

TESTIMONY

Statement of

RAdm. Paul E. Busick, USCG Ret.

President and Executive Director,

North Carolina Global TransPark Authority

Before the

Committee on Governmental Affairs

United States Senate

September 25, 2001

Mr. Chairman, Mr. Ranking Member, and distinguished members of the Committee, my thoughts and prayers as well as those of my industry colleagues and the entire nation go out to the people of New York, Pennsylvania and our region here around Washington and to those people in the 80 other countries where our friends and neighbors have lost their loved ones to this terrible act of violence.

I thank you for the invitation to share my perspective on the current aviation security screening process and ways to improve it. My position is not unique though I believe there are few who share my experience. I was personally involved in the decision making process that altered the way we provide for aviation security from 1993 through most of 1996 as Director of Intelligence and Security for the Secretary of Transportation, and I am pleased to offer my views now in 2001 as we revisit this important issue.

In my career as an active duty Coast Guard officer I have had the privilege of commanding the Coast Guard Air Station in San Francisco as well as the Aviation Training Center in Mobile, Alabama. I have served as the Deputy Chief of the Office of Law Enforcement and Defense Operations, at US Coast Guard Headquarters. My direct experience with this issue was garnered during my service to Secretary Peña as Director, of the Office of Intelligence and Security, at DOT, and during my tenure on the National Security Council. When I retired from active duty Governor James B. Hunt, Jr. of North Carolina asked me to run one of North Carolina's finest emerging transportation facilities, the North Carolina Global TransPark. However, my duty to my country was not over yet, and in April of last year I returned to Washington to fulfill my appointment to the Presidential Oversight Board for some Department of Defense Investigations. I am pleased to share the experiences I have gained during that time with you today.

Where we were.

The first comprehensive set of federal regulations governing airport and air carrier security were instituted in 1973. At that time the focus was on the prevention of hi-jacking. In 1973 it was deemed appropriate to concentrate on screening passengers for metal objects that could be used to overpower crew and passengers and divert the aircraft, primarily hand guns and improvised explosive devices. In response screening checkpoints were introduced. The next event of concern was an act taken by an employee. At that time we responded with requirements to conduct background checks on employees and severely limit the access to the secure area of the airports to those persons with an absolute operational need to be near the airplanes. Pan Am 103 showed us that bombs aboard aircraft were the new vector for terrorist attacks. Events in Asia in 1995 showed that terrorists persisted in planning to attack aviation targets. While the TWA 800 incident was eventually determined to be a mechanical/design failure, it reinforced the notion that changes needed to be made because it could easily have been an intentional detonation. The events of September 11, 2001, have brought us full circle. We must focus on several elements of the history of aviation security to see where we can learn from our mistakes so that we are not destined to repeat them.

How we tried to address the situation of the moment.

In 1996 on the morning prior to the TWA 800 explosion, my colleagues at the Federal Aviation Administration and I called on the aviation industry to partner with government and increase the daily operational baseline for aviation security practices. We wanted measurable, qualitative improvements in both equipment and individual performance. The initial reaction from industry was non-supportive. By the end of that day, we all had a new perspective on the need to enhance aviation security screening. Once again a crisis focused the attention and resources of the government and generated the support of the public to put measures in place that would prevent a similar event. The White House seated a special Commission, the FAA created the Baseline Working Group; Congress held hearings and introduced legislation to require new screening standards. Government and industry worked together to map out the future of the screening process. The final reports from the White House Commission on Aviation Safety and Security, and the Aviation Security Advisory Committee's Baseline Working Group, both included recommendations on the passenger and baggage screening process.

Recommendations for Action vs. Resulting Actions

Certification of Screening Companies and Employees. FAA was to initiate rulemaking for certification of screening companies and individual security screeners. These screeners were to be subjected to employment history verification comparable to those conducted on persons granted unescorted access to the secure area of the airport. The rulemaking would have set performance standards for both companies and individuals. It also established training requirements and standardized assessments of their performance. As of February 1998, FAA had deployed only 17 computer-based training systems at airports to train screeners. They had planned to deploy 60 such systems by March of 1998, but were required to curtail that effort due to a lack of funding. [1] I have no doubt that these actions would have significantly improved the screening process, as we know it. Screeners would have received proper training, they would have been granted a “personal” certification that would transfer to other locations much like a professional license. The caliber of the position would rise and the turnover rate would have dropped. This rulemaking was originally projected to be complete by 1998. Your esteemed colleague Senator Hutchison introduced the Airport Security Improvement Act of 2000, requiring the FAA to complete this rule and finally require these persons who provide our first line of defense to undergo a background check prior to being given the responsibility of screening passengers and baggage for deadly or dangerous devices. Under the provisions of the Airport Security Improvement Act this rulemaking was to be finalized within 30 days of the enactment of the Act. This legislation was signed into law November 22, 2000. We are fast approaching November of 2001 and the rule is still pending.

Computer Assisted Passenger Pre-Screening. Between 1996-1999 air carriers were to apply an FAA approved passenger profile criteria for identification of “selectees”. This system was intended to be a stopgap measure until 100% screening of all passengers and baggage could be conducted with explosive detection equipment. The Baseline Working Group estimated the cost of CAPPS at approximately \$6.6 million annually [2]. On April 19, 1999, FAA issued the notice of proposed rulemaking on the use of the CAPPS system and checked baggage-screening procedures. They estimate the cost to be \$280 million annually. [3] The CAPPS final rule is still pending, three years later.

Purchase and Deployment of Explosive Detection Equipment. Beginning in 1997 and concluding in 1998, the FAA was to purchase and deploy explosive detection systems (EDS) and advanced technology to supplement EDS. Full deployment and implementation of EDS at Category X and 1 airports for screening of CAPPS selectee checked baggage was to be completed by 2000. FAA was to develop EDS standards for carry on items and prescribe uniform standards to restrict the size, type and amount of carry-on property and provide for strict enforcement. Operational tests and evaluations of the screener proficiency and evaluation reporting systems to improve screener performance were to be completed. Full deployment of explosives detection equipment for screening carry-on items at Category X and Category 1 airports was to be completed by 2000.

By December of 1997, FAA originally planned to deploy 54 certified explosives detection systems to screen checked bags and 489 trace detection devices to screen passengers’ carry-on bags. By the end of April 1998, FAA had deployed only 21 of the certified explosive detection systems and only 250 trace

detection devices. [4] In 1998, FAA estimated that the cost of acquiring and installing the certified systems at the nation's 75 busiest airports could range from \$400 million to \$2.2 billion dependent on the type of equipment purchased and the difficulties associated with the various installation options. [5] In that same year the Deputy Assistant Inspector General for Aviation, USDOT, Alexis Stefani, stated in testimony before Congress that "in the future FAA estimates \$100 million is required annually through fiscal year 2004 to complete the deployment of advanced security equipment at US airports." [6] In 1997 the FAA spent \$144.2 million on security equipment. In fiscal year 1998 no funding was appropriated for additional equipment purchases. In fiscal 1999 the Administration requested \$100 million to continue the deployment of EDS equipment. In fiscal year 2000 \$97.5 million was appropriated for equipment deployment, in fiscal year 2001, an additional \$97.5 million was made available. According to an industry representative on the FAA Security Equipment Integrated Product Team the average cycle for security technologies approved by the Team and placed on the market is about six years. Considering the time span required to integrate new technology into the field this downward spiral of funding is ominous.

None of this is intended as criticism of the many fine personnel who work at FAA, nor of industry's right under established rulemaking procedures to challenge proposed rules, submit comments and lengthen and dilute the process of change. Using The Administrative Rulemaking Procedures Act to institute new security requirements is simply a fatally flawed approach. In fact, given what we know today, it isn't at all clear there were any failures of the screeners to enforce requirements then in existence. None of that relieves us of the duty to do what is right today.

Where We Are Now

At the present time we once again find ourselves in the midst of a crisis. Public support for increased security measures is at an all time high. The interest of the members of this august body is piqued. The questions we must now ask ourselves is where do we go from here, and how long can we sustain the support necessary to implement a secure aviation screening system that will not doom us to repeat the mistakes of our recent history.

Where Should We Be Headed

There is a great deal of discussion and speculation regarding who should be responsible for the basic aviation screening functions, inasmuch as this is an issue of national security it seems that the answer should be a national entity. On Thursday evening, the President took an unprecedented step in creating a Cabinet-level position, the Office of Homeland Security and appointing Governor Tom Ridge of Pennsylvania as its leader. The aviation industry must take a similar bold step. Governor Ridge's responsibilities will be many and varied. His office will serve as a single point of contact for intelligence for all threats to our homeland. Aviation is one of many targets and as such should remain under the direct supervision of the Secretary of Transportation.

Secretary Mineta will soon be asked to consider methods by which he can ensure the safety and security of our nation's entire transportation infrastructure. Each of the varied modes offers their particular operational expertise to the Secretary to allow him to make sound policy decisions. This synergistic

relationship between the diverse modes will be enhanced by the focus of intelligence needs created by this new Office.

Operational measures can continue to be developed by the FAA, and approved by the Secretary, but we need to consider who will carry them out in the field. I believe that the operational measures need to be removed from the airline industry because of inherent conflicts of interest between their bottom line financial performance and the cost of good security. The best option to date seems to be a federal security service with law enforcement powers. This service can be tasked with a single mission: provide effective security screening. As a federal entity this service would be in a key position to receive intelligence on the next threat, the newest vectors utilized by the terrorist, and devise the best methods to counter them. Most importantly, they would be responsible to the American people, not a bottom line. That accountability must include routine measurement of their effectiveness through continuous testing processes. They would also be freed from the Gordian knots of the Administrative Rulemaking Procedures Act, which has effectively defeated the best intentions and worthy efforts of those who have attempted to improve our aviation security baseline in the past.

If such an entity is established it will only be successful with a continuous stream of funding to support its active mission, as well as research and development and acquisition needs. Funding should come from both national security funds as well as dedicated user fee funds.

The on-going viability of the aviation industry is essentially dependent upon public confidence and perception in the industry's ability to provide safe, efficient, timely, and reliable transportation. The observable skills and personal qualities of all personnel engaged in aviation security has particularly strong impact on public confidence levels. A cadre of security professionals is needed now. I hope that you will make the commitments necessary to establish a new system, and provide the ongoing support necessary to make our national aviation system safe and secure.

[1] GAO/T-RCED-98-190

[2] Domestic Security Baseline Final Report; December 12, 1996

[3] Federal Register: April 19, 1999; Volume 64, Number 74; Page 19238

[4] GAO/T-RCED-98-190

[5] Statement of Keith O. Fultz, Assistant Comptroller General, Resources, Community and Economic Development Division: "Aviation Security: Progress Being Made, But Long-Term Attention is Needed," Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, US House of Representatives, May 14, 1998.

[6] Statement of Alexis M. Stefani, Deputy Assistant Inspector General for Aviation, US DOT: "Aviation Security Federal Aviation Administration," Before the Subcommittee on Aviation, Committee on Transportation and Infrastructure, US House of Representatives, May 14, 1998