the specific functions and activities that you wanted, and the only thing that concerned you was his health.

Secretary MINETA. No, there was performance issues.

Senator WYDEN. What were those, Mr. Secretary? This is the third time now I've asked the question.

Secretary MINETA. All right. Just as an overall, I would say he was not engaged as a person who is in a leadership position of a new, stand-up agency.

Senator WYDEN. Mr. Loy, you're starting. What's going to change? I mean, I am trying to get from the Secretary the specifics, for example, about what happened during those first six months, because I do think it was more than personalities and health issues. And we all want to be sensitive to someone's health concerns. But I want to know what policies specifically are going to change now at the Transportation Security Administrator on your watch. You're starting. What do you want to change?

Admiral LOY. Senator Wyden, this is my third day on the job. Each of these first two——

Senator WYDEN. Tell us what you'd like to change.

Admiral LOY.—have been about a month long in the efforts focused on exactly what your question is. I'm going to make a concerted effort to communicate better with stakeholders. I think there were some problems associated with reaching airlines, with reaching airports, their directors, many of the other stakeholders that are so important in this business, to make this a collaborative effort to engage and produce the security paradigm at our airports that we need to do.

Second, I think there are challenges associated with many balls in the air at the same time. This team that has been put together by the Secretary, Senator Wyden, really has a superb business plan in place to get done what needed to get done, but we also need to be responsive to the feedback that is forthcoming, not only from the Congress, but from airport directors on an individual basis. If there is a problem in an airport, we need to engage that airport and have them feel that their engagement on the other end is going to get something accomplished.

Another issue is simply correspondence communication. Senator Boxer, earlier in her opening statement, was concerned about writing a letter and not getting an answer. Well, that's not an adequate situation for us to engage in. So the simple leadership and management skills associated with making, not only a new organization stand up, but focusing on a mission which is perhaps as important to this nation as any other is going to get my full time and attention.

Senator WYDEN. Is there a uniform list today on what items passengers can carry onboard a plane? I am told by passengers that they are told a variety of different things about what they are allowed to carry onboard a plane. Could you tell us, is there today a uniform list in this country for what passengers can bring on?

Admiral LOY. Can or cannot?

Senator WYDEN. Can.

Admiral LOY. I think the list is probably much more discrete as it relates to what they cannot bring on, Senator Wyden, but I will find that list for you and get it to you, or, if there is a need to create one, we will do that.

Admiral LOY. Constancy throughout the—throughout each and every one of those screeners saying the same thing to our flying public is enormously important.

Secretary MINETA. Senator, if I——

Senator WYDEN. My time——

Secretary MINETA.—if I might add?

Senator WYDEN. Mr. Secretary?

Secretary MINETA. One of the things that—for instance, that we experienced recently—cigar cutters are allowed to go onboard the airplane. Yet there is now a new cigar cutter that's come out, and it looks like a bullet, and it has a very sharp instrument inside. And so that cigar cutter is not allowed on the airplane. And so there is a list, and, as the Admiral has indicated, items are on the prohibited-list side, in terms of length, but there are two lists.

Senator WYDEN. Just on this point, there's a——

Admiral LOY. It's on the Web site, sir.

Senator WYDEN.—you're saying there now is one list in this country for what you can bring on and what you cannot bring on. Mr. Jackson is shaking his head. I mean, this, Mr. Secretary, is what troubles people. I mean, this should be—and I'm very sympathetic to this point about cigar cutters. And certainly the terrorists are not technological simpletons. They are always going to be trying to find new approaches. But, for the life of me, I can't figure why there isn't a list of what you can bring on and what you can't bring on. And Mr. Jackson, as far as his response, says that that list doesn't exist today. Is that right, Mr. Jackson?

Mr. JACKSON. Our approach has been the negative, what you are prohibited from bringing on. The list of what you're prohibited from bringing on is posted on our Web site, it's communicated to our employees, and it's available at each of the airports.

Senator WYDEN. Everything else you can bring on.

Mr. JACKSON. Well, a list of what you could bring on—a book, a magazine, a fan to fan yourself in the plane—is as vast as the imagination of the American people, and we're not trying to limit what you can bring on. We're trying to say, "Here are dangerous, prohibited items. Those cannot come on." As the Secretary has said, that list is constantly changing, because the creativity of the bad guys is significant, as well.

Senator WYDEN. My time is up. I'll just tell you that the passengers are confused, and the airports are confused. I'm going to look at your list. I'm anxious to work with you in a cooperative way on it.

Thank you.

The CHAIRMAN. Senator Burns?

Senator BURNS. Thank you, Mr. Chairman, and I'll move right along here, because I'm not going to dwell on how the department is getting along, because of the TSA.

I want to move into this—the question of armed pilots. So shift gears here just a little bit, and I'd like to get some answers from the Transportation Department. I want to know right away that—we've noticed that recently the Administration announced they would reexamine the existing policy for arming pilots. I welcome that. Saying that it has a new director—and, Admiral Loy, we welcome you, and we're heartily supportive of you—if you have any

thoughts on this—personal thoughts, or whatever—and if you do, how long will it take you to make a decision?

Admiral LOY. Sir, it was just two days ago that the Secretary asked me to take on this review, which I will do. I have already directed our technical center up in Atlantic City to look at some possibilities, because I need to learn about this and get up the learning curve very quickly. I can't——

Senator BURNS. What's your personal feeling?

Admiral LOY. I think I would be remiss if I offered those. I can say that on the—you know, on the upshot, I'm hesitant, but I'm also being directed to conduct a review, and I will do that. The—I am as concerned about elements in the House bill as I am in the basic question, and I think that is worth discussion with the Secretary and yourself, as well. But I——

Senator BURNS. Well, we'll be looking forward to the——

Admiral LOY.—have to make this decision in the wake of the review, and I want to be objective in that regard.

Senator BURNS. Well, I think some of these cases, whenever we start talking about homeland security, they have to be based on—sometimes on gut feeling and——

Admiral LOY. Sure.

Senator BURNS.—some of these things, and I think we'd better start making these decisions right away. You probably have some personal feelings on this, but I will not go into that at this time.

Has the TSA reviewed the FBI's feasibility study on cockpit-protection program and its research for its determination viability of that program? I mean, I'm asking the same—I'm asking the same question again. Is this study underway?

Admiral LOY. I'm not sure if the FBI—let me——

Mr. JACKSON. Senator, if I can interrupt, is this the study on the non-lethal weapons that you're——

Senator BURNS. On any kind of a weapon, I would imagine. It's a——

Mr. JACKSON. There is——

Senator BURNS.—feasibility on cockpit protection.

Mr. JACKSON. There is a National Institute of Justice study with regard to——

Senator BURNS. Is that the same thing?

Mr. JACKSON. I don't know if that's the one you're referring to, sir.

Senator BURNS. Just on sidearms.

Mr. JACKSON. Yes, there is——

Senator BURNS. On sidearms.

Mr. JACKSON.—there is a NIJ study on sidearms in the cockpit. And what they have done is to issue—I believe it was in April—a report relating to lethal weapons.

Admiral LOY. Non-lethal.

Mr. JACKSON. Oh, I'm sorry, non-lethal. And so that's the extent of what the National Institute of Justice—of the Department of Justice—has provided us.

Senator BURNS. Well, the—but have they done anything on lethal weapons?

Mr. JACKSON. I'll have to ask——

Secretary MINETA. Not to my knowledge.

Mr. JACKSON. Not to our knowledge, sir.

Admiral LOY. No, sir.

Senator BURNS. The new congressionally mandated reinforced cockpit doors are supposed to be installed and operational on all commercial aircraft by April of 2003. Is there an FAA-certified cockpit door available for installation right now?

Secretary MINETA. Yes, sir, there are, two doors for certain classes of aircraft.

Senator BURNS. On—for every make—for every make or model?

Secretary MINETA. Not for every make. Not for every make, but there are two doors that would be applicable, as I recall, for 737s, 727s, air bus——

Senator BURNS. How many airliners are subject to that FAA requirement for enhanced cockpit doors, do you know?

Secretary MINETA. They're all—all U.S. airlines, and that totals about 6500 aircraft, plus all aircraft that come into the United States from foreign ports—from foreign airlines will have to comply with the April 9, 2003, date.

Senator BURNS. Is that possible?

Secretary MINETA. Well, we just met with the Air Transport Association the other day, and we didn't hear anything differently, at least from the Air Transport Association carriers.

Senator BURNS. Well, now, it sounds like, to me—now, I don't know if—if we go along the same—at the same pace that we've been going on on the airport security and talking to the people from Boeing and the people who make these airplanes, I think that's—I think that you're pretty optimistic, maybe a little overly optimistic, by April the 3rd. Now, we're only—we're only nine months away, Mr. Secretary.

Secretary MINETA. But, again, remember, this is not——

Senator BURNS. Let the record show he's nodding his head.

Secretary MINETA. This is not a TSA—a TSA responsibility in terms of doing the work. The doing of the work is still the manufacturers and the airlines. And, in this instance, the certification comes from FAA. FAA does the certification of the redesigned cockpit area.

Senator BURNS. Okay, now, let's just—if it's not—if it's not your responsibility, it's the manufacturer's——

Secretary MINETA. Well, it's still our responsibility to ensure this—within the department.

Senator BURNS. Okay. Well, I'm saying——

Secretary MINETA. Not TSA.

Senator BURNS.—I'm saying, then, in your own—in your own estimation, are—will we make that deadline?

Secretary MINETA. Well, that's what we've been told.

Senator BURNS. John Mica, the Chairman of the Aviation Subcommittee on Transportation and Infrastructure made—currently 12 foreign airlines allow their pilots to carry guns into the United States. How many foreign airlines do that today. Do you know?

Secretary MINETA. No, sir, I do not.

Senator BURNS. We've been told that Korean Airlines, SAS, Lufthansa are allowed to carry weapons on the flight deck. And you don't know how many of those you have agreements with?

Secretary MINETA. I do not.

Senator BURNS. Well, I'm sitting here looking for some information, and it doesn't sound like that we've got the information that we're going to need. And I would tell you that the study—and I think we've got to make these decisions right away. It appears to me that even though it's optimistic, at best, to complete our task at the airports, then we must act on the next line of defense. And I would say, even—it may not be on a permanent basis. Who knows? But I'm saying we've got to move forward as a Congress and as a government to make sure there is a first line of defense or maybe a second line of defense. I do not like the F–16 and the F–15. I think we can do better than that, asking the American people—that this is—this is an alternative that we have. That—I think that that is just absolutely outrageous. That is not my United States of America. And—but I'm just—I'm just saying we have asked for some reports, asking for briefings. We didn't get them until this week. And we will continue to do so.

I have more questions, and I'm looking forward to the next panel, because I want to hear some—I want to hear some meat about this. We know what your challenge is, and we—and we're probably pretty sensitive to your—to what you're trying to do, but we talked about this—less than a year ago, we were talking about this legislation.

Secretary MINETA. Senator Burns, one of the things that, as Secretary of Transportation, I don't want to be caught in is the same position with the Aviation and Transportation Security Act. It's a great piece of legislation, but I don't want to be in the position of having armed pilots and then all of a sudden facing a bill of $850- to $900 million in terms of the startup costs, the training, getting the weapons for 85,000 pilots, and then incurring $250- to $260 million in annual costs to do quarterly recurrent training.

No one, from what I can see, has really talked about the cost. And having gone through my experience with the Aviation and Transportation Security Act, I don't want to go down that alley again.

Senator BURNS. Well, I would suggest——

Secretary MINETA. I want people to recognize——

Senator BURNS. Then I would suggest you stick around——

Secretary MINETA. Oh, that's—no, no, I'm——

Senator BURNS.—and listen to the next panel——

Secretary MINETA. That's fine.

Senator BURNS.—of testimony, because I think you'll find you'll learn that we can do it a lot better and a lot cheaper.

Secretary MINETA. I learn all the time, sir.

The CHAIRMAN. Senator Hutchison?

Senator HUTCHISON. Thank you, Mr. Chairman.

I want to talk about the screening of checked bags and the measures that you're putting in place to assure the best performance that we can possibly have in that area. And I would like for you to talk about positive bag-match, and the fact that it is not required on connecting flights. You do have a pilot program in place, according to your testimony on our last hearing, to see if it is feasible to do bag match on connecting flights. So I want to know if that study has come back and what you are doing in that area?

Secretary MINETA. First of all, that pilot program is going on, and it would be one of the areas that I would look to for implementation in order to meet the December 31 date. Maybe I can have Deputy Secretary Jackson expand more on the pilot program and inform you as to where we are on it.

Mr. JACKSON. We did a test of two airlines—United and American—in Chicago using hub connections, and they had somewhat significantly different types of technology in place to manage positive passenger bag-match for connections at those two airports, and it gave us a highly automated test and a very manual test. We have had a preliminary set of recommendations to us. We're still in negotiations and discussions and an assessment phase with the two affected airlines.

The punch line from their perspective is the implementation of this procedure on a national basis would produce a significant number of delays and disruptions to the schedule, which would compel them to re-stack their schedules at major hub airports in order to be able to implement this. They pointed to the high cost of it. These are, I think, historically the concerns of the airline industry. We're going to have to balance, especially, the new circumstances that the Secretary talks about, the tool kits that we're going to have available to us to work the baggage-screening problem in light of the $1 billion to $1.5 billion reduction that we're facing.

So it's an important part of our ongoing assessment. We don't have a final conclusion. We are looking at it very closely.

Senator HUTCHISON. If you have the money you need, and that you are going to be able to hire the people you need, will you be able to make a December 31 deadline for some form of screening or checking checked bags on every flight?

Mr. JACKSON. We have, in the budget that we proposed as part of the $4.4 billion, a layered approach to this issue that is divided into two parts—one, what's appropriate for the all-cargo carriers; and, two, what's appropriate for the passenger carriers that also carry cargo. A cornerstone of what we were hoping for was a very material enhancement of the known shipper programs, and we had asked for additional bodies—I believe 200 individuals—to work those types of audits, assessments and to work the supply chain backwards to give us greater rigor and discipline in managing that cargo work. We had asked for technology in the airports, which we would use for walk-up customers.

We're underway with the review at the postal service of possibly trying to allow for screening of postal cargo over 16 ounces, and we've done a study with the postal service and with the air carriers to evaluate those issues.

So there are multiple tracks to do this. There is no single piece of technology, machine, or equipment that we could drop on the table in the next few months that simply gives us the same level of scrutiny in the same mechanized way that we are trying to put in place relative to the bags. But we do believe we can materially improve it, strengthen it, and that's an ongoing commitment of TSA for the years to come, too.

Senator HUTCHISON. Well, do you think that you will be able, by December 31, to have a sufficient coverage until you get the actual machinery in place?

Mr. JACKSON. Sufficient coverage is an elusive judgment. I think that——

Senator HUTCHISON. Some coverage?

Mr. JACKSON.—we are constantly trying——

Senator HUTCHISON. Some coverage?

Mr. JACKSON. Coverage, yes. More coverage than today. Better coverage than today. Is it going to satisfy us? No, we're not going to be satisfied until we feel like we've totally "nailed" this issue, but we have put very significant steps in place, a plan in place to do this, and I would welcome your further thoughts and assessment of that with us. That is an area where we want to focus more attention and need to focus more resources.

Senator HUTCHISON. Since you mentioned cargo, Senator Feinstein and I have introduced a bill that would require cargo inspection on all passenger flights and a strong chain of custody for all cargo shippers. My bill would require a comprehensive system for certifying the known shippers, assigning an encrypted identifier to that known shipper. I don't know if you've looked at my bill, but I would like to ask you if you think we need to strengthen security in that area, and, if you've looked at my bill, does it address all of the issues in a comprehensive manner?

Secretary MINETA. We have looked at your bill, and, again—I guess one of the big things that I want to make sure is that specifications that we put out are general enough to be able to be inclusive of vendors and yet be exclusive enough to do a good job in terms of the security responsibility that we have. And that's the nature of what we're looking at in your legislation. And, frankly, I'm not sure, as we look at your legislation, what "encrypted identification" means, and if that is something that might become a sole-source kind of a problem for us.

Senator HUTCHISON. Well, we're trying to have an identifier that could not be tampered with or——

Secretary MINETA. And there are——

Senator HUTCHISON.—counterfeited.

Secretary MINETA. There are many ways of doing that, and that is something that we want to pursue.

And, interestingly enough, if I might note, one of the things that we wanted to do with transportation workers was to start with an identification card for transportation workers, and that would be encrypted. But we have now been precluded from obligating any funds to pursue a transportation-worker identification card. Now, frankly, that was a precursor to seeing whether or not we would take that onto a trusted traveler program. But we can't even now work on a transportation-worker identification——

Senator HUTCHISON. Are you talking about language in the Supplemental Appropriations bill?

Secretary MINETA.—card.

Secretary MINETA. Yes.

Senator HUTCHISON. All right. Well, Mr. Chairman, I would just say I hope we're going to have a comprehensive bill. I hope it will address cargo as well as these other screened-baggage deadlines. I

think it is incumbent on us to do that and try to take away some of these barriers you're bringing up.

Thank you, Mr. Chairman.

The CHAIRMAN. Very good.

Senator Allen?

Senator ALLEN. Thank you, Mr. Chairman.

The last time we were here, Secretary Mineta brought up several different things, and Mr. Magaw was here in those days, as well. There are two things I'm going to bring up, just to get your mind ready. One is going to be the, in my view, commonsense approach to providing a last line of defense airplane security, and the other is going to be Reagan National Airport.

As I had mentioned back then, in May, on American Airlines, Flight 77, here you had one of the pilots, Captain Burlingame, U.S. Naval Reserves, had fought in Operation Desert Storm, and the question I posed was, well, if he had a firearm, would that have not been helpful in deterring these terrorists from taking over that aircraft? And the response was—"Well, things are better now than they were then." But still, there are efforts to continue to improve in a variety of ways. And I'm not going to criticize you all for this ramp-up of the TSA. To me, it is as if we're at halftime of a football game, and sometimes you have to make adjustments and realize that some things weren't going as planned, and I want to work with you to get that done, and there's no reason to be beating you all up unnecessarily in that regard.

But, I sense at least a difference in perspective on the idea of arming pilots who are properly trained. You talked about how elaborate the training was and all the precautions and the safety for federal air marshals and is seems to me that there is at least some sense or recognition that having pilots properly trained with a firearm as a last line of defense is something that—does have a valid, logical commonsense approach to it.

Secretary MINETA. Well—and I think, from a commonsense perspective, I want to look at whether or not we want lethal weapons in the cockpit. Can it be non-lethal? And, in terms of 85,000 commercial airline pilots, do we give all of them arms? Or do we put the arms in a safe in the cockpit itself? On the other hand, if we're going to go non-lethal, then there are a number of different technologies that exist, whether they be tazers or going with——

Senator ALLEN. Stun guns, yeah.

Secretary MINETA.—the hard rubber bullets. And so, again, that's something we want to explore. But I'm—I just want everyone to keep in mind that there are costs associated with this program, as with others. And I just want to make sure that we are adequately funded to pursue whatever program we're going to be adopting.

Senator ALLEN. Fine. I would say, Mr. Secretary, that all of those considerations are fine. If we're going to be arguing over costs when we're already spending billions of dollars on security, it makes sense that this added sense of security is very cost justified. I think it would give passengers a greater sense of security, and I think it—I do think it ought to be lethal——

Moreover, the issue of whether they're all locked up in the cockpits or whether the pilots can carry them through the airport and

so forth is another matter, but that's not necessarily addressed in the bill, other than the—bill, as I understand it, the firearms would be in the cockpit, although there could be situations, such as LAX, where, if somebody was attacking—and John—Senator Ensign will bring this up—hundreds and thousands of people—could feel safer knowing that you see pilots going through airports. Right now, that deterrent of armed employee is only at E1 A1. And if they had gone and I'll not mention a domestic airline, but that person could have emptied out every single one of his bullets in his cartridge—and there would have been—many more people killed on account of that. So if cost is a concern, I think we can make a strong case that those lives lost were worth a great deal more than the cost of arming pilots.

Now, on to Reagan National Airport. The last meeting, as you recollect, you lifted my hopes in saying that a plan would be announced for the reopening of general aviation at the end of that month of May. Obviously, it continues to be completely shut, other than for a few governors, I suppose, to general aviation.

Secretary MINETA. And members of the House and Senate.

Senator ALLEN. And members of the House and Senate.

[Laughter.]

Senator ALLEN. Well, I would like to see it opened to more than governors and a few members of the House and Senate.

It seems to me that you have the right attitude on it. I know that Jane Garvey had similar sentiments, and I do want to commend her for many years of outstanding service. And I recognize you have conflicting people all together trying to give you different types of information, and, if it were up to some of them, Reagan National Airport would not even be open today for commercial aviation.

What progress report can you give us at this hearing now, in July, as to the prospects of having heightened specialized security so that general aviation can, maybe at least on a limited basis, return to Reagan National Airport?

Secretary MINETA. As you will recall, Senator—and I've enjoyed working with you on this subject—I believe it was on the 23rd of June that we were going to be opening up Ronald Reagan National Airport, but in the interim, from the time of the latter part of May to the time that—as we were getting closer to opening it up to general aviation, I was starting to see intelligence reports that said maybe we ought to take another look at this.

And so last—I believe it was last Thursday or Friday—I met with all of the general aviation groups and gave them the opportunity to hear, not classified information, but information that gave more life to the subject matter. And what I would like to do, Mr. Chairman, is to offer to all of the Committee members, if we could arrange a time, for a security briefing, an intelligence briefing, of why I decided not to move forward on opening up Ronald Reagan National Airport, and I would be willing to do it for the Committee members or, you know, who——

The CHAIRMAN. Yeah, we'll be glad to do it. We've got a roll call on in five bells, Senator Allen, and I want to give Senator Ensign a chance.

Senator ALLEN. Sure. Well, I would like to have that briefing.

Secretary MINETA. We would be more than happy to set it up.

The CHAIRMAN. I think we ought to have another hearing here after we come back in September.

Senator Ensign?

Senator ENSIGN. Thank you, Mr. Chairman.

I had a couple of questions, then I'll try to sum up my remarks so there's as much time to answer as possible. And, Admiral Loy, if you want to—I don't know if you know anything about these, but if you want to comment, I'd appreciate any thoughts that you have.

If you're familiar with the 40–40–20 rule, I mentioned that at the beginning. It's the step to—especially before some of the bags are gone through. I just want to read you McCarron Airport's statistics on this if the 40–40–20 rule goes into effect, as is proposed. "Currently, average"—or I'll just read you the peak times. Peak times at McCarron Airport for Southwest Airlines right now, a 43-minute wait at the ticket counter. Under the 40–40–20 rule, that peak time goes to four hours and 18 minutes. America West goes from an hour and 12 minutes to three hours and 54 minutes. Delta Airlines goes from 37 minutes to two hours and 23 minutes. And on and on.

They've come up with—or they've at least proposed several other different scenarios. One would be a 70–30 rule where—to just read briefly, "70 percent of the bags would be ETD screened, 30 percent of the bags are selectee or random-selected, go directly to the EDS system, a hundred percent exterior protocol applied to 70 percent, and average time per bag would be about 30 seconds."

Just to compare if that scenario was used instead, which that should qualify—because the 40–40–20 was not in our legislation; that was done administratively—the 70–30 peak time at Southwest Airlines—actually, under this scenario, because of modern technology that's going to be applied at the airports, the peak time for Southwest will actually go down from what it is today. Instead of going up to four hours and 18 minutes, it'll be an hour and 17 minutes. America West, instead of being three hours, 17 minutes, will be about two hours and 11 minutes.

So all—bottom line is—and that's under current; that's not under growing conditions. That's under current traffic passenger counts. The question was asked, "Are we better—do we have better security today," and I think the answer is yes, everybody agrees we have better security. To eek out that last little bit, is it worth—and my question to the panel—is it worth four-hour waits? And what would four-hour waits do to the economy of a tourist destination?

Secretary MINETA. Well, first of all, let me indicate that the charge we have—that we all have from the President's State of the Union message was to win the war against terrorism, at home and abroad, protect the homeland, and, thirdly, help revive the economy. Again, all three of them fit Transportation and TSA. And so we look at these things in terms of the impact on the airport, impact on the airline, the passenger, right on down the line.

And I'm willing to take a look at the benefit of the airport's experience or yours or whomever's to select from what's been said—a commonsense perspective—which way we ought to be going. But, no, again, those are—we don't want to do anything to impact adversely on tourism——

Senator ENSIGN. Well, and——

Secretary MINETA.—the airport, or the——

Senator ENSIGN.—it's not just affecting the economy. The scenario that I pointed out—when you get those kinds of waits in our airport, the crowds—now, you've just made vulnerable point.

Secretary MINETA. Absolutely.

Senator ENSIGN. And so you've hurt security instead of helped.

Secretary MINETA. No question about it. No question.

Senator ENSIGN. That's what I'm saying, is that if you look at these—and that's why, Admiral Loy, I want you to take a close look at some of the other alternatives that they've come up with that would give us the security we need without creating these huge long lines and—we already have a—even with the lines that we have with this increased security, we already have somewhat of a problem, but when they see thousands of people waiting there, you know, and then—they're just going to see we need security to get into the airport, and then you just back—you just keep backing up the security checkpoints and back up the vulnerability points.

Admiral LOY. Senator Ensign, absolutely I will look at it, and those are unacceptable numbers, and we would never impose those on McCarron. I'd like to think of that rule, by the way, as 20–40–40 rule, as opposed to the other way around, based on object searches first and then open bag and closed bag.

But when 36 million go to Las Vegas on an annual basis, and 18 million of them come and go through that particular airport, we understand there are out-of-the-ordinary challenges with a volume flow through McCarron. And at the same—to go to the same point with respect to a power supply with respect to machines on 12–31, we will be reasonable in terms of working with the airport director and with the mayor and with whoever is necessary to produce the right kind of a profile that is appropriate for McCarron. And I look forward to getting back to you, sir, with respect to this particular issue.

Secretary MINETA. Senator, let me ask about that power-supply issue. Was that all being driven by security equipment?

Senator ENSIGN. Yes. Those are the EDS machines. Those are the EDS machines that are necessary. In other words, if they have them——

Secretary MINETA. And that's—and that's driving the necessity for a new substation?

Senator ENSIGN. Yes. Yes, they have to do that. They have to have that for the new substation.

Secretary MINETA. It's not because of other expansion and other things going on?

Senator ENSIGN. No.

Secretary MINETA. Hard to imagine that.

Senator ENSIGN. Well, put it—put it this way. If they have the new—I mean, they are in an expansion right now, but if they—well, actually, they just finished some expansion—if they have the machines—from what they tell me—I'm just going on what they tell me; I'm not an expert on power supplies and all that—if they had the machines on location today, they could not plug them in.

Admiral LOY. Sir, one of the sources of the Secretary's thought process there is, of $200 million set aside as an earmark in the—

you know, in the supplemental, that's $231 million that was—probably found its way in there as a result of concerns expressed by airports or whomever is going to benefit from those dollars. To the degree they are not available to us to design that right security system, including power plants, as appropriate, but let the—let the right player be producing the dollars for the right segment of their responsibility in that formula. That's where we need to go at the other end of the day.

Senator ENSIGN. And just lastly, Mr. Chairman, I want to make a strong push for the trusted traveler program. I know our previous director was against the trusted traveler program, because he thought somehow that that would, you know, benefit the rich. It benefits everybody if you get people out of the—you know, if you can actually make sure that they're secure, but you get them out of the lines, that benefits the people that are currently standing in lines, and so it just makes common sense.

Admiral LOY. Absolutely, sir. There are very serious issues associated with designing it right. And, as the Secretary was proper to point out, our inability to press forward on the TWIC Card is going to put an impediment in the process of gaining progress toward a trusted travel program that I, too, agree is a very sensible approach.

The CHAIRMAN. Very good, Mr. Secretary. And thank you and the panel for your appearance here this morning before the Committee.

Two things, one, we just got through marking up the emergency supplemental. We thought we had done more than was needed, in that the director of the Office of Management and Budget, Mr. Daniels, cut us $250 million on the premise that, look, you couldn't possibly spend it, and everything else of that kind. Now, you appear before the Committee, and you say you are a billion dollars shy in the next two months, between now and September the 30th.

So the only remedy to that situation is if you can get Mitch Daniel to ask us for another little emergency supplemental singularly for this billion, we can pass it through quickly, in 24, 48 hours, I can guarantee you, because that was the attitude and mindset of the House member and senators, bipartisan. Otherwise, on the 2003 budget that we just reported out, we increased that some 150 million more than the President requested, again. And so we're over here trying to get you more money. The OMB Office is saying, "Cut back. Cut back. They can't even spend it." And let's get that cleared up, because we've got to keep moving.

Secondly, with respect to—irrespective of how the fight comes out about pistols, guns, stun guns or otherwise, we cannot come off with a secure door. See if you can accelerate that. If I was a pilot, other than guns and all this other kind of argument and everything else like that, I would want that proof positive, tried and tested system of keeping that door absolutely secure in flight going right straight down to the ground. Now, let's get and see if we can do it faster than 2003.

Delta is way ahead, some of these other airlines, to protect their pilots, have got that in mind. But once that door is secure, you don't have to worry about taking off from Reagan and going into the White House. You don't have to worry about going into these buildings, the Empire State or otherwise, you don't have to worry

about going into a power plant, you don't have to worry about all this 30 minutes after takeoff, 30 minutes—that solves a heck of a lot of problems, and let them have this intermural on guns. But once that door is secure, they can shoot each other or whatever, take practice—or whatever they want to do.

But I can tell you, if Secretary Mineta and Senator Hollings were in that cockpit, and we were both strapped in, and that door wasn't secure or even secure, we thought, and the steward hollered that, "He's got me by—he's choking me. Open the door. Open the door." I'm sitting there. I'd say, "Norm, you open the door."

[Laughter.]

The CHAIRMAN. Because when you open that door, you might get off one or two shots, but I can tell you those terrorists are coming in, and they've got me, the pilot, and that plane is going into another building. We're talking about real life.

Thank you all very much, and we asked the Committee to be at ease to receive the second panel.

[Recess from 12:03 to 12:13 p.m.]

Senator BURNS (PRESIDING). Okay, here we go. Those outside that want to come in, all aboard and get aboard. If you can't get a board, get a plane.

[Laughter.]

Senator BURNS. We have, on our second panel—and I was hoping that we would get to them just a little bit—a little bit quicker, but nonetheless, everybody wanted to talk about airport security, and I want to talk about airplane security, and we're going to do that.

We have with us Dr. Gerald—no, we've already taken—seen him—Dr. Richard Stephens, vice president and general manager of Homeland Security Services of the Boeing Company; Craig Coy, CEO, Massachusetts Port Authority; Captain Steve Luckey, chairman of the National Flight Security Committee; and Captain Ed Davidson, director of Flight Safety at Northwest Airlines. Can I trade you all your miles on your airline, Captain?

Captain DAVIDSON. Any time, Senator.

Senator BURNS. If I could do that——

We welcome you here this morning, and I'm going to start with Captain Davidson, of Northwest Airlines, and I'm just going to go that way, and then we'll have a little dialogue on arming the pilots, if they so choose, on the flight deck of our airliners.

Captain Davidson, welcome.

STATEMENT OF CAPTAIN EDWARD M. DAVIDSON, DIRECTOR, FLIGHT SAFETY AND QUALITY ASSURANCE, NORTHWEST AIRLINES

Captain DAVIDSON. Thank you, Senator.

Chairman Hollings, Ranking Member McCain, Senator Burns, and other members of this distinguished Committee, thank you for the opportunity to testify today.

My name is Ed Davidson, and I have been a commercial airline pilot for 24 years. For the past 13 years, I have served as a captain for Northwest Airlines, and I am currently the airline's director of Flight Safety and Quality Assurance. My flying career, that includes more than 20,000 flight hours, began with service in Viet-

nam as a U.S. Navy pilot. In 1994, I retired as a commander in the U.S. Navy Reserve.

Mr. Chairman, I couldn't agree more with your opening statement. Let's ensure that the cockpit door is the shield we need so we can concentrate on our principal job, flying. And I appreciate the chance today to explain why in the real world of a cramped cockpit, where there is no margin for error, permitting commercial pilots to carry and use lethal firearms threatens the safety of the traveling public.

I'd like to explain how pending legislation undermines Congress' original intent to use hardened cockpit doors as a protective shield enabling flight crews to safely land a threatened aircraft as quickly as possible. Simply put, S. 2554 raises more troubling safety questions than it provides security answers.

At the outset, let me thank the Committee and the Congress for your ongoing efforts to improve aviation security. Quick passage of the Aviation and Transportation Security Act of 2001, after the horrific events of September 11th, was a great comfort to the traveling public and particularly those of us who work onboard commercial aircraft.

Mr. Chairman, as a professional commercial airline pilot, when I am on duty, my singular focus is and always must be the safe operation of my aircraft. And I fully subscribe to the view that my colleague, Captain Duane Worth, expressed in testimony before this distinguished Committee last fall when he said, and I quote, "We can't be sky king and Wyatt Earp at the same time," unquote. The two roles cannot coexist without compromising a pilot's duty to safely operate his or her aircraft.

Now, I understand that reasonable can differ on important issues, and I respect the fact that some of my fellow commercial pilots, including Captain Worth, whose position has now changed, have a different view of this legislation. And I believe congressional supporters of S. 2554 are certainly well-intentioned. However, the unintended consequences of arming pilots in a confined cockpit are too alarming and potentially disastrous to disregard.

I have several concerns. First, this legislation completely undermines Congress' intent to make hardened cockpit doors an unbreachable line of defense so flight crews with a threatened aircraft can safely land as quickly as possible. Second, it compromises the safety of the cockpit. And, third, it contradicts key provisions of last year's security law.

As Congress envisioned, the cockpit door has become a significant line of defense. And, in fact, I feel much more secure in the flight deck today as a result of hardened cockpit doors, which are now being installed, and tough protocols that severely restrict those times when the cockpit door can be opened.

This bill, however, would create a dangerous breach. Having a firearm in the cockpit creates a temptation, and more likely an imperative, for flight crews to open the flight deck door in dangerous and chaotic cabin situations. That is exactly the wrong direction for this Congress to give flight crews. These are precisely the times that the cockpit should remain closed while the pilots land the aircraft as quickly as possible. Your conclusion that hardened cockpit

doors are the most effective way to protect the cockpit remains valid today.

In case you haven't been in a cockpit of a commercial aircraft, it's extremely cramped quarters. Pilots are literally shoe-horned in among equipment and monitors from floor to the ceiling. The legislation would add a lethal firearm to this proverbial China shop. What happens if a firearm discharges in the cockpit inadvertently or otherwise? Bullets could kill or incapacitate members of the cockpit flight crew, or they could strike one of the critical systems required for safe flight.

Mr. Chairman, I concede that these are worst-case scenarios; however, I am trained, and I train other pilots, to address worst-case scenarios. That is the most effective way to ensure the passengers arrive safely at their destinations.

By no means, however, are these scenarios farfetched. According to at least one study, 21 percent of police officers killed with a handgun were shot with their own service weapon. Struggles for control of firearms are not uncommon and, sadly, neither are accidents involving firearms.

Contrary to the intent of heightened screening directives in the new law, the legislation will lead to a proliferation of firearms being carried into the sterile security areas of airports and onboard aircraft. It could have the unintended effect of drawing a road map where terrorists could procure lethal weapons. Any pilot in uniform would be viewed as being a potential repository of a lethal firearm.

Air marshals, on the other hand, do not present the same threat, because they are anonymous. Onboard the aircraft, the legislation would simply draw a road map straight to the cockpit for terrorists seeking lethal weapons. Simply put, there is not guarantee that firearms are brought to the airport and into the cockpit will remain in the hands of the guys with the white hats.

Before I conclude my remarks, I want to address a specific argument that's been made by the proponents of arming pilots. As a former Navy aviator and a commercial airline captain, there is nothing I want more than to prevent a scenario in which the military might be called upon to shoot down a commercial aircraft. I would suggest, however, that the objective of security legislation be to prevent any loss of life onboard aircraft or on the ground resulting from terrorism-related activity or our responses to it. We need to carefully and thoughtfully heighten security without creating a greater risk than the one we seek to address.

Mr. Chairman, let me conclude by again thanking you and your senators for the opportunity to speak before you today, and I certainly would be happy to take questions.

[The prepared statement of Captain Davidson follows:]

PREPARED STATEMENT OF CAPTAIN EDWARD M. DAVIDSON, DIRECTOR, FLIGHT SAFETY AND QUALITY ASSURANCE, NORTHWEST AIRLINES

Chairman Hollings, Ranking Member McCain, and other Members of this distinguished Committee, thank you for the opportunity to testify today. I appreciate the chance to explain why, in the real world of a cramped cockpit where there is no margin for error, permitting commercial pilots to carry and use lethal firearms threatens safety more than it potentially will improve it. Moreover, I am grateful for the opportunity to explain how the legislation undermines Congress' intent to make hardened cockpit doors an impenetrable protective shield for flight crews, and how it dangerously contradicts a flight crews' first responsibility to give its undivided attention to safely land a threatened aircraft as quickly as possible. Simply put, S. 2554 and H.R. 4635 raise more troubling safety questions than they provide security answers.

My name is Edward Davidson and I have been a commercial airline pilot for 24 years. For the past 13 years, I have served as a Captain for Northwest Airlines and I currently am its Director for Flight Safety and Quality Assurance. I also presently serve as an Instructor Pilot and Check Airman for the Airbus 320 aircraft and previously served in a similar capacity on the MD–80, DC9 and B–727. My flying career, that includes more than 20,000 flight hours, began with service to our Country in Vietnam as a U.S. Navy pilot. In 1994, I retired as a Commander in the U.S. Naval Reserve.

At the outset, let me thank the Committee and the Congress for your ongoing efforts to improve aviation security. Quick passage of the Aviation and Transportation Security Act of 2001 after the horrific events of September 11 was a great comfort to the traveling public, and particularly those of us who work onboard commercial aircraft. The Committee's continuing vigilance to ensure the new security law is fully and thoughtfully implemented is greatly appreciated.

Mr. Chairman, I am a professional commercial airline pilot. When I am on duty, my singular focus is, and always must be, the safe operation of my aircraft. Commercial pilots operate in an environment where there is zero margin for error. It is a demanding profession where the failure at any time to give one's undivided attention to the safe operation of one's aircraft can have catastrophic consequences. I fully subscribe to the view my colleague, Captain Duane Woerth, expressed in testimony before this distinguished Committee last Fall—"We can't be Sky King and Wyatt Earp at the same time." The two roles cannot coexist without necessarily compromising a pilot's paramount duty to safely operate his or her aircraft.

Reasonable people can differ on important issues. I respect the fact that some of my fellow commercial pilots, including Captain Woerth, whose position has changed, have a different view of this legislation. I also believe Congressional supporters of S. 2554 and H.R. 4635 are well-intended. However, the unintended consequences of arming pilots in a confined cockpit are too alarming and potentially disastrous to disregard. In my professional judgement, the reduction in safety that undoubtedly will result from blurring the flight crews' singular focus on the safe operation of its aircraft will make the skies more dangerous rather than safer.

Let me now turn to the most significant and troubling unintended consequences of this legislation that strongly cut against its enactment. These include the fact the legislation (1) completely undermines Congress' intent to make hardened cockpit doors an impenetrable line of defense so flight crews with a threatened aircraft can safely land the aircraft as quickly as possible at the nearest airport feasible, (2) increases the probability of operational errors, (3) compromises the safety of the cockpit and (4) undermines key provisions of last year's security law.

First, the legislation undermines this Committee and Congress' intent in the new security law to make secured cockpit doors the best line of defense against an aircraft being commandeered for terrorist purposes. Your conclusion that hardened cockpit doors are the most effective way to protect the cockpit remains valid today. In fact, I feel much more secure in the flight deck today as a result of hardened cockpit doors which have been installed and tough protocols that severely restrict when the cockpit door can be opened. As Congress envisioned, the cockpit door has become a significant line of defense. Importantly, relying on this approach, the goal of protecting the cockpit has been accomplished in a manner that does not produce unintended dangers for passengers, the aircraft itself and the flight crew.

The legislation would create a dangerous breach in the hardened cockpit door line of defense you championed last year. It also directly contradicts a pilot's first priority to safely land a threatened aircraft as quickly as possible at the nearest airport feasible which hardening of cockpit doors was intended to facilitate. Specifically, by having a firearm in the cockpit, it creates a temptation, and more likely an imperative, for flight crews to open the cockpit door in dangerous and chaotic

situations. That is exactly the wrong direction for Congress to give flight crews in such circumstances. Those are precisely the times a cockpit door should remain closed and act as an impenetrable shield so the pilots can safely land the aircraft as quickly as possible. There is a more effective and safer alternative to lethal firearms in the cockpit. It is reasonable cockpit door protection which you identified and mandated last year, and it is a prudent solution that is working.

Second, arming pilots will erode their ability to operate aircraft at the same level of safety that exists today. Human performance studies by NASA Ames Research and other academic bodies consistently show that the more you add to a pilot's workload and create variances from his or her normal routine, the higher the likelihood for human error in all aspects of that pilot's performance. In a profession where human mistakes today account for 60 percent of all air carrier incidents and accidents, the safety of the traveling public demands this potential negative impact of the legislation on operational errors not be glossed over.

Mr. Chairman, despite all the high technology and automation in today's commercial aircraft, humans operate them. The airline pilot's job is a demanding one. Modern jet aircraft present complex systems and management demands of their pilot operators in variable environments. Workload is further intensified by adverse weather, heavy traffic density and the need for accurate communications. Add to that mix multiple time zones, complex reasoning and rapid decision-making with life or death consequences and the result is a recipe for human beings experiencing mental and physical stress. This is especially the case during takeoff, approach, landing and abnormal operations or with inoperative equipment. Like any human, airline pilots are the most operationally reliable and least prone to error when experiencing only a minimal to moderate workload.

Studies show time after time that human performance and error reduction depend on the stability of the workload as much as the level of workload. Workload stability is critical. This is why all airlines attempt to stabilize workloads and decrease the likelihood of unexpected demand on crews as much as possible by employing predesigned checklists and procedures and training on workload management techniques. These safeguards are designed to decrease unexpected pilot-required input and thereby create a structure intended to minimize the occurrence of human operational errors. The effectiveness of these measures has been impressive as accidents and incidents attributable to pilot errors continue to decline substantially.

The potential addition of firearms to the flight deck turns these efforts on their head. It would create workload instability and sacrifice predictability by creating the opportunity for a whole new series of demands on pilots. New decisions such as determining if a life-threatening event is occurring, whether to open the cockpit door to confront suspected air terrorists, and whether to draw the weapon and on whom and when to fire undoubtedly would present a potentially significant new and unpredictable increase in workload. Keep in mind, these disruptions in workload stability occur at the very time a pilot simultaneously is trying to safely operate the aircraft. To call the magnitude of this adverse impact on routine workload management overwhelming would be a gross understatement. In my judgment, the resulting potential increase in operational errors could jeopardize safe aircraft operations to a greater extent then the threat to the flight deck crew, cabin crew and passengers this legislation is intended to address.

Mr. Chairman, there are some pilots who might say carrying a firearm is not a big deal. They also might dismiss my admonition and say the red flag I raise today about negative cascading impacts on operational errors is unwarranted. However, I believe it to be self-evident and incontestable that carrying and potentially using a lethal firearm in a crowded and potentially chaotic setting aboard a commercial airliner while piloting that aircraft across the skies at hundreds of miles per hour would undeniably add both stress and instability to a pilot's workload. Common sense and scientific studies confirm that scenarios such as this have the potential to impact overall performance and increase the possibility of human error. Authorizing a dual law enforcement role for a pilot, even if he or she does not believe it is a big deal, has the high likelihood of negatively impacting safety performance.

Third, there are potentially grave unintended consequences and risks inherent in having a lethal firearm in the flight deck. For good reason, there has been considerable discussion of the dangers of pilots and highly trained air marshals discharging firearms in the passenger cabin of commercial aircraft. The threat to innocent passengers of being inadvertently shot must be considered very carefully. So too should the potential harm to the structural integrity of the aircraft if it is pierced by a bullet. Today, however, I would like to focus on the area of aircraft I know best, the flight deck.

In case that you have not been in the cockpit of a commercial aircraft, it is extremely cramped quarters. Pilots are literally shoe-horned in among equipment and

monitors from the floor to the ceiling. The legislation would add a lethal firearm to this proverbial "china shop." This is where the unintended consequences of the legislation become especially frightening.

What happens if the firearm discharges in the cockpit? Irrespective of whether the gun is inadvertently discharged, accidentally fired during a wrestling match with an inebriated passenger or deliberately fired at an assumed attacker, every scenario is potentially ominous for passengers and the survivability of the aircraft. Bullets could kill or incapacitate all members of the cockpit flight crew rendering them unable to fly the aircraft. They could pierce the flight deck windows creating a potentially catastrophic cockpit decompression rendering it impossible for the flight crew to control the aircraft. They could strike one of the many multi-functional instruments putting at risk numerous safety critical systems. Or, a stray bullet through the floor could strike critical electronic navigation equipment located beneath the flight deck.

Mr. Chairman, I concede these are worse case scenarios. I am trained, and train others pilots, to address worse case scenarios. That is the most effective way to ensure passengers arrive safely at their destination. By no means, however, are these scenarios far-fetched. According to at least one study, 21 percent of police officers killed with a handgun were shot with their own service weapon. Struggles for control of firearms are not uncommon. Sadly, nor are accidents involving firearms.

As a Captain, given the delicate and cramped confines of the cockpit, it is the last place on an airborne commercial aircraft where I would want a wrestling match to occur, much less one involving the potential for stray bullets being fired. The inherent risk that the legislation compromises the safety of the cockpit reinforces my belief the proposed legislative response may well create greater risk for passengers, crews and innocent people on the ground than the threat it is intended to address.

Finally, I wish to take the opportunity to identify implications of the legislation that may inadvertently undermine the multi-layered security system the new security law seeks to enhance. Specifically, I am referring to the implications of the legislation for airport and onboard security.

As I understand, the principal objective of the new security law was to ensure the sterile areas in the air travel security chain are in fact free of lethal and potentially lethal weapons that diabolical people could use to wreak death and destruction. Yet, the legislation pending before you could have precisely the opposite effect. In fact, it could lead to a proliferation of firearms being carried in the security sterile areas of airports and onboard aircraft. The Committee should carefully consider both the ramifications this might have and the consequences that might result from it.

As we tighten security at screening checkpoints to ensure lethal weapons do not pass into security sterile airport areas beyond them, the legislation could have the unintended effect of drawing a roadmap where terrorists could procure lethal weapons inside the sterile area. Any pilot in uniform would be viewed as being a potential repository of a firearm. Air marshals do not present the same threat because they are anonymous. Pilots could be followed and their flight bag could be stolen or taken by force. If this seems unrealistic, just consider how often you see pilots at airports put down their flight bag to use the restroom or make a telephone call.

This legislation also has the potential to make airports armories for pilot firearms. Where will pilots store their firearms? Do you expect pilots to leave their weapons at the airport or take them to the crew hotel? If the former, would it promote or rather threaten passenger safety to have a stockpile of weapons stored at the airport? I believe these are questions the Committee needs to carefully consider.

Onboard the aircraft, security has been based on the premise that we want to keep lethal weapons off aircraft. An exception to this general rule was understandably made for air marshals who are highly trained and, more importantly, singularly focused on law enforcement responsibilities. This legislation dismisses this principle and in its place welcomes lethal weapons onboard commercial aircraft under the apparent belief that they would be used solely to protect passengers. I wish we could make that assumption with certainty but we cannot. Firearms can and do end up in the wrong hands. As I mentioned earlier, one study shows that 21 percent of police officers killed with a handgun were shot with their own weapon. Simply put, there is no guarantee that firearms brought into the cockpit will remain in the hands of the "good guys" and be used to protect passengers.

Like the airport scenario I described a moment ago, another area of concern is that the legislation would inadvertently draw a roadmap straight to the cockpit for terrorists seeking lethal weapons onboard the aircraft. Whether or not a particular flight crew has volunteered to participate in the program, there will be the general perception that firearms may be available in the cockpit. In the spirit of thwarting efforts by terrorists, we could inadvertently be presenting them with an opportunity.

Before I conclude my remarks, I want to address a viscerally powerful argument made by proponents of arming pilots. This is the argument that if Congress fails to arm pilots it increases the risk that the military will be called upon to shoot down a commercial aircraft. As a former Naval aviator and a commercial airline Captain, there is nothing I want more to prevent than that scenario. I would suggest, however, that the Committee should broaden and reframe the issue. The objective should be to prevent any loss of life onboard aircraft or on the ground resulting from terrorism-related activity or responses to it. If we put in place an unwise and dangerous measure such as arming pilots with lethal firearms that leads to a wrestling match in the cockpit and a resulting crash, loved one's of lost passengers, crew and fatalities on the ground would grieve no less. We need to carefully and thoughtfully heighten security without creating a greater risk than the underlying one we seek to address.

Mr. Chairman, let me conclude by again thanking you for the chance to testify today. Also, let me reiterate my appreciation to you, Ranking Member McCain and this distinguished Committee for your leadership and diligence on aviation security matters. I urge you to very carefully consider the proposal before you that would permit commercial pilots to carry and use lethal firearms. Upon full and careful review, I believe the facts and serious questions that arise will lead you to join me in concluding that S. 2554 should not be enacted because it threatens air safety more than it potentially would improve it.

The CHAIRMAN. Very good.

Captain Luckey?

STATEMENT OF CAPTAIN STEPHEN LUCKEY, CHAIRMAN, NATIONAL FLIGHT SECURITY COMMITTEE, AIRLINE PILOTS ASSOCIATION

Captain LUCKEY. Yes, sir, good morning.

Mr. Chairman, Senator Burns, distinguished members of the Committee, I'm Captain Steve Luckey, and I'm chairman of the National Flight Security Committee of the Airline Pilots Association. And in that capacity, I represent the security interests of some 67,000 pilots that fly for 43 airlines in the United States and Canada. I have submitted a written statement for the record, by the way.

My comments today reflect the feelings of pilots beyond the scope of this membership. And I guess disagreement is healthy. We have a very different approach and a very different viewpoint of the—addressing the threat.

Protecting the aircraft is a team effort. It's something that both the flight attendants and the pilots need the proper tools, and the training, and the tactile knowledge to effectively address the threat. Today I want to address the protection of the cockpit, the arming of pilots, a little bit about verification, and also something about—address the cargo security issue.

I'm confident that I can build a strong case for our position and clear up many misconceptions regarding the armed-pilots issue. First of all, we're not trying to put guns out into society and arm the general population or anything like that. What we're going to do is—what we're proposing to do is to arm sworn federal law-enforcement officers that just happen to be pilots. They will be there for the limited defense of the cockpit proper. That weapon will not be used in any way, shape, or form outside of the cockpit, and it will be used as a last line of defense to get the aircraft on the ground in the event of an intrusion.

It may be of interest to you that in the 1970s I was selected and trained by the FBI as a pilot to carry firearms onboard an aircraft.

It was a very small program, very elite. It was something that was requested by the president of our airline. It was—I was trained by the FBI. It was approved by the FAA at that particular time. It was not always a pleasant experience. Custodial responsibility of a firearm—I've been carrying it for many, many years—is definitely something that's very serious. I thoroughly believed in the concept at that time. I thoroughly support it now, and I believe that we need it in this day more than we have ever needed it before.

We never recommended arming all the pilots. That's not what we want to do. As a matter of fact, only probably a small percentage would ever go through the process. It's—the statistics indicate that about—somewhere between 75 and 80 percent of the people support it that fly. That's an overwhelming majority of numbers. The public supports it, and you heard the statistics today.

The pilots would go through a brief but very exacting training program. The selection process would be very much like that for the recruitment of any other federal agent. You would go through a selection process. First of all, it's completely voluntary. The volunteers would be subjected to an interview, background check, and suitable training for that to see if they're suitable for the particular task at hand.

Do we need this capability? I think we must be able to predictably protect the cockpit from terrorist attack. We need a central piece of emergency equipment. And that's all this is, is a piece of emergency equipment. Its purpose is to defend against a demonstrated threat, or the alternative is to be shot down by an F–15 or F–16. I think we need something between that door, which—there isn't a barrier in the world that cannot be defeated by a dedicated individual who is willing to pay the ultimate price to get through that barrier. That's been demonstrated successfully many, many times.

I believe that the armed cockpit program will create a high level of deterrence. I think it's efficient, and I think it's relatively economical, when you look at the costs that we're talking about here and the money and the budget and—been mentioned this morning. Pilots are exceptionally well-suited for the task, and the public definitely, overwhelmingly supports this particular concept.

Some argue that the new doors, the federal air-marshal program, the improvements in the security program negate the need to arm aircraft. I disagree with that wholeheartedly. I think that that's a misconception, and it's a very dangerous thing, tactically, to assume something that this particular element can very well address, and that is to ultimately guarantee that, in the event that that door is breached—and doors aren't always closed; they're opened—and if you look at the Israeli concept, it's easy to see that the new proposed door does not in any way address the Israeli tactical concept of having the double doors with the mantrap concept in between, and the submarine tactic whereby only one door is opened at any one time. They have a marshal on every aircraft. We don't have that luxury. We have them only on a small percentage. And they also have a kill zone in front of that door. They're very pragmatic. It's been my experience that we're not quite ready to go there, where the Israelis are. They put the oil on the squeak. We're not quite ready to do that.

All layers of security contain some level of—and these levels need to be increased. They need to be more dedicated. They need to be more finite as you approach that principal point of protection, which is the cockpit. We have to, at all—to use all methods and all capabilities and all tactics and all tools to adequately address this threat. It's a very pervasive issue, and, you know, it's something I've very passionate about, as you can see.

Since 1987, ALPA has worked very hard to establish access control verification in our system, and we've developed—worked with a company in Minneapolis to develop a very economical system to do this. The card's about 50 cents, and it costs less than two cents per transaction. But we don't know right now that the armed—the guys getting on the airplanes with guns are who they say they are. The GAO study in 2000, you know, they breached 19 federal buildings and, you know, two airports with bogus IDs.

We are recommending that we establish an independent, not-for-profit organization to handle this particular thing, like a transportation-workers identification card, the TWIC. We also strive for one level of security, that one level of security is the same, it should be, on passenger or cargo aircraft. Cargo aircraft are vulnerable right now. Terrorists have been known to occupy containers and ship themselves onboard vessels. There's nothing to prohibit that they couldn't do that on a particular aircraft in our business. The known shipper concept just doesn't quite—it's not enough to adequately address the screening of cargo.

Thank you for allowing me to present the cockpit perspective and helping us to acquire the tools, the training, and the tactical knowledge to return to our families alive. That's what we want to do. Eight pilots didn't make it on September 11, 2001.

And I'd be happy to answer any questions. Thank you, sir.

[The prepared statement of Captain Luckey follows:]

PREPARED STATEMENT OF CAPTAIN STEPHEN LUCKEY, CHAIRMAN, NATIONAL FLIGHT SECURITY COMMITTEE, AIRLINE PILOTS ASSOCIATION

Good morning. I am Captain Stephen Luckey, chairman of the Airline Pilots Association International's National Flight Security Committee. ALPA is the nation's largest pilot union, representing more than 67,000 pilots who fly for 43 airlines in the U.S. and Canada. We are appreciative of the Committee's interest in the subject of aviation security and for soliciting our views on it.

It is no secret that the Transportation Security Administration is struggling to perform the job that it has been assigned by Congress. The tasks of building a new security agency and complying with the numerous mandates given it are monumental. However, the work has been greatly hampered by the agency's demonstrated unwillingness to coordinate and work with the aviation industry on virtually anything. The recent resignation of the Transportation Security Administration's (TSA's) Under Secretary, John Magaw, undoubtedly creates greater short-term turmoil. However, we are hopeful that under the guidance of the new Under Secretary, James Loy, the TSA will begin to initiate serious efforts to build partnerships with the aviation industry that will lead to genuine progress on needed security reforms.

In my testimony today, I would like to speak to three specific issues that are important to our members, namely, the federal flight deck officer program, access control and identity verification systems, and cargo security.

Federal Flight Deck Officers

The subject of arming pilots is one that has generated significant public debate and no small amount of misunderstanding. I am confident that we can build a strong case for our position today, which ALPA was the first to recommend to Con-

gress last September, and at the same time help to clear up some pervasive misconceptions surrounding this topic.

My further remarks contain rebuttals to some of the more common arguments raised against arming pilots, but I would at this time like to rebut the most politically charged argument voiced against this program. That argument says that pilots should not be armed because doing so would introduce tens of thousands of new weapons into our society. This statement is both specious and misleading because the individuals who will bear those arms will be *sworn law enforcement officers* who are armed for the defense of their limited, cockpit jurisdiction and, ultimately the protection of the passengers for whom they are responsible. We doubt that the proponents of such an argument have given due consideration to its full ramifications, but suffice it to say that we see no point in comparing the arming of sworn federal agents with the arming of the general population.

I would like to offer a perspective on the need for arming pilots that perhaps you have not considered. Eight pilots were killed on September 11th. The deaths of those eight pilots resulted in the transfer of aircraft control from authorized crewmembers to terrorists bent on destroying our country and its people. More than 3,000 people were murdered, billions of dollars of property damage was incurred, the nation's economy was rocked and is still suffering, thousands of people were laid off, and billions of dollars of new spending will be allocated to security both in this country and around the globe for years to come—all because eight pilots were killed. It is obvious, or should be, that protecting the flight deck and its occupants against hijackers is now tantamount to protecting our national economy. We are convinced that the ailing airline industry, which is still profusely hemorrhaging red ink, could virtually disappear if another successful attack is launched against us. If the airline industry takes another downward spiral, it most certainly will harm hundreds of businesses as well.

The real tragedy in all of this is that the hijackings of September 11th were avoidable. More than 40 years ago, during the height of the Cuban hijacking crisis, we called for strengthening flight deck doors and arming pilots, among other measures. In 1961, the FAA amended federal aviation regulations, with Congressional support, to permit pilots to be armed with the consent of their airline but the agency removed that regulatory language in July 2001. Senate bill S. 2554 will restore the framework of, and improve upon, what was so recently removed from federal regulations.

An Ongoing Threat

To underscore the risks that we face, I would like to pose three questions and follow them with the answers. First, is there still a risk of terrorists assuming control of an airliner and crashing it into a building? The answer that we are hearing from the Justice Department, the Office of Homeland Defense, the TSA and numerous other sources is an emphatic "yes." Transport aircraft, regardless of whether they carry passengers or cargo, must from now on be viewed as potential human-guided missiles if they fall into the hands of a suicidal terrorist. Osama bin Laden's henchmen were remarkably patient, thorough, as well trained as any special operations unit in the world, and employed surprise attacks to great advantage using relatively innocuous weapons that they knew would go unchallenged through security checkpoints. From their perspective, the operation was a great success, not only in terms of damage, but also with respect to the amount of global media attention their acts garnered. History has shown that terrorists endeavor to repeat successes, so we must prudently assume that our enemies are planning for yet another airliner attack.

Second, if terrorists board an aircraft with the intention of hijacking it, will they be armed only with box cutters as they were before? We think that the answer to that is "probably not." The element of surprise from a box cutter-type attack is gone and small knives are now confiscated at security checkpoints, so we must assume that terrorists will be armed with some other weapons, which could include guns not taken through screening checkpoints and/or undetected explosives.

We have an unfortunate habit in this country of preparing for the type of security breach that most recently occurred—this is the equivalent of locking the barn door after the horse has been stolen. What we must do instead is address, to the best of our knowledge and ability, *all* of the potential threats that exist, not just those that we have most recently experienced. Many in the airline industry and some in government seem to believe that we should not prepare to counter anything but close-quarters combat by unarmed assailants. Such tunnel vision is foolhardy and leaves us pitifully unprepared for the various types of hijacking attempts that may well lie ahead.

Lastly, do we possess the will to do all that we can to avoid another catastrophe? I can tell you without equivocation that many pilots are willing and prepared to assume the responsibility for training and carrying a weapon. They are willing to do so as both a deterrent against hijacking attempts and as a means of preventing an attempt from becoming successful. The U.S. House of Representatives has demonstrated with its vote on H.R. 4635 that it is resolved to avoid another catastrophe. We believe that the Senate should also take such a stand, which will have a strong deterrent effect against future hijackings and help restore the confidence of the traveling public in aviation.

You may be interested to know that I am one of about a dozen pilots selected in the mid-1970's to be trained by the FBI to carry a firearm while performing my duties as a pilot. My airline's president and the FAA approved that carriage to protect against the hijackings that were prevalent then. From my personal experience, I can tell you that I did not particularly enjoy being armed during the 15 years that I carried a firearm—but it was a duty that I voluntarily undertook. The weapon was worn at all times, which is an inconvenience, and there was definitely an increased level of responsibility and restriction of my activity that went with being armed. However, I thought that it was necessary to be armed then, and I believe that it is even more necessary for qualified and properly trained pilots to be armed now. We could wish that our threat situation was such that it would be unnecessary for pilots to be armed, but the events of September 11th and the ongoing threat of further violence against airlines make it a necessity, in our view.

Misconceptions

There are many misconceptions about the provisions of S. 2554, although there are fewer now than when we first proposed the arming of pilots. It should be common knowledge, but in case it is not, we have never recommended arming all pilots or making the arming of pilots a condition of employment. Rather, the federal flight deck officer program requires that pilots:

- *Volunteer to participate.* Only pilots who volunteer to subject themselves to individual scrutiny, intense security training, proficiency testing, and the responsibility that goes with carrying a firearm would be allowed to enter the program. Having carried a firearm on the flight deck, I know the challenges that must be met in order to make this program work. Stated another way, however, I know from firsthand experience that arming pilots *can* work and that doing so in 2002 will merely build on what has been done successfully before.
- *Be selected for training only after meeting strict, federal qualification standards.* Each pilot who volunteers to become a federal flight deck officer would be professionally evaluated, like other federal law enforcement officer candidates, to determine aptitude for carrying and firing a weapon, exercising judgment, using lethal force against an attacker, and other abilities. We do not expect that everyone who desires to be armed will be armed, due to the need to meet the very highest law enforcement standards. However, many in our ranks are former military and law enforcement officers, or have other pertinent qualifications, and are quite familiar and experienced with firearms. Those individuals will make excellent candidates as federal flight deck officers.
- *Undergo training, provided by a federal law enforcement agency, specific to protecting the flight deck.* Candidates should be provided approximately 48 hours of comprehensive training on all subjects pertaining to defense of the flight deck. These would include lessons on the law, the continuum of force, firearms training from a seated position and at close range, tactics and other related topics. We have recommended setting the shooting proficiency standard at 100 percent, higher than any law enforcement officer is required to meet. Doing so will provide a very high confidence level by the TSA and the flying public that the federal flight deck officer is prepared to protect the flight deck in the safest manner possible.
- *Be deputized as federal officers with jurisdiction restricted to the flight deck.* Pilots would be given jurisdiction only to make arrests and take defensive actions for acts of interference with, or assault upon, the flight crew in the flight deck. Pilots will not be trained to nor tasked with discharging their weapon in the cabin.

Reasons to Protect the Flight Deck with Federal Flight Deck Officers

Reasonable people may disagree about the need for arming pilots to protect the flight deck, but we are convinced that very strong arguments can be made in favor of creating the federal flight deck officer program:

- *It would protect aviation's most important zone of defense—the flight deck.* The U.S. Secret Service provides protection to VIPs using what they refer to as zones of defense. A VIP is protected by the most concentrated forces within the innermost zone. The flight deck is the inner, and most important, zone of defense for aviation security. Security measures are needed to protect the outer zones, such as explosive detection equipment and better training, but they are not a substitute for protecting the inner zone. Ultimately, if a terrorist is able to penetrate other zones of defense and enter the flight deck, the pilots need the proper resource—in this case, a firearm—to respond forcefully and successfully to such a life-threatening emergency.
- *It may prevent the need for a U.S. fighter airplane to shoot down an airliner full of innocent passengers and crewmembers.* An illogical conundrum has been unintentionally created by the Administration's failure to act decisively to arm pilots. Pilots are not empowered to defend themselves against hijackers, but our own fighter aircraft, sometimes flown by military reserve airline pilots, will be dispatched to shoot down an airliner if hijackers gain control of it. We believe that our pilots should be provided the resources that they need to defend themselves against terrorists so that they and their passengers are at less risk of being shot down by our own military.
- *It will create a high level of deterrence.* Once terrorists learn that the U.S. has decided to begin arming pilots, commercial aviation becomes a much less inviting target, which is exactly what is needed. Even if only a fraction of the flights have one or more armed flight deck officers, terrorists will be unable to determine which ones are not protected. Ultimately, this deterrence will also reduce the likelihood that a pilot will ever need to fire a weapon while on the aircraft.
- *The program will be highly effective and efficient.* The flight deck officer program will not require the creation of a new, paid workforce. We can think of no other countermeasure against hijackings that comes close to the effectiveness and efficiency of using pilots to defend their own workplace. No one has a greater interest in doing so, and no one will take it more seriously.
- *Pilots are exceptionally well-suited for protecting the flight deck.* We believe that no one is more highly qualified for protecting the flight deck than pilots. Pilots are undoubtedly the most highly scrutinized employees in the work force, submitting to a battery of pre-employment evaluations, a flight physical every six months, random drug and alcohol testing, and a criminal history records check, among other formal examinations. Additionally, pilots are constantly interacting with and undergoing *de facto* monitoring by their airline's management, their peers, FAA personnel, and others.

Pilots' high level of discipline, attention to detail and ability to adhere to strict, standardized protocols lend very favorably to proficiency in safe, firearms handling. Furthermore, many pilots have former law enforcement or military backgrounds. We doubt that anyone is prepared to raise a reasonable concern about arming an airline pilot who formerly served as an FBI special agent or decorated special forces operative—these are the kinds of individuals who are prepared to serve as federal flight deck officers.

- *The public supports it.* Numerous polls of the general public have been taken to gauge support for arming pilots. Each of the polls that we have seen has indicated a high level of approval for letting pilots defend themselves in their workplace. This is in spite of the fact that the citizenry has little, if any, knowledge of the safeguards that will be built into this program. Returning the airline industry to strong profitability and growth depends on bringing passengers back to the airplanes. Passengers are unlikely to return to pre-September 11th traffic levels unless and until they are confident about security. The passengers will not gain that confidence until they see evidence that pilots express the view that they are well equipped to counter any hijacking attempt.

Rebuttals to Arguments Against Arming Pilots

It has been our experience that the more an individual knows about the federal flight deck officer program, the more likely they are to support it. We have found this to be true even within our own ranks. Those who are less familiar with the program have raised several arguments against arming pilots that deserve to be addressed. Following are a few of the more commonly raised arguments against a flight deck protection program, and our answers to them.

- *New cockpit doors make arming of pilots unnecessary.* The newly designed, enhanced-security doors that are required by the FAA are not yet installed on the

U.S. airline fleet, and that task will not be completed until at least April 2003. Neither the current cockpit doors (with interim measures in place to strengthen them) nor the new cockpit doors are impenetrable, and we are convinced that a team of trained terrorists could well decide to prove that point.

Furthermore, airliners will have only one hardened cockpit door—a door which must be opened during flight to enable the pilots to use the lavatory and gain access to the passenger cabin as required for other purposes. Any passageway into the cockpit, no matter how well fortified, still holds the potential of a threat to the flight deck.

- It is worth noting that the respected airline El Al uses *two doors* on all of its aircraft to protect the flight deck, along with a team of air marshals on each flight and an armed guard who protects an entrance zone in front of the door near the passengers. Per El Al procedures, the doors are never opened simultaneously to help ensure that unauthorized access to the flight deck is denied. While we strongly support the installation of a new, hardened flight deck door on U.S. aircraft as an additional layer of security, we should not fool ourselves into thinking that they are sufficient to protect the flight crew under all circumstances.
- *The cost of arming and training pilots is too high.* There is no question that there will be some expense associated with training pilots and equipping them with firearms. The program that we envision would require 48 hours of intensive training and recurrent proficiency training. However, from the research that we have done on this issue, the cost of training and equipping pilots to carry firearms is the most efficient and cost-effective measure that the airlines can take to guard against further hijackings, bar none. In fact, these costs will be a mere fraction of the billions proposed for other, less effective security enhancements. S. 2554 even proposes that the government pay the cost of training, which relieves the airlines from any cost concerns. Lastly, we must consider how many billions of dollars have been drained, and will be drained, from the national economy because airline pilots were not armed on September 11, 2001.
- *Airlines face liability if an armed pilot makes a mistake.* This concern is satisfactorily addressed in S. 2554 by pre-empting liability of the carriers and pilots for actions relating to protection of the flight deck.
- *Pilots are too busy flying the aircraft to use a gun.* Pilots are trained to do numerous tasks simultaneously—individuals who cannot do so are unable to become airline pilots. One of the tasks that they must be prepared to perform is using fire extinguishers if a fire breaks out in the cockpit, regardless of other pressing duties. A suggestion that pilots should ignore the fire and continue to fly the aircraft would be ludicrous; yet some have suggested that pilots should ignore terrorists breaking into the cockpit and continue to fly the aircraft. To be blunt, it is very difficult to fly an airplane when someone is actively trying to kill you, and impossible if they are successful.
- *An accidental discharge could damage the aircraft and/or injure someone.* This country made a decision approximately 40 years ago that use of firearms by airborne federal officers was necessary to protect against hijackings. Some of the arguments that have been raised against arming pilots must, to be consistent, also be raised against armed Federal Air Marshals (FAMs), namely: bullets could pierce the fuselage and cause rapid decompression; an accidental discharge could injure or kill someone; or, an aircraft system could be damaged by gunfire. We have, rightly so, made a decision to accept those potential outcomes as manageable risks because there is a need for an armed law enforcement presence onboard the aircraft. No one has more knowledge of what can happen on the aircraft, nor will anyone be more conscientious about using a firearm onboard, than the pilot.

Further, contrary to Hollywood movie depictions of aircraft exploding in midair as a result of the discharge of a firearm in the cabin, virtually no danger exists that multiple gunshots could cause rapid decompression of a transport-category aircraft. The shooting proficiency that we recommend for the flight deck officer program exceeds that of federal law enforcement agents in order to minimize the possibility of a stray round hitting an innocent passenger or crewmember. If a weapon did cause rapid decompression during a struggle for control of the aircraft, that event would pale in comparison to the plane crashing into a building and killing all on board.

- *Federal Air Marshals (FAMs) on airliners make arming pilots unnecessary.* ALPA has historically been a strong supporter of the FAM program, and we envision the flight deck officer program as an extension of the FAMs. However,

the number of FAMs is limited and will certainly never be sufficient to provide protection on each flight. Furthermore, a large band of terrorists could overpower the FAM team—difficult though that might be—and turn its attention to the flight deck, using the FAMs' weapons. Ultimately, the flight crew must be able to defend the cockpit regardless of what other resources may be in the cabin.

- *We need to keep guns out of airplanes.* Incredibly, even a former high-ranking transportation official recently expressed this view on television. The truth is that law enforcement officers carry many weapons on our airplanes every day of the year with very few problems. Furthermore, a significant percentage of our members are former military and/or law enforcement officers who have defended this country and its neighborhoods using firearms. To suggest that these brave men and women should not be entrusted with lethal means to defend the flight deck against a lethal threat is, intentional or not, highly insulting to them. The argument to keep guns out of airplanes is also nullified by our nation's decision to place armed FAMs on flights, as we have already said. To reiterate another previous point, the debate about arming pilots is really one about arming sworn federal officers who are responsible for flying the aircraft.
- *No more terrorist attacks like those experienced on September 11th will occur.* This sentiment is merely wishful thinking and cannot be substantiated. In fact, the intelligence community and the TSA strongly indicate that the threat to aviation is still very high.

Federal Flight Deck Officer Program Specifics

S. 2554 recognizes that an evaluation of the specifics of this program is needed, to include selection of the best alternative from several feasible options in the areas of selection and training, tactics, and weapon carriage and stowage. In anticipation of the program's development, we would like to offer some preliminary recommendations on these issues, some of which are addressed in the pending bill.

Selection and Training

- In concert with ALPA's One Level of Security goal, the program should be available to every commercial airline pilot, regardless of the size of the aircraft or whether it carries passengers or cargo. No arbitrary limits should be placed on the number of pilots allowed to fly armed.
- Weapon custody policy should be designed to be as practical as possible, while accomplishing the goal of effective lethal force cockpit protection.
- Pilots volunteering for the program should be chosen in a manner similar to that used to select any federal law enforcement officer, including suitability for application of lethal force.
- Training should include instruction on basic safety, weapon maintenance, retention, liability, force continuum and other appropriate subject matter, as is provided to federal law enforcement agents.
- Training should be limited to the scope of protecting the flight deck.
- The live-fire portion of training should be designed for the surgical application of lethal force at distances appropriate to protecting the flight deck.
- Flight deck-specific Fire Arms Training Scenarios (FATS) should be created to provide virtual shoot/no-shoot exercises to help teach the student judgment concerning use of the weapon.
- Simunitions (i.e., high-tech paint balls shot from a firearm) training, which is used by the FAM program, should be provided for live "perpetrator" assaults in a cockpit simulator using modified versions of the officer's actual firearm. This realism would be an excellent tool for building confidence and teaching judgment.
- All training required by the program can be accomplished in a week, with approximately 48 hours of instruction. A longer program will pose increased scheduling difficulties for the pilots and airlines involved.
- The firearm should be individually issued and available for training and proficiency. Pilots will be encouraged to maintain proficiency on their own time. Shooting proficiency re-qualification should be conducted at least annually, but semi-annually or more frequently is preferred.
- The care of the firearm should be the responsibility of the individual, with the exception of parts replacement and other periodic armory maintenance.

Tactics

- The firearm is viewed as an additional, essential piece of emergency equipment. The pilot should be trained to a demonstrated level of proficiency.
- The firearm will be deployed in the same fashion as any other piece of emergency equipment. In accordance with standard operating procedures, the pilot not flying (PNF) will be responsible for responding to a terrorist attack and the pilot flying (PF) will fly the aircraft.
- The firearm will be used exclusively to defend the flight deck.
- Training will include different types of tactical responses, to reflect the types of assaults that may be encountered.
- Lethal force will be used with surgical precision against assailants who are at very close range. Multiple assailants wearing some type of body armor will be expected and tactics appropriate to defend against such individuals will be deployed.

Weapon Carriage and Stowage

- There are many types of holsters and other retention devices available, depending on the selected tactical approach. The chest pack appears to be a practical solution for rapid deployment and comfort. There is an accommodation for an additional magazine in this device.
- The standard method of weapon custody by law enforcement agencies calls for the individual to carry the weapon on his person at all times. This may not be the most practical approach for pilots, considering the limited scope of flight deck protection and the implication of carrying the weapon frequently while deadheading. ALPA has suggested that firearms could be stored on the aircraft, in airline flight operations areas or carried at all times. Airlines, with pilot input, should determine what type of weapon carriage works best for their operation. This may be dependent on the type of aircraft flown and other variables.
- FAMs use a locked box to store their weapons while laying over on international flights. Such a storage paradigm may be useful for airline pilots, who already store their flight bags in operations facilities at overnight airports.
- Protection against accidental discharges (ADs) is a primary consideration and must be kept foremost in mind for purposes of training, weapon selection and stowage decisions.
- Most ADs occur when the status of the weapon is checked or changed, primarily when loading and unloading. Maintaining the weapon in operational status has historically proven to be the safest option.
- The firearm should be available for practice and proficiency training for the pilot.
- There are several options available to address the challenges inherent in weapon carriage. There are devices that render the weapon into non-gun status, plus locks and containers designed to limit access to them by unauthorized persons.
- International operations require separate considerations. Some or all of these may be solved by means of bilateral agreements currently in place and used by FAMs.

Access Control and Identity Verification Systems

ALPA has been promoting the need for positive, electronic verification of identity and electronic airport access control systems since 1987—shortly after the downing of PSA flight 1771 by an armed, disgruntled, former airline employee. This mass murder, which bore similarities to the hijackings of September 11th, was attributable in large measure to identity-verification inadequacies that have yet to be addressed 14 years later.

At ALPA's urging, the FAA required approximately 200 of the largest commercial airports to install computerized access control systems in the late 1980's and early 1990's. However, in spite of the entire aviation industry's arguments to the contrary, the agency failed to (1) create a detailed set of performance standards for use by the airport operator community and (2) provide for the access control and identification needs of the transient airline employee population. As confirmed by the GAO in a 1995 report, this mismanagement was, and still is, expensive for the airports and airlines—the initial estimate of about $170 million for access controls actually rose to more than $600 million, and the figures continue to climb. There are also numerous costs that are difficult or impossible to compute stemming from the inefficiencies related to transient airline employee's lack of access at airports.

In the mid-1990's, the FAA, at ALPA's urging and with congressional funding, conducted a test of what came to be called the Universal Access System (UAS). Two million taxpayer dollars were spent on those tests involving two major airlines and four large airports. For all practical purposes, those funds were wasted. Although the FAA completed successful tests of the UAS and standards were finalized for the system in 1998, there was no implementation by any airline of the system, per stated congressional intent. This failure came as a result of an FAA policy to leave UAS implementation to the sole discretion of the carriers.

Although magnetic stripe technology was used as the basis for UAS tests, there are now several advanced, mature technologies that could be used to positively identify authorized personnel. FAA last year completed a study of a smart card-based system for identifying armed law enforcement officers. The Department of Transportation (DOT) has begun the development of a multi-modal Transportation Worker Identification Card (TWIC) system that is also based on the smart card.

Smart card technology is much more secure than magnetic stripe technology and has the additional capability of storing an extensive amount of data that can be used for both security and other types of uses. We have identified a number of applications for these cards within a UAS or TWIC system, including:

Armed Law Enforcement Officer (LEO) identity verification. It is very disturbing that the TSA has failed to implement a system for positively verifying the identity of armed LEO's who travel on commercial aircraft. Because of this failure, it is impossible to know with confidence that each person who brings a firearm onto our aircraft are actually employed as a police officer, Federal Air Marshal or federal agent. News reports indicate that Al Qaeda has a copy of the GAO's 2000 report on access control deficiencies at federal office buildings and airports, so they are aware of our system's weakness in this regard. A smart card system, or its equivalent, is needed to address this ongoing hazard.

Electronic manifest and positive passenger-bag match. Smart cards could also be used effectively to create an electronic manifest for each flight. The card would be presented by the traveler at the ticket counter, at which time flight and baggage data for a particular flight would be recorded on the card. The card would then be read at the gate as the passenger boards to create a highly accurate manifest and log a passenger onto the airplane.

This information could also be used in connection with a positive passenger-bag match system to, among other things, (1) positively identify each person and bag on the aircraft (2) reduce the potential of boarding someone who has not been through screening (3) create a strong deterrence against fraudulent ticketing, and (4) quickly identify a bag(s) that must be removed in the event that its owner does not board the flight.

Federal employee access control and identity verification. The President's budget for FY 1998 called for adoption of ". . . smart card technology so that, ultimately, every Federal employee will be able to use one card for a wide range of purposes, including travel, small purchases, and building access." The General Services Administration has facilitated significant progress toward that goal for federal agency facilities. However, airports should also be equipped to enable smart card access by the tens of thousands of new federal employees of the TSA, current FAA and NTSB inspectors, and others.

Positive access control for all employees who work at the airport, not just non-transients. Airline pilots and other transient employees currently rely on a very non-secure method of moving around airports, which creates the potential for security breaches. Specifically, they request airport-based, company employees to open doors for them as a courtesy based on their possession of an airline ID card. As we know, ID cards and uniforms can be fraudulently used to gain access, which underscores the need for electronic verification.

Positive verification of identity at the screening checkpoint to enable transient employees to be processed more quickly. Airline passengers are enduring long lines at the security screening checkpoint. These lines are made longer by the screening of pilots, flight attendants and other individuals in positions of trust, who are often screened several times a day. The lack of equipment for positively identifying these individuals wastes limited screening resources and further inconveniences the traveling public.

Identity verification of jumpseat riders. Use of the flight deck jumpseat by commuting pilots is an absolute necessity in today's airline environment. Unfortunately, that privilege has been severely curtailed since shortly after the terrorist attacks because there is no way to positively verify the jumpseat requester's identity and employment status.

A platform for digital pilot licenses and medical information. Consistent with a provision in the Aviation and Transportation Security Act of 2001, we recommend that the UAS/TWIC card also be used by the FAA for containing a pilot's license and medical information. ALPA is working with FAA Flight Standards on this concept. Smart cards have more than sufficient memory for this purpose and others that the airlines may develop.

This past March, eight of the major aviation organizations, including ALPA, wrote to the Director of the Office of Homeland Security and the Under Secretary for Transportation Security to recommend action on the TWIC program, which is languishing. Specifically, we recommended the establishment of an independent, not-for-profit organization of stakeholders—TSA, OHS, other government agencies, airports, airlines, labor, equipment manufacturers, system integrators, et al.—which would be tasked with the development and testing of all necessary specifications, rules and principles, subject to final approval by the government. This concept is analogous to the coordinated entities which created the banking industry's ATM card system and the ongoing efforts of the non-profit RTCA to develop specifications minimum operating standards for commercial aircraft avionics.

No response has been received to this letter to date, but we are convinced that our recommendation to create a standards organization is a very valid one. We are greatly concerned that the TSA's current direction on TWIC will produce a massive government system that will be very cumbersome, expensive and unresponsive to aviation's needs. We strongly solicit the Committee's support in our endeavor to create a policy and technical standards organization for the TWIC.

Cargo Security

A few years ago, ALPA embarked on a successful campaign to achieve One Level of Safety for all commercial airlines. We are currently promoting a similar objective, One Level of Security, to obtain an equivalent security environment for all commercial operators, regardless of the size of aircraft they fly or whether they transport passengers or cargo. The Aviation and Transportation Security Act's provisions were mainly directed toward passenger operators, however, we believe that additional consideration needs to be given to cargo operators. The TSA has noted that "the events of September 11, 2001, demonstrate the ability to use aircraft to endanger persons on the ground. An aircraft so used is just as dangerous whether it holds cargo or passengers."

We believe that serious security vulnerabilities exist in the cargo sector of the transportation system. The TSA recently required all-cargo operators to adopt a security program, which is a step in the right direction. However, those operators who had maintained a voluntary security program under FAA oversight were "grandfathered" into a "limited" security program which provides the lowest level of security cited in the regulations. Conspicuously absent in the limited security program for cargo operators is any kind of requirement governing acceptance and screening of cargo, as an example.

Some of our other primary concerns that are specific to cargo security include:

Captain's authority. Some cargo operators allow their employees to ride in seats located outside the flight deck as a means of saving money on airfares, and as an employee benefit. The management of one large cargo airline is currently challenging the captain's authority to determine whether employees may be prohibited from carriage on his airplane due to security concerns.

Carriage of employees and other personnel. Related to the issue of captain's authority, cargo airlines may carry non-employees in the back of the aircraft to perform certain duties. An example of such non-employees would be animal handlers, who may board the aircraft with firearms, large hypodermic needles and other items that could conceivably be used against the flight crew. Some carriers' procedures call for the captain to leave the door unlocked (on those aircraft that have doors installed) when a flight crewmember leaves the flight deck to visit the lavatory or galley. There are frequently no known, trusted individuals onboard the aircraft to assist the flight crew by securing the door in such cases.

Security Identification Display Area. The airport operators, in consultation with passenger airlines and with the approval of the TSA, creates SIDA boundaries inside of which everyone is required to wear an identification badge and be subject to challenge if such badge is not visible. Cargo operations are not normally included within the SIDA, unless they happen to be conducted inside of passenger airline operational areas. Access to these aircraft on isolated parts of the airport is easily accomplished— reports from our pilots indicate that security monitoring, surveillance and screening procedures around cargo aircraft are minimal at best. This creates the potential for terrorist sabotage, hijackings, and other types of security violations.

Cargo screening. There is no requirement for items carried aboard cargo airliners to be screened—these operators implement the "known shipper" concept instead. This fact gives rise to the potential for numerous ways in which security may be breached, which includes the carriage of explosive devices. One scenario that we have envisioned is for terrorists hidden in a container to be boarded on a cargo aircraft, without knowledge of the crew. Another problem is that screening is not conducted for chemical or biological agents, like anthrax. We are aware of a shipment of a radioactive substance from Sweden to Louisiana earlier this year that emitted radiation through its container at very dangerous levels.

While we recognize the financial and logistical implications of screening all cargo, there is surely a reasonable and practical approach to enhancing this area of security that can be applied to begin improving the status quo. Cargo operators that rely heavily on a "known shipper" concept as a single prevention and deterrence strategy ignore the fact that such a system may be compromised by fraudulently obtaining a bona fide customer account number.

Accordingly, we offer our support for S. 2656, a pending bill that would require the TSA to develop and submit a detailed plan on cargo security. We recommend that this bill include a provision for consultation with pilots and others who have direct knowledge of cargo-related security needs in the development of this plan. We also support S. 2668, another pending bill that addresses the security of cargo carried by passenger and all-cargo operators.

Pending Senate Bills

Following are some brief comments on several pending bills before this Committee.

S. 1980, Training program for all airline personnel responsible for checking passenger identification, and for other purposes—We wholeheartedly endorse the concept of positive verification of passenger's identification. However, there are so many forms of identification, and so many ways to easily create fraudulent credentials, that we believe that it is practically impossible to create a training system that will produce the kinds of results that are desired. A trusted traveler program, whereby an individual voluntarily submits to background checks and identity verification, is an alternative concept for this same objective and it is being pursued by numerous airlines.

We also endorse the concept of using biometrics for identifying passengers, but we believe that such technology should first be used for employees, as they have much greater access to secured areas than do passengers.

S. 2497, To prohibit the opening of cockpit doors in flight—In order to comply with various federal aviation regulations, and meet physiological needs, it is necessary for flight crews to open cockpit doors while in flight. The bill's provision for a mantrap, therefore, is certainly one that ALPA supports in order to enhance flight deck security and the security of flight crewmembers.

S. 2554, Arming Pilots Against Terrorism and Cabin Defense Act of 2002. As discussed previously, ALPA fully supports this bill and urges the Committee to ensure its passage by the full Senate.

S. 2642, Background checks of alien flight school applicants. We support the intent of this bill to require background checks for alien student pilots.

S. 2656, Cargo security. We support the intent of this bill, as noted previously, and recommend the inclusion of a requirement for the TSA to consult with affected pilot organizations in the development of the security plan required in this bill.

S. 2668, Air cargo security act. ALPA supports the intent of this bill, as noted previously.

S. 2686, Airport employee whistleblower protection. We endorse the broadening of whistleblower protection to cover certain additional classes of employers, including the federal government, of security screeners.

Thank you for the opportunity to present this testimony. I would be pleased to respond to any questions that you may have.

The CHAIRMAN. Thank you very much.

Mr. Coy?

STATEMENT OF CRAIG P. COY, CHIEF EXECUTIVE OFFICER, MASSACHUSETTS PORT AUTHORITY

Mr. COY. Yes, sir.

Chairman Hollings and Members of the Committee, for the record, my name is Craig P. Coy, chief executive officer of the Mas-

sachusetts Port Authority, owner and operator of Boston's Logan International Airport.

The Transportation and Aviation Security Act, which you passed last November, represents an extraordinary commitment by this nation to the safety and security of everyone who travels. In its scope and urgency, this new act, with its historic mandate to screen every piece of baggage that goes on a commercial airliner, belongs with those other celebrated actions America has taken in our past when foreign attacks have forced this nation to mobilize quickly for war.

As the new head of MassPort and Logan Airport, I took this mandate for one-hundred percent baggage screening as a rallying cry. It represents a stretch goal around which all of our employees and the citizens of Boston can identify and point to achieving with pride. Every airport is unique with it's own set of circumstances. The MassPort board of directors and I believed, in no uncertain terms, that we would lead the way.

And since I assumed this position at the Massachusetts Port Authority about four months ago, my top priority has been to make sure we are doing everything we can to work with the TSA to encourage them to make—meet all of their mandates, including the one-hundred percent baggage-screening program.

My analogy is that TSA was handed the ball on the baggage screening. They've pitched the ball to us, and we've hit a long shot to center field. We're running hard to first base. It's a long way to home plate, and we're not yet sure we'll get there to score the winning run. However, there's one thing I know. In sports, in life, or in public policy, we will never succeed unless we try.

This security precaution is long overdue, and the designing and building a system to screen more than a billion pieces of luggage that fly domestically every year is an enormous challenge for this nation. I knew Logan would never have a chance to make this deadline unless we committed one-hundred percent to the effort. We put our best people on the project, and we hired the very best consultants from around the world, the same consultants, in fact, as those hired by the TSA.

Because of the role Logan played on the attacks on September 11th, MassPort has been very aggressive on this project. So rather than back away from the challenge, we asked the TSA to accelerate our plans instead. We were polite, we were professional, but we were persistent. We worked closely with the TSA, early and often, maybe earlier and more often than they really appreciated. We called them on their cell phones and at home. We made numerous trips to Washington to present our plan. When there wasn't a conference room available, we rented one at a nearby hotel. And on June 14th, Logan became the first major airport in the country to receive federal approval for a baggage screening plan.

I can't say enough about the help we received from Senator Kerry, Senator Kennedy, and the entire Massachusetts congressional delegation in moving this project forward. I also want to say that the cooperation MassPort has received from the TSA in our joint efforts to make sure Logan meets this important deadline has been outstanding, and it will only get stronger with my friend, Jim Loy, at the helm.

George Nacara, the TSA security director for Logan, is onboard, and our staffs could not be working more closely together. Last week, we met together with two Massachusetts firms that manufacture the screening equipment to impress upon them the urgency of stepping up production. As local Massachusetts companies, we are glad to have them as part of our team, and they have assured us that they are fully committed to making Logan's effort a success.

Once we got the go-ahead from TSA, we have pulled out all the stops to have an in-line hold baggage screening system at all our active terminals by December 31st. Because of Logan's severe land constraints, high passenger volume, and the advanced age of our facilities, it is arguably more difficult to build these screening facilities at Logan than any airport in the country.

What helped immensely was the comprehensive, complex computer model that we used at the outset of the project that allowed us to see how different baggage screening systems would interact with the rest of the airport. Right from the start, we were able to rule out the interim lobby solution because our computer model showed us we simply didn't have the room.

We've also been able to design our facilities so they're flexible enough to accommodate new systems as they evolve. During peak times, Logan handles up to 5,000 pieces of luggage an hour. As designed, the in-line baggage screening system will accommodate both present and future capacity without delays at the check-in lines.

On July 11th, just three weeks after getting TSA approval, MassPort broke ground on a project that includes the renovation of 11 bag rooms, major building additions at seven locations, and the construction of five new substations to handle the electric load.

Accelerated construction like this at an airport like ours must be choreographed to perfection. To get the work done, we are busing workers to secure areas, prefabricating sections offsite, pre-purchasing materials, and performing other amazing feats of engineering magic. My motto has always been, "Every person counts. Every act counts." But on this project, the motto is, "Every minute counts," because we none to spare. For the most part, we will be running double shifts six days a week and, at times, working around the clock all week long.

Another important benefit was the waiver we received from the State on certain public procurement laws, which was supported from Governor Swift on down. It paired the normal two- or three-month bidding process down just to ten days, and we're still doing competitive bids. Contractors bring a signed copy of our proposed contract to the bid opening. And if they are the low bidder, our construction manager signs the contract right on the spot and they can start that day. In public construction, this is unheard of.

Being first is a double-edged sword. There were no rules to slow us down, which is a good thing; but neither are there guidelines to help steer the way. And the schedule for completing this monumental task leaves no room for error. Over the next five months, MassPort will remain vigilant and focused, because any slippage in the project can push the completion date beyond the new year.

Progress on the whole baggage screening is just one of a number of security firsts for MassPort. Again, because a group of evil men stole two airplanes from Logan Airport on September 11th with 177 innocent people onboard, MassPort feels a special obligation to be a national leader for airport security as well as port security for our maritime facilities.

For the past several months, we've been working with the TSA as one of 15 airports to establish security procedures and protocols for all 439 commercial airports in this country. Logan has also volunteered as a test site for the development of promising new security technologies, including the first-in-the-nation facial-recognition program, handheld wireless devices that let security personnel access the National Crime Information Center while walking the beat, as well as technology that can detect fake passports and other bogus identification.

MassPort is aggressively pursing these programs along with the hundred percent baggage screening program. We are committed to providing our passengers with the best possible security as quickly as possible.

We have opened up our wallet, and we've spent a lot of money to do the job right and to do it fast. Six days after getting TSA approval for the baggage screening plan, and with no written guarantee of federal reimbursement, MassPort committed $100 million to complete the project. I do not want to understate the enormous financial strain this unfunded federal mandate puts on MassPort and all airports seriously impacted by the attacks on September 11th. We will continue to seek financial support for these federal mandates, but are prepared to act now.

Already September 11th has forced MassPort to cut $51 million from our programs, layoff 15 percent of our workforce, and in the midst of our most aggressive program—building program in history, delay more than 37 percent of our capital projects. Nevertheless, we believe strongly in the promises made by this nation to the flying public when you passed and the President signed the Transportation and Aviation Security Act. We also fully support the new federal mandate to inspect every piece of luggage that flies out of our airport.

MassPort has now stepped forward. It's done its part to help the federal government meet this mandate. Critically important to the continued success of this historic effort to protect the safety and security of the people who use America's airport is the assurance, which all airports need, that the federal government's commitment remains just as strong.

Thank you for the honor and the privilege to be here, and I will be happy to take your questions, sir.

[The prepared statement of Mr. Coy follow:]

PREPARED STATEMENT OF CRAIG P. COY, CHIEF EXECUTIVE OFFICER, MASSACHUSETTS PORT AUTHORITY

Chairman Hollings and Members of the Committee.

For the record my name is Craig P. Coy, Chief Executive Officer of the Massachusetts Port Authority, owner and operator of Boston's Logan International Airport.

The Transportation and Aviation Security Act which you passed last November represents an extraordinary commitment by this nation to the safety and security of everyone who travels.

In its scope and urgency, this new act—with its historic mandate to screen every piece of baggage that goes on a commercial airliner—belongs with those other celebrated actions America has taken in our past when foreign attacks have forced this nation to mobilize quickly for war.

As the new head of Massport and Logan Airport, I took this new mandate for 100 percent baggage screening as a rallying cry. It represents a stretch goal around which all of our employees and the citizens of Boston can identify and point to achieving with pride. Every airport is unique, with its own set of circumstances. The Massport Board of Directors and I believed in no uncertain terms that we would lead the way.

Since coming to the Massachusetts Port Authority about three months ago my top priority has been to make sure we are doing everything we can to work with the TSA to encourage them to meet all their mandates—including the 100 percent baggage screening program.

My analogy is that TSA was handed the ball on baggage screening. They've pitched the ball to us and we've hit a long shot to centerfield. We're running hard to first base. It's a long way to home plate and we're not yet sure we'll get there to score the winning run. However, there is one thing I know: in sports, in life, or in public policy, we will never succeed unless we try.

This security precaution is long overdue, and designing and building a system to screen more than a billion pieces of luggage that fly domestically every year is an enormous challenge for this nation.

I knew Logan would never have a chance to make this deadline unless we committed 100 percent to the effort. We put our best people on the project and hired the very best consultants from around the world—the same consultants, in fact, as those hired by the TSA.

Because of the role that Logan played on the attacks on September 11 Massport has been very aggressive about this project. So, rather than back away from this challenge, we asked the TSA to accelerate our plans instead.

We were professional and polite—but persistent. We worked closely with the TSA, early and often—maybe earlier and more often than they really appreciated. We called them on cell phones and at home.

We made numerous trips to Washington to present our plan. When there wasn't a conference room available, we rented one in a nearby hotel.

And on June 14, Logan became the first major airport in the country to receive federal approval for a hold baggage screening plan.

I can't say enough about the help that we received from Senator Kerry, Senator Kennedy, and the entire Massachusetts Congressional Delegation in moving this project forward. I also want to say, that the cooperation Massport has received from the TSA, in our joint efforts to make sure Logan meets this important deadline, has been outstanding.

George Naccara, the TSA security director for Logan, is on board and our staffs could not be working more closely together. Last week, we met together with two Massachusetts firms that manufacture screening equipment to impress upon them the urgency of stepping up production. As local Massachusetts companies, we are glad to have them as part of our team, and they have assured us they are fully committed to making Logan's effort a success.

Once we got the go-ahead from the TSA, we have pulled out all the stops to have an inline Hold Baggage Screening system at all our active terminals by December 31.

Because of Logan's severe land constraints, high passenger volume, and the advanced age of our facilities, it is arguably more difficult to build these screening facilities at Logan than at any other airport in the country.

What helped immensely was the comprehensive, complex computer model we used at the outset of the project that allowed us to see how different baggage screening systems would interact with the rest of the airport.

Right from the start we were able to rule out an interim, lobby solution because our computer models showed us we simply didn't have the room. We have also been able to design our facilities so they are flexible enough to accommodate new systems as they evolve. During peak times, Logan handles up to 5,000 pieces of luggage an hour. As designed, the inline bag screening system will accommodate both present and future capacity without delays at the check-in lines.

On July 11, just three weeks after getting TSA approved, Massport broke ground on a project that includes the renovation of approximately eleven bag rooms, major building additions at approximately seven locations, and the construction of five new substations to handle the electrical load.

Accelerated construction like this, at an airport like ours, must be choreographed to perfection. To get the work done we are busing workers to secure areas, prefabri-

cating sections offsite, pre-purchasing materials, and performing other amazing feats of engineering magic.

My motto has always been, every person counts, every act counts. But on this project the motto is: every minute counts, because we have none to spare. For the most part we will be running double shifts six days a week, and at times working around the clock all week-long.

Another important benefit was the waiver we received from the state from certain public procurement laws, which was supported from the Governor on down. It pared the normal two to three month bidding process down to just ten days. And we are still doing competitive bids.

Contractors bring a signed copy of our proposed contract to the bid opening, and if they are the low bidder, our construction manager signs the contract right on the spot so they can start that day. In public construction, this us unheard of.

Being first is a double edge sword. There are no rules to slow us down, which is a good thing. But neither are there guidelines to help steer the way. And the schedule for completing this monumental task leaves no room for error. Over the next five months Massport will remain vigilant and focused because any slippage in the project can push the completion date beyond the new year.

Progress on hold baggage screening is just one of a number of security firsts for Massport. Again, because a group of evil men stole two airplanes from Logan Airport on September 11 with 177 innocent people on board, Massport feels a special obligation to be a national leader for airport security, as well as port security at our maritime facilities.

For the past several months, we have been working with the TSA as one of 15 airports helping to establish security procedures and protocols for all 439 commercial airports in this country.

Logan has also volunteered as a test site for the development of promising new security technologies, including a first-in-the-nation facial recognition program, hand-held wireless devices that let security personnel access the National Crime Information Center while walking the beat, as well as technology that can detect fake passports or other bogus identification.

Massport is aggressively pursuing these programs along with 100 percent hold baggage screening. We are committed to providing our passengers with the best possible security, as quickly as possible. We have opened our wallet and spent a lot of money to do the job right and do it fast. Six days after getting TSA approval for the baggage screening plan, and with no written guarantee of federal reimbursement, Massport committed $100 million to complete the project.

But I do not want to understate the enormous financial strain that this unfunded federal mandate puts on Massport, and all airports, seriously impacted by the attacks on September 11. We will continue to seek financial support for these federal mandates, but are prepared to act now.

Already, September 11 has forced Massport to cut $51 million from our programs, lay-off 15 percent of our workforce, and, in the midst of our most aggressive building program in history, delay more than 37 percent of our capital projects.

Nevertheless, we believe strongly in the promises made by this nation to the flying public when you passed, and the President signed, the Transportation and Aviation Security Act, We also fully support the new federal mandate to inspect every piece of luggage that flies out of our airport.

Massport has stepped forward and done its part to help the federal government meet this mandate. Critically important to the continued success of this historic effort to protect the safety and security of the people who use America's airports is the assurance, which all airports need, that the federal government's commitment remains just as strong.

Thank you and I will be happy to take questions.

The CHAIRMAN. Thank you.

Mr. Stephens?

STATEMENT OF RICHARD D. STEPHENS, VICE PRESIDENT AND GENERAL MANAGER, THE BOEING COMPANY, HOMELAND SECURITY AND SERVICES

Mr. STEPHENS. Chairman Hollings and Members of the Committee, I am Rick Stephens, vice president and general manager of the Boeing Company's Homeland Security and Services Business. I'm pleased to have the opportunity to present a status of our

team's work to deploy checked-bag screening equipment to American airports.

The Boeing Company, its partner, Siemens, and our supplier team understand very clearly that this is a national priority. Success in completing this program will help strengthen security in our transportation and support growth in both air travel and our national economy.

Boeing was awarded the contract to install the explosive detection systems and train baggage-screen employees on June 7th, 49 days ago. The task requires airport studies of passenger movement, architectural designs, structural changes, and the coordinated supply of 1100 EDS machines and approximately 4600 explosive freight detecting devices. Following completion of deployment tasks, the contract includes five one-year options for support and continuous evaluation of improvement.

Our team was in motion within hours following contract award, responding to TSA planning and organizational requests. One of our first actions was deploying survey teams to 66 airports on July 1st. Deployment has continued throughout July. As of today, 153 airports have been or are being surveyed for data such as passenger and baggage characteristics, existing physical and operational conditions, and airport information such as terminal area development plans, local building codes, airline plans for operational areas, and preferences for future operations. All designated U.S. airports will have received site-assessment survey teams by August 21st.

Let me please describe our approach. We are collaborating with airports, airlines, federal security directors, and other TSA officials to develop effective checked-baggage screening solutions for individual airports for implementation by the end of the year. The challenge is not simply meeting a deadline; it is providing the most secure and efficient checked-baggage screening solutions within the time constraints established by Congress.

A one-size-fits-all configuration for all airports is clearly inappropriate. When you have seen one airport or when you have not seen—you've only seen one airport. Each airport terminal has different characteristics that will drive the most appropriate solution.

A single approach for all airport terminals would result in higher implementation costs and decreased levels of customer service. The best way to avoid this outcome is for the Boeing team to work closely with the airports and airlines throughout the process. The first step in our approach is to send out a site assessment team to meet with airport and airline officials and other key stakeholders. The primary goal of the site assessment team is to establish an EDS/ETD concept plan that can be implemented by December 31st, 2002, and is acceptable to the airlines, the airports, and the TSA.

Following the site assessment, design survey teams then deploy to the airport to evaluate the design and construction requirements. These teams will also meet with airport and airline officials and other key stakeholders. Our data collection is continuing. Analysis and assessments are underway and will continue for some weeks yet.

Conditions, characteristics, and expectations at airports have varied widely. I will try and generalize findings so far. First, 160

days are left to complete the task by December 31st, 2002; 150 assessment teams have been mobilized; 153 assessments are underway or completed. In addition, 33 airport assessment site visits have been initiated this week.

Of the site-assessment tasks scheduled to have occurred to this date, we have been delayed by one week or more in 18 tasks due to weather and other factors. In order to maintain schedule, 20 tasks have been accelerated, and we expect to be back on schedule for the delayed tasks in the first week of August.

The airlines have been eager to engage in the process. And Boeing and TSA are engaging them and their representatives through existing relationships and airline associations. Boeing and our contractor team are completely committed to the successful execution of our contract and to respond to the needs of TSA, the Congress, and the American people.

Let me conclude on a more personal note. We, at the Boeing Company, were deeply affected by the use of our products as weapons of terror on September 11th. We realize the importance of air travel security to our national security and to our country's economic health. Boeing appreciates the significant challenges ahead in equipment delivery, airport facilities modification, and the implementation of full baggage screening procedures. However, the safety of the American public and the health of the airline industry demand that we press forward with this task. We look forward to working together with all stakeholders as we continue to do our work for the American public.

Thank you, Mr. Chairman, and I look forward to responding to your questions.

[The prepared statement of Mr. Stephens follows:]

PREPARED STATEMENT OF RICHARD D. STEPHENS, VICE PRESIDENT AND GENERAL MANAGER, THE BOEING COMPANY, HOMELAND SECURITY AND SERVICES

Chairman Hollings, Ranking Member McCain, and members of the Committee, I am Rick Stephens, Vice President and General Manager of The Boeing Company's Homeland Security and Services business. I am appearing before you today in my capacity as the executive responsible for the airport checked baggage Explosives Detection System (EDS) and Explosives Trace Detection (ETD) equipment deployment contractor team led by Boeing.

I am pleased to have this opportunity to present a status of our team's surveys and preparations to deploy checked baggage screening equipment to American airports. The Boeing Company, its' partner Siemens and supplier team understand very clearly that this is a national priority. Success in completing this program will help strengthen security in air transportation, and support growth in both air travel and our national economy. Boeing was awarded the contract by the Department of Transportation on June 7, 2002 to install explosives detection systems for screening checked baggage at all U.S. airports with scheduled commercial service by December 31, 2002.

The contract, managed by the Transportation Security Administration (TSA), also calls for the training of baggage screening employees. This task requires airport studies of passenger movement, architectural designs, structural changes, and the coordinated supply of 1,100 explosives detection system (EDS) machines and approximately 4600 explosives trace detection (ETD) devices. Following completion of the deployment task the contract includes five, one year options for support and continuous improvement.

The Boeing team includes the Siemens Corporation, a world leader in baggage handling systems and computed tomography technology; The Preston Group, a Boeing subsidiary, and TransSolutions, both providing aviation infrastructure simulation and modeling; CAGE Inc., which develops cost-effective designs and operational policies for airports; Flight Safety Boeing, AIS, and TMG for training delivery sys-

tems; Turner Construction, supported by Hanscomb, will manage airport site preparation; and aviation industry architectural and engineering firms Leo A. Daly, Corgan Associates and DMJM Aviation.

Our contractor team was in motion within hours following contract award responding to TSA planning and organizational requests. One of the first actions was the planning for and deployment of survey teams to 66 airports on July 1st. This process of planning and deployment has continued throughout July. As of today 153 airports have been or are being surveyed for data such as passengers and baggage characteristics, existing physical and operational conditions, and airport information such as terminal area development plans, local building codes, airlines' plans for operations areas, and preferences for future operations. All designated U.S. airports will have received site assessment survey teams by August 21.

Let me describe our approach and the process:

First, our approach is to work collaboratively with airports, airlines, Federal Security Directors, and other TSA officials to develop effective checked baggage screening solutions for individual airports for implementation by the end of the year. We understand that the challenge is not simply meeting a deadline—it is providing for the most *secure and efficient* checked baggage screening solutions within the time constraints established by Congress.

A "one-size-fits-all" EDS/ETD configuration for all airports is clearly inappropriate—each airport terminal has different characteristics that will "drive" the most appropriate solution. A single approach for all airport terminals would result in higher implementation costs and decreased levels of customer service. The best way to avoid this outcome is for the Boeing Team to work closely with the airports and airlines throughout the process so that their in-depth understanding of their terminal facilities and passenger characteristics is incorporated in the planning process. In addition, we know that a number of airports and airlines have already developed 100 percent checked baggage screening plans. We have and look forward to continued review of any plans available.

The first step in our process has been to send out a site assessment team to meet with airport and airline officials and other key stakeholders. During this initial visit, the site assessment team (1) gathered general information required to estimate EDS/ETD equipment requirements and to develop preliminary concept plans, and (2) refined the concept plans based on a thorough analysis of the operational data and passenger characteristics collected. The primary goal of the site assessment team has been to establish an EDS/ETD concept plan that can be implemented by December 31, 2002 and is acceptable to the airport, airlines, and the TSA.

Following the site assessment, design survey teams then deploy to the airport to evaluate the design and construction requirements (e.g., mechanical, HVAC, electrical, structural) for the EDS/ETD concept plan established by the assessment team. While on-site, the design survey team reviews architectural, structural, electrical, mechanical, and other considerations involved in the equipment installation. In addition, the design survey team meets with airport and airline officials and other key stakeholders to review the design and construction drawings. Final construction drawings will be submitted for their review prior to beginning the installation.

Given the technical complexity of this challenge the Boeing Team is using state-of-the-art simulation models to help develop and refine EDS/ETD concept plans and designs.

Simulation models for EDS/ETD concepts previously prepared by the airports, if available, are used if possible as baselines for our efforts.

Our data collection is continuing, analysis and assessments are underway and will continue for some weeks yet. Conditions, characteristics and expectations at airports have varied widely. But I will try and generalize some findings so far as follows:

- 162 days are left to complete the task;
- 150 assessment teams have been mobilized;
- 153 airport assessments are underway or completed, and 10 assessment packs are under review by TSA prior to transmission to those 10 airports;
- In addition, 33 airport assessment site visits have been initiated this week, and 49 assessment packs are being delivered to TSA for future airport survey visits;
- Of the site assessment tasks scheduled to have occurred to this date we have been delayed by one week or more in 18 tasks due to weather, flights in Alaska, and holiday/vacation schedules of airport staff preventing their support of the visit;

- In order to maintain schedule, 20 tasks have been accelerated and we expect to be back on schedule for the delayed tasks in the first week of August.
- The airlines have been eager to engage in program process, and Boeing and TSA are engaging them and their representatives through existing relationships and airline associations.
- The Boeing team is fully engaged with the TSA in performance of our contract.
- Boeing and our contractor team are completely committed to the successful execution of our contract in response to the needs of TSA, the congress and the American people.

I will conclude this prepared testimony by relating a personal note. We at The Boeing Company were deeply affected by having our products used as weapons of terror on September 11. Boeing feels obligated to take this mission on because of its importance to the United States, the airline industry, to this country's airports, and to the flying public. We realize the importance of air travel security to our national security, and to our country's economic health. We are all aware that the events of 9/11 have had a devastating effect on air travel and the airline industry in particular. Every day we are made to understand that a rise in costs and the hassle-factor associated with increased air security will further hurt the industry. Boeing appreciates the significant challenges ahead in equipment delivery, airport facilities modification, and the implementation of full baggage screening procedures. However, the health of the air travel industry and the safety of the American public demand that we press forward with this task, and no company is as well-suited to the job as Boeing. Our knowledge of the air transport system, our understanding of and strong relations within the airline industry, our expertise in complex systems integration, and the specialized strengths of our team members give us the capacity to accomplish this mission. We look forward to working together with all stakeholders as we go to work for the American public.

Thank you Mr. Chairman.

The CHAIRMAN. Thank you.

Go right ahead. We appreciate you presiding.

Senator BURNS. Thank you very much for your testimony today. And I'm going to—again, we've heard a lot of talk about airport security. We didn't do TSA right. And I'm not going to go down that debate with you today. But, nonetheless, we really had an opportunity to do that.

I included an amendment in the TSA bill that would have put the enforcement over in the Department of Justice, because I felt like that's where it ought to be. That was stripped out in conference.

And we've still got the situation with security of the airplane after it gets off of the ground. No matter how good of work you do, you've got screening weaknesses, and we know that. It's all over the country. And as long as we've got those weaknesses, I want the last line of defense.

Mr. Davidson, until 1987 pilots were allowed to carry firearms in the cockpit. And you know what? With no training. And since the inception of the aviation of—until 1987, there have been recorded accidents of a pilot's accidentally discharging a weapon. I want to bring that up.

Now, I've got a question for Mr. Luckey. This is a two-part question. Can you please describe the FBI's cockpit protection program and tell us what you think about the program? And, (b), what is the cost of this program in comparison to the statements that's been made by others?

Captain LUCKEY. First of all, sir, right after the 9/11 incident, I went down to Quantico, because that's where my roots are in aviation security. I have greatest respect for the capabilities of the FBI

academy down there. I think they're the finest law-enforcement group in the world. And they're charged formally with crimes aboard aircraft and their enforcement.

I had a retired agent poll the Retired FBI Agents Association, and we got a hundred affidavits from retired FBI agents, 80-some percent of which supported arming the pilots in the cockpit.

I then went down there and asked informally, and we were in a hurry. I just took for granted that since I carried a firearm in the 1970s and 1980s that this would be a normal deal.

This seemed like a no-brainer to me, so I went down there to expedite the process and got a hold of some friends of mine and asked them if it was feasible and what kind of a program they would develop. So these people, who are experts—they do this every day, they work in the firearms training unit down there, they train law-enforcement groups all over the world—they looked at this, and they took the regular agent criteria, and we—they took the things out that we don't need. We don't need felony warrants, felony arrests, investigations, driving. All of those things, we took out. We left the most important things in, starting with safety, going through the force continuum, the law, all the tactical stuff. Terrorism is a tactic. It's a method of attack. And we looked at that foremost in what we needed to do to do this.

We figured out that within 48 hours, we could adequately train a pilot to have all of the qualities of a federal agent as long as he was limited to the environment of the cockpit. The authority doesn't extend outside there; neither does the tactical expertise.

We've heard all the arguments about distractions and everything else. I mean, how can you fly, how can you function, how can you think, how can you be safe when somebody's busting down the door trying to kill you, or how do you fly when your throat's cut? These are things that we really have to face in this business.

So we looked at that. And I think it's a very good program. We ran the cost of this thing right down to the coffee break. Now, again, this wasn't an authorized program. This was something that we did down there, very professionally. We did it in a hurry, but we did it with great attention to detail.

And the costs—in answer to your second question, sir—were about—I'd say in the neighborhood of 50 percent of what the costs that I have seen here today.

I also might add that, sure there's 95,000 commercial airline pilots in the United States. Only, say, 80 percent of them support this program. Probably out of that, there's going to be a much smaller number that are going to volunteer for this. And out of our very strict recruitment and selection and training process, I believe we're going to have in the neighborhood of 25- to 30,000 pilots that we're looking at in this thing, so the costs will be substantially lower, and it'll be quality instead of quantity, sir.

Senator BURNS. Should the airlines be allowed to opt out of this program to arm pilots?

Captain LUCKEY. I think we have a problem with that. I think if we do that, it's not going to exist, because they're all going to opt out of it. They're broke. They don't have any money, and they're afraid of the relative incurred costs. I also think that if one airline decides to opt out and the other one doesn't, then the public gets

cheated out of a standardization of the same level of security on all the airlines. I think we deserve that.

The bill includes a lot of protections from liability, and I think if a carrier gets into opting out, they're going to have some influence on it, and they're going to lose that protection for liability. I think these are very important factors.

Senator BURNS. As you know, the original House bill to arm pilots was a two-year bill allowing 1400 pilots to carry weapons, and it would be subject to repeal by the director of the TSA after two years was up. Do we know what we need to know about pilots carrying weapons at this point, or do we need another pilot program?

Captain LUCKEY. When I was down at Quantico, we talked about this, and we decided that that a good sample program would be to take 50 airline pilots on this weekly—put them through the weekly course we had—40 of which would be people with a lot of prior experience, like myself and others, and the special ops people and former policemen, former FBI agents—put them in there with ten people who have never fired a weapon before, are not really gun people, and the 40 could see how these ten progressed, and we could see if this was an efficient system, if it was cost effective and if the training were—it was appropriate to our needs. The course would include somewhere between 1,700 and 2,000 rounds of live fire, simunitions, force continuums, FATS, or Firearms training scenarios, for shoot/no-shoot drills, open-hand self-defense tactics, and things germane to the mission exclusively.

And I think that they did an excellent job, and I think that a study like this—it doesn't take months, years to do something like this. We already know how guns work. They work very well when they're—with the surgical application of lethal force in this intimate tactical environment, it's very easy to employ a weapon very effectively. And I think that this could be—I think a test like this would be a very good one, and I think it would be something where we could get our feet on the ground and get our teeth into this one and see if it works.

Senator BURNS. Captain Davidson, you used a figure awhile ago that 21 percent of the—of our law enforcement people were lost because of—because they were shot with their own weapon. Our figures show 2.1 percent. Is that a correct figure, or are we reading the wrong statistics?

Captain DAVIDSON. Mr. Chairman, Senator Burns, I'm reading from a submission, I think, that was made to this Committee, perhaps, from the Violence Policy Center—I think it was made to the Federal Aviation Administration—on the use of firearms in commercial air flights. Their citation was 21 percent of officers were killed with a handgun, and it was their own service weapon.

Senator BURNS. Well, it—the real figure is 2.1 percent. We'll—and we'll take a look at that.

I would look at this—and I know there's—that not all pilots are going to want to carry a firearm. What do you think the value of a deterrent is? Do you think it acts as a deterrent? Do you think—do you think having armed marshals on an airplane is a deterrent?

Captain DAVIDSON. Sir, is that for the older captain to answer or the younger captain?

[Laughter.]

Senator BURNS. I want to ask the younger captain right now, you know, the one that has hair, you know.

[Laughter.]

Captain DAVIDSON. Actually, I believe he is actually senior to me.

Senator BURNS. Okay.

[Laughter.]

Senator BURNS. All right, you guys.

Captain DAVIDSON. In answer to your question, Senator, we think the question needs to be framed more along what the Chairman mentioned in his opening remarks. To us, we are very pleased with the fact that this Senate Committee and the Senate and the Congress looked forward and was forward-thinking enough to understand that the flight-deck door is the impenetrable shield that we need to maintain the fact that we are going to be able to control that aircraft from the time any problem arises in flight until we can get it on the ground. We think that is the way to move ahead in this industry, and that adding the potential safety and cockpit distractions of firearms is not in our best interests or in the interests of our passengers and your constituents.

Senator BURNS. I couldn't agree with you more on the door, but it ain't there, and it's not gonna get there very quickly.

Mr. LUCKEY?

Captain LUCKEY. Yes, sir. In answer to that, let me throw out a scenario here briefly. You know, I was an international captain, as is Captain Davidson. Suppose we're three hours out over the water, and all of a sudden the group of terrorists that got under the aircraft through our porous security systems, or a foreign one, were to take over the cabin of the aircraft. They have three hours out there, and we don't have any way to protect our cockpit. Do you think in three hours, with the food carts and the capabilities and the innovation that they have as specially trained tactical-operations people, do you think the pilots would have a chance to defend that cockpit without the appropriate tools, the tactical knowledge, and the training to meet that challenge effectively?

Senator BURNS. Are you asking me?

Captain LUCKEY. Well, yes, sir, anyone.

[Laughter.]

Captain LUCKEY. No, I—this is just food for thought. This is—these are real scenarios that we face on a daily basis. We're three hours out, we don't have any tools. It's kind of tantamount to being down in the bad part of town and they did away with lug wrenches because—made them illegal because there was enough gas stations, and you ran out of gas—or not ran out of gas—you had a flat tire, and you needed to change your tire, but you didn't have a lug wrench. All the gas stations are closed. So you decide to take a walk. And guess what happens to you in the bad part of town? You get mugged, they kill you, steal your car, strip it, just because you don't have the lug wrench.

We need that tool. It's another piece of emergency equipment that we desperately need to meet a demonstrated challenge that's very real.

Senator BURNS. Mr. Luckey, the training that they would have to go through in order to carry a weapon——

Do you want to—have you got any questions?

The CHAIRMAN. Well, I'm going to have—when you get through. Go ahead.

Senator BURNS. The training that you—that was going to be required in order for the captain to be authorized to carry this weapon, do you do a psychological test?

Captain LUCKEY. Yes, sir.

Senator BURNS. Physical test?

Captain LUCKEY. Yes, sir.

Senator BURNS. Shoot or no shoot?

Captain LUCKEY. Yes, sir.

Senator BURNS. Understanding the weapon?

Captain LUCKEY. Very much so, sir.

Senator BURNS. Understanding the enemy?

Captain LUCKEY. Very much so.

Senator BURNS. And what else needs to be done than what I mentioned?

Captain LUCKEY. First of all, the mission safety, we start out with that. We start out with custodial responsibility—in other words, weapons retention.

In reality, the cockpit is the only tactical place on the aircraft that favorably—favors the defender. In other words, it's a channelized, narrow avenue of a predictable approach. They can only go through that door one at a time. We're talking about surgical application of lethal force probably at a professional individual that's wearing body armor. That means we have to do a specific shot in a specific critical area of the body. This can be done much better in the cockpit because of the intimacy of the very close range. This is like you're reaching out and touching someone.

We train at five, ten, and fifteen feet, instead of seven and fifty yards that the normal agents train at. Our performance requirements exceed the federal agents. The federal agents qualify at 80 percent. The program that I was responsible in working with had a qualification score in excess of 95 percent due to the tactical intimacy and the close proximity of the target and the threat.

Senator BURNS. Senator Hollings?

The CHAIRMAN. Let me, on behalf of the Committee, thank each of the members of the panel. They've been very, very helpful and very valuable to the Committee.

Captain Luckey, with respect to the emergency equipment or having that one tool that's needed, you see, I've got a different view of it. That's the door. My friend, Senator Burns, says we're not going to have it. Well, we're not going to have the pistols or anything else right there and the training and where to put it and the money and everything else like that. We're behind the curve.

But the whole idea is to make absolutely certain that that plane cannot be used as a lethal weapon. And to do that, we know of one airline—and I've sat right there where you are—so that chief pilot, and he impressed me. That chief pilot of El Al, he said, "Senator, they can be assaulting my wife in the cabin. I go straight to the ground."

Now, the terrorists know that. They know that. And don't give me any of this stuff about that's a small airline. I've tried it out with pilots. Incidentally, my poll is about 50–50. I fly every week.

I probably fly more than you do, because I know they ain't supposed to fly but half the month.

[Laughter.]

The CHAIRMAN. I have to fly every week, coming and going, so I've got as many hours almost as a pilot. And I love the pilots, and I love the planes, and I'm trying to figure out how do we solve this problem, because, as is just stated, the first line of defense is to shoot you down. That doesn't help us at all. I can tell you right now. A lot of people are saying, "I'm not getting on—I'm taking the—up to New York, because I don't fool around with getting shot down and everything else," and then they worry about the White House, taking off from Reagan, and they've got all of these other super-duper checks and in your seat before and after and everything else of that kind. And now we're onto a money argument. It solved as long as you get that secure door. That's the emergency equipment.

And I want to make absolutely sure that the pilot doesn't have a responsibility to open up that door. He's got a responsibility only to fly and land it. That's what I want to make absolutely sure. Once I've got that as fixed in El Al and it's worked for 30 years and the door is impenetrable, then I've solved all the problems, because let's—you've got the pistols and you've got the training and you, and the Marines, and everything else of that kind, whoopie, do it your way, and you hear all that disturbance going on and everything else going on back there, get a call in to the pilot, they say, "Captain Luckey, come, come, come quick," and everything, are you going to——

Captain LUCKEY. I'm not going back, sir.

The CHAIRMAN. You're not going back? Well, then you agree with me. Keep the door locked and go down to the ground. Shoot, you done solved—Senator Burns, I just won.

[Laughter.]

Senator BURNS. You just won? Don't talk yourself out of it, he's not——

The CHAIRMAN. We're through with this hearing.

[Laughter.]

The CHAIRMAN. The man said he ain't going back.

Senator BURNS. That's right. Well, Mr. Chairman, I want to remind you that they might got them double doors——

The CHAIRMAN. Oh, well, look——

Senator BURNS. Wait a minute. Wait a minute, now. Let me finish.

The CHAIRMAN.—both got to agree. We're going to——

Senator BURNS. Oh, no, I agree on that.

The CHAIRMAN. We're going to——

Senator BURNS. But I'm going to tell you something.

The CHAIRMAN. We've got to have a secure door.

Senator BURNS. That's right. But I want to tell you, even though I said they had the double doors and the reinforced doors, their pilots carry a sidearm. They're armed.

The CHAIRMAN. You don't have the responsibility of opening the door.

Senator BURNS. Well, it doesn't make any difference, but they've got a sidearm in case somebody takes a little bit of explosive or a

penetrative explosive site that can bust those doors—and I've never seen one other than Fort Knox that you can't do that. And my banker—of course, my banker keeps me out of that safe all the time, but——

[Laughter.]

Senator BURNS.—that's what I'm saying. He's not going to go back there and take care of that situation either.

The CHAIRMAN. Captain Luckey is the nicest witness we've had——

[Laughter.]

Senator BURNS. I know. And Captain Davidson is not going to go back there and take of that situation.

The CHAIRMAN. That's right.

Now, what the situation is, if you ever open that door, the team now—they've got four and five member teams with these Mohammad Atta's—and they're not coming with any—even card cutters or anything else. They're coming with judo, they're coming with all kind of karate and everything else like that. I can get four to five fellows that can take over your plane if you ever open that door.

I can't get in the door. We've got to agree to that, but if I can start choking the stewardess and everything else so she's hollering, "Open the door," and then once you open the door, with pistols, you might get the first of us—of the team, or even the second one or whatever it is, but I can get hold of that there plane, and I can keep the passengers and that little small place from every getting back, I can tell you that. And I've used that as a weapon of mass destruction, so I'm trying my best not necessarily to get pistols or not get pistols; I'm trying to get the door, because, either way, you've got to get the door. If you don't—if you're not going to have a secure cockpit——

And I want to relieve those pilots of that responsibility. They've got the responsibility strictly to fly and take off and land, and that's all. And, of course, we've got the bathroom needs and everything else of that kind to work out, with eyesight, television so you can look back and know that you have to go to the ground as soon as possible and that kind of thing, what's going on in the cabin.

Mr. Loy, when I heard your testimony—Mr. Coy, excuse me—I turned to the staff behind me. I said, "Is that fellow telling the truth?" I never heard such get up and go and dedication and hard charging, and that's exactly what I asked the White House for. They gave me a bureaucrat. I said this is really tough. This isn't easy. You're going to have to take on about 50,000 people, you've got to get it geared up. We've got the door, we've got the pilots, we've got the airports, we've got the equipment. It's one royal headache, and what we need is a hard charger. And I thank you very, very much, specifically because that's the attitude. It's—we can't pass laws and get the thing done right. Only you folks can get it done.

And that's what we're trying to do, is work with the Committee. I agree with Senator Burns. I voted, too, for it to go to the Justice Department, because I knew I could get some hard chargers over there. I've had difficulties over here at the Transportation Department getting anything moving.

And literally, that's the figure we had, and that's what Mr. Daniel was telling us in the conference committee on the emergency supplemental, "They can't spend the money." And here I'm having the Secretary coming up and saying, "Oh, I need—I'm already shy a billion dollars for the next two months." Of course, you couldn't spend a billion dollars in two months, but, I mean, that's his testimony. And then the other committee is giving him 150 million more and that kind of thing.

So each of you, you have really favored the Committee very much with your patience and sticking with us this long.

Senator Burns, did you——

Senator BURNS. Did you want to respond to that door comment?

Captain LUCKEY. Yes, sir, if you don't mind.

Sir, with all due respect to your—and I respect your opinion very much, and your work and your dedication to the country over the years. But, sir, terrorism is a tactic. It's a method of attack. Counter-terrorism is just that, as well, and it's a method to repel an attack.

I think there's some misconception here that in our tactical response—we have to open that door sometimes. And the safety of flight—and I think Captain Davidson will agree with me—we have to go back sometimes. We have to look at the wings, we have to look at the control services, we have to listen to noises, we have to do things that are only—they're specific to the pilots. Nobody else could do this. We couldn't delegate this responsibility to anyone else.

And in the event of an assault, we don't open that door to get at the terrorists. We only utilize that piece of emergency equipment in the event that door is defeated. And that door can be defeated. Trust me, it can be defeated. There isn't a barrier in the world that can't be defeated.

And when that door is opened, there's two methods of response, tactically. One, of course, is for an explosive entry that happens fast. The other, and this is probably 95 percent of the occurrences—you're going to have some premonition, some pre-indication or prewarning so that you can take a tactical position on that particular perpetrator.

So I think there's some misconception here in this door thing. You know, I know a lot of things that the Israelis have on their aircraft that we're not talking about in here today, for obvious reasons. They've got some very, very specific and very well-intended things that put the oil on the squeak, so to speak. They don't spend a lot of money on WD–40 and throw it up in the air and hope some of it lands on what's making the noise. They put it right where it needs to be, and that's where I'd like to see us go.

The CHAIRMAN. Mr. Coy?

Mr. COY. Mr. Chairman, I would—not to comment on the door. I don't want to get into that discussion.

[Laughter.]

Mr. COY. But just to comment on your kind remarks, I would be remiss if I didn't acknowledge that it wasn't just my work; it was the work of the very hardworking employees at MassPort. But if you're having any difficulty finding where to send money, you may send it here, and I can guarantee you we'll spend it.

[Laughter.]

The CHAIRMAN. And, Mr. Luckey, I've been flying for a good 60 years, at least, and if I ever had the pilot coming back looking to see whether the wing's fallen off or something like that——

[Laughter.]

The CHAIRMAN.—I can tell you right now, I would try to get that thing down on the ground and start saying my prayers. You go from bad to worse, man.

[Laughter.]

Senator BURNS. Well, then—no, really, seriously, Mr. Chairman, how many pilots have you seen come back through there and to be looking out the window?

The CHAIRMAN. Yeah, they do that. There are rules—again, this is life and death.

Senator BURNS. No, but I'm—what I'm going to tell you, a lot of times when that pilot comes walking back through that cabin——

The CHAIRMAN. Or they come back now to go to the bathroom.

Senator BURNS. No, no. They coming walk back through there, and they don't say nothing to anybody, "Hi, how are you," but they're looking at something. They ain't back there because they want to be back there. Remember that.

Thank you very much. Great hearing.

The CHAIRMAN. Thank you, gentlemen, very, very much.

The Committee will be in recess, subject to the call of the chair.

[Whereupon, at 1:05 p.m., the hearing was adjourned.]

APPENDIX

PREPARED STATEMENT OF HON. ROBERT T. FRANCIS II, EXECUTIVE VICE PRESIDENT, FARRAGUT INTERNATIONAL, LLC.

I am pleased to submit this statement to the Senate Committee on Commerce, Science, and Transportation on the issue of permitting firearms in the cockpits of U.S. commercial air carriers. My aviation expertise and background comes from many years with the Federal Aviation Administration and as Vice Chairman of the National Transportation Safety Board. That experience has led me to concentrate on matters of aviation safety, particularly with respect to commercial aircraft operations. Therefore, in the debate of weapons in the cockpit, I will speak only to what I see as the over-arching aviation safety issue: distraction of the flight crew from their primary safety duties as a direct result of arming pilots. I have chosen not to deal with issues such as custody, storage, international and local gun restrictions, and criminal penalties and civil liability issues that likely can be solved with some reasoned thought.

I have been thinking about the issue of weapons in the cockpit for pilots for some time—beginning shortly after the tragic attacks on U.S. civil aviation in September 2001. Attached to this statement is a copy of an article written for Aviation Week and Space Technology magazine and published in November 2001, outlining my concerns regarding the unintended safety consequences of quickly-enacted security measures taken shortly after the terrorist attacks.

There is always a fine balance in the cockpit: the predictability of routine and safe operations delicately juxtaposed with the anarchy of unexpected, emergency situations. Predictability is a hallmark of our safe and efficient aviation system. Routine safety, and the checklists and training that lead to it, provide time and skill to deal with extraordinary and emergency situations that surprise us. Distractions in the cockpit upset what is routine, what has been trained, what will be the right decision and the safest action.

The University of Texas has performed hundreds of safety audits of air carrier line operations over many years. An auditor sits in the cockpit and observes a flight crew's performance, noting threats and errors that occur during flight and actions taken to manage and resolve them. Those audits confirm that distraction is a prime threat to aircraft safety. It is a source of disarray that easily takes the crew out of a predictable routine and may put the aircraft in an undesirable and destabilized state.

Research has shown that human beings are not good at focusing on more than one thing at a time. We are fairly good at moving our attention back and forth between competing distractions. But we focus only on one thing at a time, and are extremely vulnerable to mistakes where we must monitor one thing and do another. We may not see, or may see and correct, our mistakes until the distractions multiply and become so pervasive that the only result is failure for at least one of the tasks. The aviation community responds by providing a backbone to capture and mitigate error—procedures, processes, and checklists—to assist concurrent task management, ensuring routine, safe aircraft operations in the normal course. These procedures enable flight crews to mitigate the risk of short or even sustained interruptions; tasks deferred because of interruptions and distractions are now out of sequence and special attention is needed to return to routine operations. Essentially, flight crews become quite adept at switching focus and ultimately maintaining focus on one thing at a time until distractions disappear.

If it is difficult to focus on more than one routine thing at a time, it certainly is much more difficult to focus on more than one extraordinary thing at a time. A crisis situation in the cabin of the aircraft introduces several layers of distraction for a flight crew. I believe that the introduction of weapons in the cockpit introduces another, unnecessary and multi-layered distraction that increases the total aviation safety risk. The safety equation is fragile at the best of times. Weapons in the cockpit increase the risk to critical piloting behavior and techniques. I sincerely believe that the armed defense of the cockpit will seriously and adversely distract pilots

from the primary task of safely landing the aircraft. We should avoid making decisions emotionally and blindly, without regard to the unintended consequences of our actions on safety and ultimately security.

It may be true that weapons in the cockpit could have prevented the use of commercial aircraft as terrorist tools on September 11, 2001. We will never know that. However, arming pilots to prevent another such attack—a likelihood that I find remote at best—is tantamount to fighting last year's war. Characterizing weapons in the cockpit as the last line of defense is illusory given our newly-acquired awareness of the constant threat to civil aviation and our continued security enhancements to our aviation security defenses. Arming pilots devalues many of our security measures, most notably the hardened cockpit door given the limited time that the door is open and the cockpit is accessible. And when you add ingenious procedures, such as of flight attendants blocking cockpit doors with carts during the short time that the cockpit door is open and exposed, you have provided cockpit defense without cockpit distraction.

Arming pilots likely will address only the very low probability of the same or a similar horrific event—but admittedly, an event with very high impact and dire consequences. On the other hand, arming pilots certainly will facilitate a wide range of unanticipated events, some of which may have trivial outcomes but which could culminate in multiple and significant distractions with unknown outcome. Indeed, arming pilots may skew the unknown outcomes in favor of opening a strengthened cockpit door, exposing a sterile cockpit environment—actions that could decrease both the safety and security of the aircraft. In essence, a weapon could bias the critical decision-making process during a now new and extraordinary phase of flight.

Instead of moving forward from the terrible events of September 11th, putting weapons in the cockpit seems to leave us in place. We all admit that the terrorists can be patient and that the possibility of infiltrating much of our society quietly and patiently is possible. Arming pilots and locking the cockpit door ensures that we have placed weapons in the hands of those in control of the aircraft—further raising the bar of perfection for the aviation security and intelligence community in this country. Instead, let's give our pilots the chance to do what they do best, what we entrust them to do day-in and day-out in our civil aviation system: fly the airplane.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO ADMIRAL JAMES M. LOY

Question 1. There are several bills before Congress that attempt to move the statutory deadline on the screening of all checked bags by explosive detection systems by the end of this year.

- What is the Administration's position on these provisions? In other words, does the Administration support changing the explosive detection deadline? If so, please explain why.
- If the Administration is uncertain whether the deadline should be moved, when can we expect a decision?

Answer. Congress' decision to cut the President's Emergency Supplemental budget request for TSA by at least $1 billion has forced us to launch a fundamental reevaluation of what we can get done with the money at hand.

TSA will cut some proposed projects, string out payments, and find savings wherever possible. The Administration will also ask for additional funds from Congress for TSA for the 2003 fiscal year, which starts October 1.

We are evaluating whether we will have enough money to meet the baggage screening mandate set by Congress. We hope we will be given adequate funds in a timely manner, so that we can continue our work on meeting the baggage screening mandate.

Question 2. Mr. Secretary, as you indicated, the conference agreement on the Supplemental Appropriations bill cut the President's request for TSA funding and tied up much of the money in earmarks or contingency funds that may never show up. Also, the appropriators put a cap on the number of full-time employees TSA may have.

- Can some of your concerns regarding funding be addressed in an appropriations bill for fiscal year 2003, or is the problem of such an immediate nature that aviation security will be adversely affected in the short run?

Answer. We do not believe that aviation security will be adversely affected in the short run. We have carefully reviewed our immediate requirements and believe we have sufficient funding to carry us into October 2002. However, we may be oper-

ating under a continuing resolution as we start fiscal year 2003, which would present a special set of challenges.

The prorated share of our initial FY 2002 appropriation that we could receive for some portion of the new fiscal year would not provide a sustainable level of funding. We plan on working with the Administration and the Appropriation Committees' staffs to craft a customized continuing resolution that addresses these special concerns, including substantial up-front costs as we move toward deployment deadlines occurring in the first quarter of the new fiscal year.

Question 3. Is the TSA reconsidering its earlier decision regarding the arming of pilots with guns? Please explain the rationale behind the initial decision to not allow pilots to have access to firearms in the cockpit.

Answer. The TSA is reviewing its decision regarding the arming of pilots with guns. The initial decision was based on a detailed and thorough analysis of the costs and benefits of arming pilots. Our reasons for refusing to allow arming of pilots included the following:

- Pilots should focus on safely flying and landing the plane.
  - We are implementing a revised strategy aimed at protecting and securing the cockpit at all costs. This strategy requires that pilots devote 100 percent of their effort to controlling the aircraft and landing the aircraft safely.
  - Other means are in place to secure the aircraft, including the expansion of the Federal Air Marshal (FAM) program and the hardening of aircraft cockpit doors and bulkheads.
- Allowing pilots to carry firearms on their persons creates additional dangers.
  - Arming airline pilots introduces firearms held by non-law enforcement officers into sterile areas.
  - Uniformed airline pilots are easily identifiable targets for person seeking guns already in airport terminals, secure airport concourses, airline gate areas, and onboard aircraft.
  - Pilots would be responsible for the care, maintenance, storage and security of the firearm at all times.
- Storing firearms in the aircraft creates a host of problems.
  - Assuming that firearms stored on the aircraft are for collective use, no individual control or accountability will exist for any weapon. Further, if a storage box containing the firearm is left unlocked and accessible during flight, the potential exists that it will accidentally be left unlocked after the flight, potentially exposing the weapon to numerous individuals.
  - If the pilot checks the readiness of the firearm in the plane, there is a danger of an accidental discharge near critical flight equipment or the wounding, disabling, or death of crewmembers critical to the operation of the aircraft
  - Logistically, limited space exists to secure storage containers within the cockpit and the placement of the box must be aligned to accommodate both the pilot and/or the co-pilot.
- Training pilots would be extremely time-consuming and prohibitively expensive.
  - TSA estimates that the total cost of arming all eligible pilots, including training, purchasing of equipment, conducting background checks and overall program management, would exceed 900 million dollars.
  - Training all eligible pilots would require approximately 3.540 sessions with 24 trainees per session at 148 sites, 52 weeks a year for 2 years.
- Liability Issues.
  - The proposed legislation largely shields the air carriers and pilots from liability. The United States would become liable for certain acts of negligence despite having no control over the air carriers and their pilots.

Question 4. Will the TSA make a decision in the near future regarding the use of non-lethal weapons by pilots?

Answer. TSA is now conducting a technical review of the use of non-lethal weapons. This review is a top priority for TSA's Office of Aviation Operations and Office of Technology. The review will be completed by the beginning of September.

Question 5. In the Statement of Managers for the supplemental appropriations conference report, the appropriators earmark money for the field testing of an aviation security technology that is clearly not ready for such testing. Just this month, the National Research Council (NRC) concluded an independent, objective assessment of this technology, which is called Pulsed Fast Neutron Analysis, or PFNA. The NRC stated unequivocally that PFNA is *not* ready for airport deployment or testing. Furthermore, only one company, Ancore Corporation of Santa Clara, Cali-

fornia, had developed this technology. This earmark is a total waste of critical research money that should be contributing to our effort to increase aviation security. Because this directive is in the Statement of Managers, it will not become the law of the land. Do you intend to comply with this misguided directive?

Answer. As a result of our own research and that of the NRC, TSA does not plan to begin testing or deploying any PFNA technology at airports.

TSA, the Federal Aviation Administration (FAA), the Department of Defense (DOD) and the U.S. Customs Service (Customs) have invested considerable funds in recent years on PFNA technology for use as a potential inspection system. We have worked with Ancore. to develop a prototype PFNA system capable of demonstrating the feasibility of using PFNA to search for small explosives in air cargo containers. This technology is costly, and despite considerable financial support, only one prototype system exists at this point.

Furthermore, while as an inspection technology PFNA provides content rich information, it has not proven capable of detecting at least one important kind of explosive at the threat mass and can take from minutes to hours for scans, depending on the type of article inspected. Because of these and other problems, we do not plan to deploy any PFNA system at airports. However, TSA, working in partnership with DOD and Customs, does plan to deploy a PFNA system at a port of entry in Texas next year.

Question 6. The price tag for meeting the statutory deadlines regarding passenger and baggage screening is dearly beyond what many people initially envisioned when the law was enacted last year. in light of this substantial expense, are we being shortsighted in the effort to create a system that can provide a certain level of security by the deadline but be obsolete in a short time?

In other words, are we truly going to have the world's most secure airports or are some better options not being considered for the sake of meeting deadline requirements.

Answer. We are using the best technology currently available and are in no way compromising to meet deadline requirements.

- We are purchasing and deploying magnetometers that represent the latest generation of metal-detection technology. These machines can better differentiate between harmless metals, such as pocket change, and metals used in the manufacture of firearms.
- The EDS machines being installed are the best means to detect explosives on the market today. We must continue to aggressively deploy such equipment.
- TSA will continue to sponsor research and monitor technological developments to ensure that we make use of the best technology available.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO DR. GERALD DILLINGHAM

Question 1. The GAO has effectively laid out many of the pros and cons of arming pilots. Do you have any suggestion as to how we can get some hard data or analysis that we can use to judge this issue objectively?

Answer. We are aware of one study, by the Boeing Company, on the damage to aircraft that resulted from the use of firearms, but this study does not address the ability of armed pilots to defend the cockpit against a terrorist attack. While a few hundred pilots might be armed to test their ability in this regard, we do not believe, given the infrequency of terrorist attacks, that such an effort would yield enough data to draw useful conclusions about the impact of arming pilots on aviation security. Scenario testing might provide data on matters such as pilots' reaction times, what might be hit by a seated pilot attempting to turn around and fire a weapon in the cockpit, what critical aircraft components might be damaged by stray bullets, and what kinds of training would be most appropriate for pilots if they were to be armed.

Question 2. Are you aware of any so-called "next generation" passenger or baggage screening technologies that show great promise for improving security in the near future?

Answer. We are aware of one such technology called Argus. Argus is a newer type of explosive detection equipment that is being tested by TSA. The equipment is smaller and less expensive than the current bulk explosive detection systems and may be able to screen a much greater number of bags per hour.

Question 3. Is enough money being allocated to doing research and development that may produce technologies or systems that will improve the efficiency and effectiveness of aviation security efforts?

It is difficult to say whether there is enough money being allocated to research and development. However, the Congress appropriated $126 million for aviation security research in fiscal year 2002—more than twice as much as FAA received for this research the previous year. Whether this is enough money depends in part on whether the funds are being spent wisely on well-chosen projects. GAO has been asked to examine TSA's funding of research and development on aviation security and will be reporting on the projects TSA is funding and the efficacy of its processes and procedures for selecting research projects.

Question 4. What are some of the pros and cons of a trusted or registered traveler program? If all air travelers must undergo some level of screening, what would be gained by the passenger? Is avoiding a more thorough, random screening an adequate incentive for travelers to participate? And, given the logistics of establishing and administering, is there a sufficient benefit in terms of security?

Answer. Proponents argue that a trusted or registered traveler program would allow known travelers to move through the screening process quickly, thereby allowing security personnel to focus their resources on people who may pose greater security risks. Opponents typically argue that such a program would create a vulnerability in the aviation security system. After surveying the literature and completing some preliminary research, GAO has identified little information on the potential costs or benefits of a trusted traveler program. GAO has begun a study on the logistics, costs, and benefits of such a program and expects to report back soon.

Question 5. Some people in the aviation community claim that the large, certified explosive detection systems (EDS) are too slow and have a high false positive rate. In other words, some critics claim that these systems are neither effective nor efficient, especially given their cost and the perceived difficulty in installing them at airports in a short time period. What is your objective assessment of the current EDS machines?

Answer. Unquestionably, there are drawbacks to the use of bulk EDS systems. The specifics of those drawbacks cannot be discussed in a public forum. However, I believe they have a place in a layered approached to security and can play a positive role in improving aviation security. The cost-effective use of this equipment requires careful consideration of the unique physical and operational characteristics of individual airports. Moreover, the drawbacks of this equipment can be minimized by developing protocols to resolve alarms and expedite baggage flow during peak periods that also provide a high level of security. Bulk EDS is the best technology currently available.

Question 6. Are there any lessons that TSA can learn from FAA's past attempts to procure and deploy sophisticated technologies that may be outdated or outmoded when they are finally up and running? Is TSA committing any mistakes in its attempt to field explosive detection equipment similar to ones committed by the FAA in its attempts to modernize air traffic control equipment?

Answer. Yes, early in the ATC modernization program FAA attempted what was referred to as the "big bang" approach. This involved trying to put in place an entire system at once. Because of the variations in facilities, human factor challenges, the tremendous amount of software technologies involved, and the static nature of the systems, the modernization experienced significant slippages in its deployment schedule. By the time the program was restructured to accomplish its goal in an incremental fashion, some of the original technologies were outdated, and expensive interim solutions also had to be implemented.

TSA could very well be headed toward making similar mistakes. For example, TSA is in the process of purchasing the current generation of EDS for all major airports. By the time this process is complete, a newer generation of technology—smaller, faster, and less expensive—could very well be available. The current generation of EDS equipment is not very easy to shift down to smaller airports because of its size and how it is being integrated into airport operations. The current generation is also designed so that it is less able to be used as a platform for future upgrades than the new generation of EDS.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN MCCAIN TO CAPTAIN EDWARD M. DAVIDSON

Question 1. What is your position regarding the use of non-lethal weapons such as TASER's?

Answer. Northwest takes the position that the primary responsibility of the pilots in an airborne threat of any type is to fly the aircraft as safely and expeditiously as possible to the nearest airport where professional law enforcement officers can manage the situation. The company does not endorse the use of any type of weapon on the flight deck, as it will unavoidably distract pilots from that duty.

A hand-held, non-lethal weapon such as the commercially available TASER has been consistently shown to be ineffective against multiple targets, has only one shot capability, is difficult to aim and fire accurately and must have the battery pack continually recharged to work with reliability. Additionally, recent high profile uses of the device that have been captured on video show that the TASER does not always subdue a suspect—particularly if the person is under the influence of drugs or wearing heavy clothing. The devices are easily pilferable and since they would not be provided to individual pilots, their security at times when the aircraft is not occupied is not assured.

The cost of acquiring, certifying for flight deck installation, maintaining and continually training pilots on the use of the device is not reasonably expected to be offset by the risk of a breach of the new enhanced cockpit door.

Question 2. Do you think September 11th would never have happened if the pilots on the hijacked planes had been armed with guns?

Answer. No, there would have been no difference in the outcome.

The procedures in place industry-wide on September 11th required pilots to acquiesce to hijacker's demands—not resist them. The conventional wisdom at the time was that hijackers primarily wanted either publicity for a political cause or transportation to another country. Had lethal weapons been available to the pilots at the time the likely outcome would have been their probable compromise and use against the flight deck crew, cabin crew or passengers. As a result of the September 11th tragedies, the current training provided to flight deck crews in the event of an in-flight incident emphasizes the role of the strengthened cockpit door as the primary line of defense. Aircrews are directed to focus on landing the aircraft as expeditiously and safely as possible. Armed resistance by a pilot will distract from that industry-accepted plan and increase the time necessary to achieve resolution of the incident.

A companion question could easily be "would September 11th never have occurred had currently installed hardened flight deck doors been on the hijacked aircraft"? Clearly, the answer is the same. The problem with this line of reasoning is that it presupposes a changed philosophical attitude toward hijackers that was not present at the time. We cannot evaluate the results of either supposition without assuming a procedural change had been effected concurrently in how the industry responded to hijackings in general. With the then existing procedural practices for hijacking, these types of hypothetical questions have little value and are merely exercises in second-guessing.

Question 3. Do you have any hard data to support your view that the risks of arming pilots outweigh the potential benefits?

Answer. Northwest believes that the risks of accidental discharge, distraction to the crews from having to manage the logistics of the weapon and potential for loss or theft vastly outweigh the risks of future terrorist breach of the now hardened flight deck door.

We submit the following:

1. One study from 1989 reported in 1994 found that 21 percent of professional law enforcement officers are killed with their own weapon either during struggles with suspects or while normally handling or cleaning the weapon.[1] This high percentage when applied to non-professional flight deck crews may result in a number of accidental discharges in the aircraft. Of concern are those that may occur on the flight deck and damage critical navigation or flight control computer systems. Of equal concern is an accidental discharge that may wound or incapacitate a crewmember or compromise the structural integrity of the cockpit windscreen.
2. Poor lighting, night flight deck conditions, turbulence, headset use and high background noise will limit the ability of the pilot to use proper judgment on when and on whom to use his/her weapon. Again, studies have shown that in the experience of law enforcement officers, there is considerable ambiguity present in most confrontations with suspects. This is principally due to the dy-

[1] Garen Wintemute, "*Homicide, Handguns and the Crime Gun Hypothesis: Firearms Used in Fatal Shootings of Law Enforcement Officers, 1980–1989*", American Journal of Public Health, 84 (April 1994) pg 561–564

namic conditions of the moment that are not reproducible on the training range.[2] These problems are indicative of substantial risk that an armed pilot may inadvertently fire on a passenger or fellow crewmember that may only appear to be a physical threat to the aircraft—this is particularly an issue at times of high stress and poor environmental conditions.

3. The impact of distractions and interruptions to the airline pilot's mental flow of flying the aircraft has been proven in many studies to have an unsafe impact on follow-on actions. A study by the NASA Ames Research Center has determined that " . . . uncertainties, intrusions and general distractions can quickly sidetrack any pilot and lead to potentially disastrous mistakes . . . so insidious are these effects that pilots will often express amazement when an error is made." Further, Ames determined that ". . . flows and checklists cannot possibly anticipate all operational demands and are not designed to accommodate them."[3] The inherent distraction of managing the logistics of the lethal weapon and the potential for immediate, decisive and short reaction time responses of side arms can have a dangerous effect on a pilots ability to prevent errors in flying the aircraft for some period during and even after an event—even if the event is not related to a hijacking or terrorist takeover of the aircraft.

4. An incident at Newark International Airport in July underscores the potential for loss or theft of lethal weapons by pilots while on duty. A Federal Air Marshal left his carry-on bag unattended a few steps away while he recovered a checked bag from the inbound luggage carousel. When he returned to the spot where the carry-on had been left the bag was missing. Inside were the Marshal's service weapon, considerable ammunition and a Federal Marshal's badge. All were stolen. If professionally trained law enforcement officers can inadvertently lose their side arms it is reasonable to assume that a significantly higher number of weapons could be stolen or misplaced by airline pilots whose principal occupation is not professional law enforcement. The increased number and ease of recognition of uniformed pilots will only heighten this possibility.

It is therefore clear that the safety risks represented by well researched and documented problems seen in the use of handguns by law enforcement professionals as well as the flight safety impact of pilot distractions represents known, substantial risks that have a much higher probability of occurrence than the unknown and largely anecdotal assumptions regarding potential terrorist actions aboard aircraft.

I appreciate the opportunity to provide these answers to the Committee and am available at any time for further discussions on this vital flight safety issue.

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[2] Tony Lesce, *"Instinctive Shooting",* Police Marksman, January/February 1994, pg. 12.

[3] Dr. Loukia Loukopoulos, *"Cockpit Interruptions and Distractions: A line Observation Study",* Abstract pg. 5.