

STATEMENT OF BROCK ADAMS, SECRETARY OF TRANSPORTATION,
BEFORE THE SENATE GOVERNMENT AFFAIRS COMMITTEE ON
S. 2236, OMNIBUS ANTITERRORISM ACT OF 1977, JANUARY 25, 1978.

Mr. Chairman and Members of the Committee:

We at the Department of Transportation feel the same concern you do over the alarming increase in terrorist acts throughout the world and the increasing tendency to use terrorism to achieve political objectives. We need to strengthen worldwide measures to condemn, prevent and eliminate terrorism from the political scene. We endorse the objectives of S.2236, and we applaud the work of this Committee to build on the steps already taken by our government and governments around the world to free all nations from this threat.

DOT's last report to the Congress on the effectiveness of the U.S. Civil Aviation Security Program was submitted less than three months ago. It warned that growing cooperation among terrorist groups throughout the world poses an increased threat to civil aviation. There were 30 scheduled airline hijackings worldwide during 1977--almost double the total for 1976 and more than any year since the 1968-72 peak in worldwide hijackings. This is an alarming increase if the trend should continue.

Within a week after submitting that report, I appeared at a special meeting of the Council of the International Civil Aviation Organization in Montreal to point out the increasing severity of the threat and to state to that group the United States' position that we must adopt more stringent international standards for the security of aviation worldwide.

On behalf of the U.S. government I told the ICAO that the most basic action, one which we must have, is an upgrading of the current ICAO security standard dealing with passenger screening. To be effective, that standard must require screening of all passengers and all carry-on items on all flights at all times. Twenty-one of the twenty-five foreign air carrier hijackings during 1977 were caused by weakness of the passenger screening procedures. The weapons involved in those incidents should have been detected and intercepted by effective passenger screening measures. In contrast to the foreign experience, no U.S. hijackings since 1973 resulted from real firearms or explosives passing undetected through passenger screening points. When this strengthened screening requirement is established as an international standard under ICAO Annex 17, then countries which have not adopted it can file differences with ICAO so indicating and this will provide a list of deficient or dangerous situations.

The United States concerns and proposals presented to ICAO are supported by many other nations of many different ideological view points. These proposals are now under active consideration, and we have stated that there must be positive results in the very near future to protect the very existence of a worldwide aviation system.

In 1968, there were no international aviation security standards. Since then the U.S. has worked vigorously providing technical assistance to other nations and using the international cooperation system, particularly ICAO, to make worldwide improvements in the security of civil aviation.

Since 1968, ICAO has established Security Standards and Recommended Practices for its 140 Member States and has published a technical security manual on how to implement them. The basic international aviation treaty, the Chicago Convention, now incorporates those security standards. Building on the Tokyo Convention are two new international treaties, the Hague and Montreal Conventions, which are now being ratified. They provide for extradition or prosecution of persons responsible for hijackings and acts of sabotage against aviation facilities.

During this past year, the United Nations General Assembly adopted a Resolution condemning acts of unlawful interference with civil aviation. The International Air Transport Association (IATA) passed a Resolution urging States to ratify the Tokyo, Hague and Montreal Conventions and suggesting that States who do not ratify them should not remain Members of ICAO. In December, after my visit, the ICAO Council adopted a Resolution which has gone to all Member States urging implementation of specific antijacking measures including the screening of passengers and cabin baggage on all flights.

Most nations and most airlines of the world now have active civil aviation security programs in place and are making significant improvements in the security of their air transportation systems. The U.S. has led this movement through technical assistance, guidance and motivation for those countries who have not had experience in this field.

Even with this progress, we are prepared to take whatever additional actions may be required to protect U.S. citizens, crews and aircraft abroad. We have available the sanction provisions of the Federal Aviation Act to suspend air service or act on airline operating authorities. I have already instructed the FAA Administrator

to proceed to identify those foreign airports which currently present the greatest concern from the standpoint of security.

I have requested security inspections of the U.S. and pertinent foreign air carrier operations at those airports to identify any security weaknesses, so we can obtain the necessary improvements.

FAA security regulations currently cover 36 U.S. and 73 foreign airlines operating some 15,000 scheduled passenger flights each day to and from 620 U.S. and foreign airports and boarding some 585,000 passengers and 800,000 pieces of carry-on baggage daily. In spite of the vast complexities involved in this system, and the fact that the person or package we are looking for is one among hundreds of millions, the measures currently applied afford air travelers a level of security unmatched in any other type of travel.

We are pursuing an aggressive program of technical assistance with other nations, so that they will have full access to our knowledge and expertise in security efforts so that air passengers, of whatever nationality, can use the international air system with increased security. FAA technical assistance teams have already visited 20 countries to provide advice and assistance in developing or improving civil aviation security programs. Over 200

foreign officials have attended the aviation security training school in Oklahoma City. We have given indepth briefings on all aspects of aviation security and provided training materials to foreign government and airline officials.

We regularly conduct security inspections of U.S. flag carrier and certain foreign carrier facilities outside the U.S. This involves visits to most of the major foreign airports. The purpose of the inspections is to assure that the airlines are in compliance with the Federal Aviation Regulations mandated by the Air Transportation Security Act of 1974. During the course of the inspections, our representatives meet with responsible foreign airport security officials and any airport security weaknesses or deficiencies observed are called to the attention of those authorities. This inspection activity has produced improvements at many foreign airports as well as assuring the continuing effectiveness of airline security measures required by Federal Aviation Regulations.

The security problems facing the international civil aviation system generally are not easy ones. Maintenance or engineering problems are precise, and specific measures normally correct the problem. This is not true in aviation security. We are dealing

primarily with human factors. We must cope with the reality that people who are operating the system are subject to human error. Also, matters of basic sovereignty, national traditions and local habits may complicate a solution that would work in the U.S. The task is further complicated by the fact that we are facing trained and dedicated terrorist forces that will attempt again and again to penetrate the system.

Conditions at an airport change continually and are not necessarily uniform throughout the airport. A security deficiency noted one day might not be apparent the next and again might show up the following week. Moreover, a problem may involve only one air carrier or only one screening station while the rest of the airport has excellent security. The point is that the dynamic nature of the air transportation system requires continuing attention and monitoring of the many facets involved in the total effort necessary for effective security. It is not susceptible to a static remedy.

The best way to achieve immediate improvements in a field as complex as aviation security is through continuation and expansion of our programs of cooperative assistance. But it should be clear that we are prepared to take direct U.S. actions, including the imposition of sanctions against other nations and their

airlines, if such actions become necessary to protect U.S. citizens, flight crews and aircraft.

In enacting the Antihijacking Act of 1974, the Congress gave the President and the Secretary of Transportation the authority to impose different types of sanctions in the interests of civil air commerce. The President can act against any nation that supports terrorist organizations which use hijacking as an instrument of policy. He can suspend direct air service between that country and the U.S. or between third party nations serving that country and the U.S.

In addition, the Secretary of Transportation, with the approval of the Secretary of State, can withhold, revoke, or impose conditions on the U.S. operating authorities of the airlines of any nation that does not effectively maintain and administer security measures equal to, or above, ICAO minimum standards.

These tools are available to us and we will use them if and when it becomes necessary. I would point out in this regard, that our primary objective is to assure the safe and secure international air transportation system that is essential to the economic and social well-being of all nations. If we have to shut down the system, that objective is not achieved. Our goal is thus the balance of adequate

security with the primary purpose of the system, which is the reliable, efficient, safe and secure flow of people and property.

Mr. Chairman, the Department strongly endorses those objectives of S.2236 which protect U.S. citizens traveling abroad using commercial air services. We would particularly urge that the provisions of Title IV be enacted at the earliest possible time. They will complete U.S. implementation of the Montreal Sabotage Convention and will also make available additional prosecutive provisions that will strengthen existing deterrents for persons who would commit crimes affecting the security of air transportation. As you know, last November the Attorney General submitted identical legislative proposals to the Congress.

We have some reservations about the U.S. unilaterally publishing a list of foreign airports as suggested in the bill. Such a list could, by negative implication, suggest that all airports which are not on the list are safe. Because of ever-changing conditions and human factors, or because of sheer lack of U.S. resources to inspect all of the world's airports completely or regularly, the list might give inaccurate information. A list of dangerous airports made available to the public also might backfire by providing terrorists with information about security deficiencies of those airports. Obviously it is important that we know about those

airports and that we act to improve their conditions. The actions which I have directed the FAA to take--to identify airports of particular security concern and to move to correct the problems--address this.

One of the provisions of S.2236 addresses security and safety provisions for charter operations, commuter airlines, supplemental carriers and additional U.S. airports. Under existing law, the FAA Administrator is responsible for issuing security and safety regulations dealing with all these aspects of air transportation. Expansion of FAA safety requirements raises a number of issues which really are outside of this bill's focus on security, and I would urge that the two not be combined. In strengthening security, we must continually be aware that the problem is extremely complex. For example, the security requirements for a small airport serving commuter airlines which board fewer than half a dozen passengers per flight need not be the same as those required at larger airports. On the other hand, given the changing nature of charter travel, the FAA is already proceeding with rulemaking to propose security procedures for charter operations.

We want highly effective international security standards. During the last six months, we have made available to almost 40 nations the standards and procedures used by the U.S. to assure effective performance and operation of screening equipment. We expect material results from this effort. We also expect results through ICAO toward the adoption of improved international standards for security in aviation. As I previously indicated, specific U.S. proposals, together with the proposals of other Member States, are currently being moved ahead through ICAO. We have strongly stated to that body that the security functions and capabilities of ICAO can be strengthened to better enable ICAO to ensure that minimum standards are being applied by all nations. This should produce the strengthened international security measures necessary to combat the increase in crimes against civil aviation.

Nevertheless, if additional U.S. actions become necessary, in the public or national interest, including the imposition of sanctions, you can be assured that we will take them. The Secretary of State, Mr. Vance, and I are part of the Special Coordination Committee of the NSC and the worldwide communications of the State Department and the FAA are both available to assist in these efforts.

Mr. Chairman, this concludes my prepared statement.

I will be pleased to respond to any questions or comments the Committee may have.