

FINAL REPORT TO PRESIDENT CLINTON

WHITE HOUSE

COMMISSION ON

AVIATION SAFETY

AND SECURITY

VICE PRESIDENT
AL GORE,
CHAIRMAN

FEBRUARY 12, 1997



White House Commission on
Aviation Safety and Security

February 12, 1997

Commissioners

Vice President
Al Gore, Chairman
James A. Abrahamson
Jesse Lee Beauchamp
Franklin R. Chang-Diaz
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William T. Coleman, Jr.
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Laura D'Andrea Tyson
Carl W. Vogt
George H. Williams

Staff Director

Gerald B. Kauvar

President William J. Clinton
The White House
Washington, DC

Dear Mr. President,

We are pleased to present you with the report of the White House Commission on Aviation Safety and Security. You established this Commission by issuing Executive Order 13015 on August 22, 1996 with a charter to study matters involving aviation safety and security, including air traffic control and to develop a strategy to improve aviation safety and security, both domestically and internationally.

During the past six months, we have conducted an intensive inquiry into civil aviation safety, security and air traffic control modernization. Commission and staff have gathered information from a broad range of aviation specialists, Federal Agencies, consumer groups, and industry leaders.

After many months of deliberations we have agreed on a set of recommendations which we believe will serve to enhance and ensure the continued safety and security of our air transportation system.

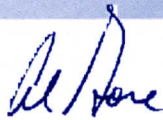
We are privileged to submit these recommendations herewith.

Sincerely,

Vice President Al Gore, Chairman

*P.S. These Commissioners
have worked incredibly hard
and conscientiously. I am proud
to be associated with them and present our
report to you.*

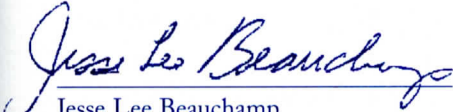
In compliance with the Executive Order 13015 of August 22, 1996, the undersigned present the report of the White House Commission on Aviation Safety and Security.



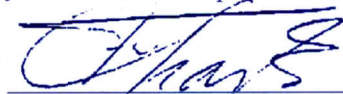
Vice President Al Gore, Chairman



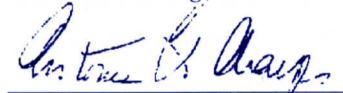
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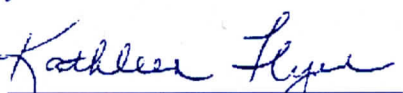


William T. Coleman, Jr.

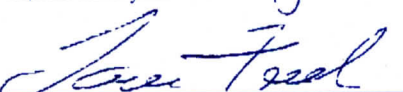
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George H. Williams

APPENDIX I

COMMISSIONER CUMMOCK DISSENT LETTER



Families of

PAN - AM 103

LOCKERBIE

Vice President Albert Gore, Chairman
White House Commission on
Aviation Safety and Security
18th and F Streets, N.W.
Washington, D.C. 20405

February 19, 1997

Re: Dissent with the Final Report of the White House Commission on Aviation Safety and Security

Dear Mr. Vice President:

It is after much thoughtful consideration and with a very heavy heart that I register my dissent with the final report of the White House Commission on Aviation Safety and Security. Sadly, the overall emphasis of the recommendations reflects a clear commitment to the enhancement of aviation at the expense of the Commission's mandate of enhancing aviation safety and security. Clearly, as a nation we have the capability to do all three, but sadly as a Commission have not had the moral courage nor will to do so.

History has proven the aviation industry's lack of sincerity and willingness to address safety and security on behalf of their customers by continually citing misleading safety statistics as their rationale for inaction. Valid statistics compare apples to apples, yet repeatedly we are inundated with apple to orange comparisons by the industry.

Specifically, we must compare injuries and deaths of PASSENGERS ABOARD MASS TRANSPORTATION, not invalid comparisons to automotive injuries and deaths. Even more far fetched was the comparison made to the Commission by Charles Higgins, a Boeing VP citing aviation safety statistics versus household related injuries and death. Yes living is risky, but clearly flying is riskier than traveling on a bus or a train. Last year alone hundreds of passengers died aboard scheduled flights, a far cry from the number of passenger deaths onboard public busses or trains.

Detailed below are specific objections to the various passengers and/or air disaster victims issues pertaining to aviation safety and security. Most were raised by family members of the victims of numerous air disasters, ranging from TWA 800, ValuJet 592, Sec. Ron Brown's plane, KAL007 and Pan Am 103. Some previous recommendations were omitted entirely, others were included but reduced to a nebulous inactionable mention, while a large number contained language that was either unnecessarily misleading or non-specific in order to give the perception of recommended change.

These are the standards that I have applied in evaluating the Commissions' recommendations:

- | | |
|--------------------|-------------------------|
| (a) Specificity | (d) Accountability |
| (b) Responsibility | (e) Applicability |
| (c) Substance | (f) Timetables/Deadline |

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Families of

PAN-AM 103

LOCKERBIE

I. IMPROVING AVIATION SAFETY

1.14 "The commission commends the joint government-industry initiative to equip the cargo holds of all passenger aircraft with smoke detectors, and urges expeditious implementation of the rules and other steps necessary to achieve the goal of both detection and suppression in all cargo holds."

1.14 Is a statement not a recommendation since it lacks:

(a) Specificity (c) Substance (d) Accountability (f) Timetable-Deadline

-Require the immediate installation of smoke detectors and fire suppressants in all passenger planes' cargo holds.

Rationale: There are approximately 2,900 airplanes without smoke detectors and fire suppressants that regularly fly passengers with hazardous materials and dangerous cargo in the class D cargo holds. The current partial, voluntary deployment of smoke detectors is limited to a handful of airlines, with no time table for completion of installation. Installation of FAA certified fire suppression systems (currently in use on class C cargo holds, new 777 and other planes) must also be mandated. Both systems must be mandated immediately since each are essential for survivability of passengers; detectors warn the cockpit of a problem, while suppressants buys time to land the plane. Estimated cost 30 cents per ticketed passenger.

- Mandate installation of passenger protective breathing apparatus effective against smoke, toxic fumes and oxygen deprivation.

Rationale: Existing breathing apparatus technology is over 20 yr. old and limited only to oxygen deprivation, but does not protect passengers from smoke or toxic fumes in the cabin. Enhanced breathing apparatus technology is available and FAA certified. The FAA certified technology is on military planes, used by crews on passenger planes, used on Air Force One and Two and numerous corporate/ private planes. Commercial passenger planes should provide equal standard of protection for passengers by providing FAA certified protective breathing apparatus currently used by crews. Estimated cost 4 cents per ticketed passenger.

- Ship hazardous materials and dangerous cargo on "cargo carriers" until smoke detector, fire suppressant and protective breathing apparatus technology are installed on "passenger carriers" for passenger use.

Rationale: Until passengers can adequately be protected and increase their survivability from smoke and toxic fumes in the cabin, remove all unnecessary dangerous cargo and hazards materials from passenger carriers.

1.13 "The FAA should eliminate the exemptions in the Federal Aviation Regulations that allow passengers under the age of two to travel without the benefit of FAA approved restraints."

1.13 Recommendation lacks: (a) Specificity (f) Timetable/deadline

-Require immediate use of FAA certified babyseats for all children under two yrs.

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I. IMPROVING AVIATION SAFETY (Continued)

1.5 "Cost alone should not become dispositive in deciding aviation safety and security rulemaking issues."

1.5 Recommendation lacks: (a) Specificity (b) Responsibility (c) Substance (d) Accountability (f) timetable/Deadline

- Waive FAA/DOT cost/benefit requirement criteria in deciding safety and security rulemaking issues.

- Eliminate FAA's authority to issue private or secret exceptions/waivers to safety and security rules, except in very limited and controlled circumstances..

Rationale: Airlines and airports regularly obtain indefinite waivers to safety and/or security rules without knowledge or oversight creating an ineffective regulatory system. Require exceptions or waivers to include a statement of necessity, signed by the air carriers' president, the Assoc. Administrator of FAA for Rulemaking, and reviewed by the FAA Administrator and Chairman of the relevant advisory committee. Any approved waivers or exceptions shall be sent to all members of the FAA's Advisory Committee on Rulemaking (ARAC) and the chairmen of the Senate and House Aviation Subcommittees.

- Limit safety/security exceptions/waivers to no more than 6 months.

Rationale: The use of indefinite waivers or private exceptions to air safety and security regulations must be limited in time to temporary emergency situations. The current indefinite secret waiver system compromises safety and security, and provides certain carriers with unfair competitive advantages over other carriers that are in compliance with a safety or security regulations. Furthermore, such a system amounts to fraud on the public who is led to believe that safety and security standards and regulations are being complied with and enforced. Time limits of 6 months or less will ensure that remedial actions are undertaken promptly by out of compliance carriers, rather than rewarding out of compliance carriers with indefinite waivers.

Pan Am alleged that it had received prior to the Lockerbie bombing a verbal FAA waiver of the security rule requiring hand searching of unaccompanied luggage for Pan Am European locations. Pan Am claimed this waiver allowed it merle to X-ray unaccompanied luggage. It is quite possible that the bomb which destroyed Pan Am 103 could have been discovered if a then excising FAA security regulation had been strictly followed and enforced. The criminal investigation determined that an unaccompanied bag containing a Toshiba cassette played packed with explosives destroyed the jumbo jet over Lockerbie resulting in the worst terrorist attack against U.S. civilians in history.

III. IMPROVING SECURITY FOR TRAVELERS

With the current day realities of domestic terrorism such as the bombings of the World Trade Center in New York and the Murrah Federal building in Oklahoma City, combined with the numerous successful airmail bombs sent by a variety of disgruntled criminals, the Unibomber, and the recent Egyptian letter bombs, domestically the flying public is now flying less secure than when my husband John and his fellow passengers died aboard Pan Am 103! To-date, both the FAA and Dept. of Transportation have required only minimal changes in aviation security for international flights and have maintained the status-quo for domestic flights, not only leaving aviation's back door unlocked, but wide open.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

The security preamble on p.25 effectively ignores the significant measures taken unilaterally by the FAA in the mid- 1985 to protect U.S. International Aviation from bombs in unaccompanied checked baggage (FAA Aircarrier Standard Security Program (ACSSP), Section XV,C,1,(a) July 7, 1985) ¹. It also ignores the joint actions, or is ignorant of, the joint actions by the U.S. Secretary of Transportation and her Canadian counterpart, the Minister of Transport, to get the International Civil Aviation Organization (ICAO) to adopt ICAO Annex 17 Security Standards to protect international aviation against bombs in 1985. This ICAO Security Standard 4.3.1 states:

"Each Contracting State shall establish measures to ensure that operators when providing service from that State do not transport the baggage of passengers who are not on board the aircraft unless the baggage separated from the passengers is subject to other security measures.

Note- This Standard has been applicable since 19 December 1987 with respect to the baggage of passengers at the point of origin and on-line transfer passengers. With respect to the baggage of other categories of passengers, the Standard became applicable on 1 April 1989."

This specific ICAO Security Standard was not only significant from the protection it provided against unaccompanied baggage but also because it has the distinction of being ratified by a majority of ICAO Contracting States in a record time of a few months. These actions sometimes take years to win adoption. These are still mandatory ICAO requirements and the U.S. is a ICAO Contracting State and thus is to comply with these procedures internationally.

These ICAO Security Standards, set in the mid to late 1980's, internationally recognized that the primary threat to civil aviation had shifted from hijacking to sabotage requiring specific security measures that both the U.S. and ICAO would undertake to protect air passengers against bombs.

Needless to say, if the public was aware of the test results of the "Red Team" aviation security forces domestically to regularly and successfully breach the so called "Aviation Security" systems, in combination with the aforementioned domestic terrorist acts and threats, they would be shocked and terrified at how much they are currently at risk.

Even of greater concern are that the recommendations in this FAA report will do nothing more than give the flying public the perception of security. They do not provide any tangible or immediate improvement in our security measures. Once again, we will enable the tombstone mentality that is pervasive of the FAA, DOT and the U.S. airlines to continue.

This report contains no specific call to action, no commitments to address aviation security system-wide by mandating the deployment of current technology and training, with actionable timetables and budgets. As the previous commission on aviation security and terrorism noted eight years ago, "The U.S. civil aviation security system is seriously flawed and has failed to provide the proper level of protection for the traveling public. This system needs major reform. Rhetoric is no substitute for strong, effective action."

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¹ This FAA ACSSP requirements stated that a U.S. airline could not carry an unaccompanied bag from a designated high-threat international airport unless the bag had been physically searched. This FAA unaccompanied bag requirement preceded the subsequent ICAO Accompanied Bag Standard by 2 1/2 years. Pan American World Airways failure to comply with this FAA security requirement resulted in the PAA-103 tragedy on December 21, 1988 and the airline's conviction of "Willful Misconduct" in U.S. Federal Court on July 10, 1992.



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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

3.1 "The federal government should consider aviation security as a national security issue, and provide substantial funding for capitol improvements."

3.1 Recommendation lacks (c) Substance (d) Accountability (e) Applicability (f) Timetables/Deadlines

- Mandate the establishment of a federal passenger "User Security Surcharge"

- Sequester funds solely to be allocated for the purchase/development:

- EDS (Explosive Detection Systems) equipment grant money
- R & D grant money for EDS development for cargo, mail, carry on and checked baggage.
- Standardized Training Programs for Security Personnel
- FBI Fingerprinting/National NCIC Criminal Background Checks
- Deploy hardened baggage containers through attrition
- Interim purchase of automated bag match technology
- Development of Profiling Programs - Manual/Automated
- Fund Explosive Detection Canine Teams

The initial \$160 million in federal funds provided by Congress in 1996 was woefully inadequate to address the scope of the problems in U.S. aviation security. There are 450 commercial airports that have obsolete security systems, most of which is 20 yrs. old and designed for anti-hijacking system. This technology provides basic metal detection X-ray technology with no explosive detection *capabilities* for carry on baggage. Outside of the limited deployment of CTX 5000 SP, this is also true for checked baggage. Additionally, this funding does not address inadequate security personnel selection/training).

Likewise, "\$100 million annual recommendation by the Gore Commission.....to meet capitol requirements identified by local airport consortia and FAA" is woefully inadequate to meet anti-sabotage aviation security needs. A "passenger user security surcharge" of (\$4-5) would raise in excess of \$2 Billion a year, swiftly and adequately funding the actual cost to upgrade aviation security to an effective level. A "passenger user surcharge," sequestered only for security is the most viable method to raise the large amount of capitol needed to adequately address the changes system wide, due to the inaccessibility/deficit of general revenue funds and/or aviation trust funds. Security related expenses should not be considered a part of the airlines cost of doing business, but a part of our National responsibility to protect our citizens. "Security" threats typically are not targeted against a specific airline but after the American Flag on the tail of passenger carriers. There must be a clear, consistent source of revenue and commitment in order to adequately protect our citizens.

Rationale: Since the bombing of Pan Am 103 there have been numerous but unsuccessful attempts at "aviation security enhancements" by the former President Bush's Commission on Aviation Security & Terrorism, Congress and two Administrations. For 8+ yr. without an adequate and consistent funding mechanism in place to implement recommendations, legislation's (i.e. "1990 Aviation Security Improvement Act") or regulations, the obsolete security status-quo has prevailed. Note: Section 107(9) "1990 Aviation Security Improvement Act" - entitled "Authorization of Appropriations." There are authorized to be appropriated from the Airport and Airway Trust Fund, such sums of money necessary for the purpose of caring out the technology grant program." In 7 yr. no security funds were made available due to budget constraints in the Trust Fund.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

3.3 "The Postal Service should advise customers that all packages weighing over 16 ounces will be subject to examination for explosives and other threat objects in order to move by air."

3.3 Recommendation lacks: (c) Substance (e) Applicability (f) Timetable/Deadline

-Mandate immediate examination of all packages weighing over 8 ounces or move them on "cargo" carriers.

-Required the research and development of (EDS) explosive detection systems for mail.

Rationale: Forensic scientists who investigated the bombing of Pan Am 103 estimated that the bomb used contained as little as 9.6 ounces of explosives. While I commend the Commission's recommendation a more effective and realistic solution is required by changing the recommendation to 8 versus 16 ounces. Additionally, Section 112(b,1) of the "1990 Aviation Security Improvement Act" entitled, "Screening Mail and Cargo" stated "require for mail and cargo the same screening procedures as are required for checked baggage."

3.5 "The FAA should implement a comprehensive plan to address the threat of explosives and other threat objects in cargo and work with industry to develop new initiatives in this area."

3.5 Recommendation lacks (a) Specificity (c) Substance (d) Accountability (f) Timetables/Deadlines

-Mandate immediate examination of all cargo or move cargo on "cargo" carriers.

-Required the research and development of (EDS) explosive detection systems for cargo.

Rationale: Profiling relies on the honesty of the shipper and is not an effective security tool in itself since many shippers and freight forwarders regularly combine questionable cargo together that are manifested as "known" shipments. Currently, all express packages shipped by express mail companies are considered as "known" shipments and do not require further scrutiny. Additionally, EDS for cargo has not been developed yet! Additionally, Section 112(b,1) of the "1990 Aviation Security Improvement Act" entitled, "Screening Mail and Cargo" stated "require for mail and cargo the same screening procedures as are required for checked baggage."

3.7 "The FAA should work with airlines and airport consortia to ensure that all passengers are positively identified and subject to security procedures before they board aircraft."

3.7 Recommendation lacks: (a) Specificity (c) Substance (e) Applicability (f) Timetable/Deadline

-Eliminate the issuance of advanced boarding passes and require that all passengers, including electronically ticketed passengers, check-in with a airline employee prior to boarding a flight until EDS is utilized systemwide.

Rationale: Current airline ticketing procedure allows passenger to be issued advanced boarding passes with seat assignments. Passengers with advance issued boarding passes can walk directly to the jet bridge entrance at the boarding gate, present the boarding pass to an airline employee, and have a cursory security and identification take place. While this procedure provides a convenience

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

to the passenger, it takes away from airline security procedures. The FAA should implement a regulatory change requiring that all air carriers stop issuing advanced boarding passes and ticketless travel. Require all passengers including those participating in electronic ticketing to check-in at an airline counter or gate check-in desk prior to boarding, until explosive detection technology is in place for passenger carry on bags and checked baggage.

3.10 "The FAA should work with industry to develop a national program to increase the professionalism of the aviation security workforce, including screening personnel."

3.10 Recommendation lacks: (a) Specificity (b) Responsibility (c) Substance (d) Accountability (e) Applicability (f) Timetables/Deadline

Rationale: This recommendation contains a number of admirable objectives but it, like its predecessor recommendation in President Bush's Commission on Aviation Security and Terrorism lacks teeth. Following President Bush's Commission of Aviation Security and Terrorism and the follow-on Aviation Security Improvement Act in 1990, the FAA established standards for the selection and training of aviation security personnel. Those standards were, and still are, totally inadequate. There is nothing to prevent the same inadequate actions by the FAA to this recommendation. The Commission should specifically recommend that the FAA mandate 80 hours of intensive classroom/laboratory and 40 hours of On-the-Job training before performance certification for all airline security screening personnel.

3.11 "Establish consortia at all commercial airports to implement enhancements to aviation safety and security."

3.11 Recommendation lacks (b) Responsibility (d) Accountability (f) Timetables/Deadline

- Require all 450 Commercial Airports to immediately establish a local consortia to implement safety and security FAA and DOT mandates

Rationale: Only about 10% or 41 out of 450 commercial airports have established consortia. Since effective security is as good as its weakest link, a system wide approach to implement federal standards must be required. The local consortia role should be limited to executing minimal federal safety and security standards not to determining the federal standards. For example, the consortia can determine the best placement for deployment of EDS but not if, how many or when to install explosive detection systems.

3.13 "Conduct airport vulnerability assessments and develop action plans."

3.13 Recommendation lacks (a) Specificity (d) Accountability (f) Timetables/Deadline

Rationale: This recommendation does not contain criteria to ensure that follow-up actions are taken to problems identified during vulnerability assessments. The recommendation for FAA "Red Teams" test of airport security systems outlined in 3.21 should be tied to this recommendation to ensure that these assessments do not continue the incestuous process where security problems are rationalized away and no corrective actions are taken within a specified period of time. Additionally, a dis-interested third party should be contracted to work with the FAA to conduct airport and/or airline tests in order to avoid a conflict of interest.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

3.14 "Require criminal background checks and FBI fingerprint checks for all screeners, and all airport and airline employees with access to secure areas The Commission reiterates that the overall goal is FBI fingerprint check of all airport and airline employees with access to secure areas, no later than mid-1999"

3.14 Recommendation lacks (a) Specificity (b) Substance (f) Timetable/Deadline

- Require immediate and direct access to NCIC III for comprehensive evaluations of screeners and all individuals with unescorted access to secure areas of airports. NCIC will be used as a "trigger" for a FBI criminal record prior to granting unescorted access to secure areas. Use NCIC as an interim measure pending IAFIS for conducting fingerprint generated FBI criminal history checks by mid - 1999.

Rationale: The aviation industry must be required to provide the same degree of employment security review that is currently required of employees hired by banks and security exchange companies. Double standards must be eliminated to adequately protect peoples lives equal to protecting peoples money. The "FAA Reauthorization Act of 1996" section 304 entitled "Requirement for criminal history checks" did not require security checks equal to that of the banking or securities industries. The legislation allows for ineffective "local" criminal background checks on the basis of an array of triggering criteria such as "(I) an employment investigation leaves a gap in employment of 12 months or more.."etc. The "1990 Aviation Security Improvement Act" section 105 (2 a-c) required national criminal history checks as did the Bush Commission on Aviation Security and Terrorism. We can not expect to have any meaningful security measures implemented if the background of thousands of airport personnel is potentially questionable

3.15 "Deploy existing technology."

3.15 Recommendation lacks: (a) Specificity (c) Substance (f) Timetable/Deadlines

Rationale: This recommendation is far too nebulous and vague. It like many other recommendations contain no deadlines and is quite non-specific in addressing several needed technology additions to the U.S. aviation security system. The statement recognizing ". . . that deployed technology for examining carry-on baggage may be outdated" was a major understatement. The facts are that the technology currently in use for examining carry-on baggage is not capable of automatically detecting explosives, and in many instances is not even capable of imaging explosives compounds. I believe that an unequivocal recommendation should be made to change out all technology that is currently used to screen carry-on luggage. Moreover, I believe that on-going research that is funded by the FAA should be accelerated to complete the development and deployment of walk-through trace explosives detectors that can be used to examine passengers for explosives residues. Additionally, the deployment of 54 advanced explosive detection systems for checked bag to cover 450 commercial airports does very little to catch up with 20 yr. of technology advancements in a meaningful way to protect the flying public.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

3.16 "Establish a joint government-industry research and development program."

3.16 Recommendation lacks: (c) Substance (d) Accountability(f) Timetable/Deadline

Rationale: The current \$3 million FAA R&D budget is totally inadequate to research & develop technology for screening cargo, mail, checked bag, carry on bags and passengers. Adoption of a "Passenger Security Surcharge" of (\$4-5) could generate substantial revenue to adequately accelerate the aviation R&D process, deploy existing technology and provide adequate security personnel training programs.

3.19 "Compliment technology with automated passenger profiling."

3.19 Recommendation lacks: (c) Substance (e) Applicability (f) Timetables/Deadlines

Rationale: I agree that profiles can be most useful as an overall part of a multi-layered security system. This recommendation has placed an over-reliance, and therefore unrealistic expectations on an early development and the widespread application of an automated profile system. The historical review of attempts to automate profiles within airline's computer system takes us back to the mid-1980's when a fledging attempt was made to do so by TWA. I believe that a realistic implementation date for a fully automated profile system that interfaces with law enforcement and intelligence agencies will take several years to accomplish. I state this mindful of the substantial amount of work that must be done by the FBI, CIA, and BATF (and others) in building terrorist databases on which detailed profile elements can be built. In addition, interfacing any such data base with airline computer systems will, in itself, be a major undertaking.

Nonetheless, I recognize that a limited automated profile system such as Northwest Airlines' CAPS can be developed and implemented more quickly. While I applaud and support the effort to automate the CAPS system I doubt that the additional programming for CAPS use outside of the Northwest Airlines system can be completed by August 1997. In the interim I urge the FAA mandate the use of manual profiles to identify the small minority of passengers that may merit additional attention.

Another serious concern regarding the recommended use of profiles to trigger the use of a passenger/baggage match. This process is actually less effective than the procedures Pan Am was using (illegally) that led to the destruction of Pan Am 103 on December 21, 1988. If profiles are a necessary part of a good layered security system then full baggage/passenger match is as well. The recommendation to base passenger/baggage match on profile and random selectees is unacceptable. I believe that both security efficiency techniques, i.e., profiles and full bag/passenger match, should be equally applied throughout the U.S. aviation security system. In fact full automated baggage/passenger match procedures can be implemented immediately and provide an immediate substantive increase in our aviation security system. As noted above, this is not so for the recommended automated profile system in 3.19.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

3.20 "Certify screening companies and improve screener performance."

3.20 Recommendation lacks (a) Specificity (d) Accountability (e) Applicability (f) Timetables/Deadlines

- FAA mandate 80 hours of intensive classroom/laboratory and 40 hours of On-the-Job training, before performance certification, for all airline security screening personnel.

Rationale: Currently, screeners typically receive 8 hr. of combined class room and on-the-job training. Most security screeners are minimum wage employees required to buy their uniforms and pay for parking daily. Airlines typically pay airplane cleaners more than security screeners, hence a 200-400 % employment turnover rate exists for security screeners. Security screeners are an integral part of a effective security system. Security screeners must be selected and trained adequately, paid fairly and given the appropriate technology tools to do their job.

3.23 "Give properly cleared airline and airport security personnel access to the classified information they need to know."

3.23 Recommendation lacks: (a) Specificity (c) Substance

Rationale: It is my understanding that the problem of distribution of classified intelligence information extends to FAA Regional and Field facilities. Here the primary problem is no one without clearance is to see classified data (the persons needing access are FAA employees). In this instance it is a problem of a failure of the FAA to establish a requirement for their employees to see the data and to establish a means of rapid distribution of the information to its own field employees.

3.24 "Begin implementation of full bag-passenger match....the Commission believes that bag match, initially based on profiling, should be implemented no later than December 31, 1997.....By that date, the bags of those selected either at random or through the use of automated profiling must either be screened or matched to a boarded passenger...."

3.24 Recommendation lacks: (a) Specificity (b) Responsibility (c) Substance (d) Accountability (e) Applicability (f) Timetables/Deadline

Rationale: The recommendation states that "the Commission remains committed to baggage match as a component of a comprehensive, layered security program aimed at keeping bombs and explosive devices off airlines" but subsequent comments tie bag-match to profiles and random selections. I do not take issue that bag-match should be specifically applied to "profile selectees" and/or random selection of passengers as both these measures are a welcome addition to our aviation security system. I do however, adamantly object to a failure to endorse the immediate application of a full-baggage/passenger match.

The enclosed detection matrix in Figure 1 (see p.____) illustrates that the terrorist bomb that downed Pan Am Flight 103 on December 21, 1988 would only have been caught by either a full-baggage/passenger match or through and examination of the suitcase carrying the bomb using the new CTX-5000SP EDS. Applying a profile in this instance would not have worked because there was never a passenger ever associated with the bag containing the bomb. Since you can only profile passengers (not bags) the bag with the bomb would not have been detected.

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III. IMPROVING SECURITY FOR TRAVELERS (Continued)

As there are no current plans to screen all baggage using a CTX-5000SP EDS then the only reliable security counter measure (see Figure 1 detection matrix) available to serve as an alert to a Pan Am-103 type of attack is the full-bag/passenger match. Therefore the recommended application of a bag-match to a "profile selectee", i.e., a passenger, will not catch a Pan Am-103 type of attack. The second approach is to applying a bag-match was to randomly select passengers. (see Figures 2-3 p.) As no passenger was ever associated with the Pan Am-103 bomb then this part of the recommendation to apply a bag-passenger match to randomly selected passengers would also not stop a Pan Am-103 type of attack. I cannot accept this recommendation as Pan American World Airways was illegally using an originating passenger bag-match (partial passenger-bag match) procedure that resulted in the death of my husband and 269 other people. To do so would be unconscionable.

IV. RESPONDING TO AVIATION DISASTERS

4.3 "The Department of Transportation and the NTSB should implement key provisions of the Aviation Disaster Family Assistance Act of 1996 by March 31, 1997.....The Commission urges the task force to consider the development of uniform guidelines.."

4.3 Recommendation lacks (a) Specificity (c) Substance (e) Applicability and actionable timetable.

4.3 "Air Disaster Family Assistance Act" Title VII, section 705 of the "FAA Reauthorization Act of 1996" requires the establishment of a joint task force, including "families which have been involved in aircraft accidents."

Task force should address and develop uniform federal standards for:

- *Civilians killed on government planes*
- *American passengers on U.S. carriers that crash internationally.*
- *Notification procedures of families of air disasters*
- *Autopsy procedures*
- *DNA testing*
- *Care and disposition of unidentified remains (i.e. knowledge and consent by next-of-kin prior to burial or disposition)*
- *Personal possession decontamination, return and/or disposition (i.e. knowledge and consent by next-of-kin prior to disposition)*
- *Media access to survivors and victims families*
- *Legal solicitation/Access to survivors and victims families*
- *Develop and distribute a "Disaster Response Information Pamphlet" to air disaster victims and their families.*

Rationale: "Implementation of key provisions of the act by March 31, 1997" can only be accomplished with the input of all parties as cited by the law (including the victims families). Family representatives have not been named or included in a task force nor provided equal access to work group meetings or received underlying documents to allow them to assist in the work in progress. Additionally, representation of both the legal and media are a necessary part of the process to develop guidelines and negotiate the MOU (memoranda of understanding) between all organizations responding to air disasters.

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IV. RESPONDING TO AVIATION DISASTERS (Continued)

4.4 "The U.S. Government should ensure that family members of victims of international aviation disasters receive just compensation and equitable treatment through the application of federal laws and international treaties."

4.4 Recommendation lacks: (a) Specificity (e) Applicability (f) Timetable/Deadline

4.4 Restore passenger rights whether crashes occur over land, territorial waters or over the high seas. Equality in awardable damages can be restored by amendment to 49 U.S.C. 40120.

Rationale: Currently the application of law for aircraft that crash over water (three miles or more off shore) is based on a 1920's treaty "Death on the High Seas Act," limiting liability of air carrier or manufacturer up to \$2,300. Ironically, DOHSA was adopted prior to start of commercial passenger air transportation, yet it still applies to air disasters such as recently as TWA 800, Aeroperu, KAL007 and others. Since all international flights and most domestic landing approaches on our coasts are over water this unjust and inequitable system must be abolished. Airlines and manufacturers have hidden behind DOHSA indefinitely avoiding swift and adequate compensation of victims families requiring prolonged trial lasting over a decade.

- Provide the same venue (U.S. Courts jurisdiction) for U.S. citizens regardless of where their tickets were bought, changed or if they live abroad. U.S. jurisdiction can be obtained by amendment to 49 U.S.C. 40105.

Rationale: Presently, U.S. citizens are afforded U.S. court jurisdiction **only if** their ticket was purchased in the U.S. Over 5 million Americans live, work and travel outside the U.S. depriving them and their families of swift and adequate damages in case of air disasters. Airlines and manufacturers have hidden behind jurisdictional issues to indefinitely avoiding swift and adequate compensation of victims families requiring prolonged international trials lasting over a decade and compensatory damages or awards paid in foreign currency.

-Require uniform certification standards and mandate adequate levels of liability insurance on all non-scheduled commercial passenger air travel (i.e. charters)

Rationale: Privatization and deregulation has created a sizable market of non scheduled air entities that regularly transport private citizens, government employees and military. Many private charters temporarily lease aircraft and crews with questionable certification, maintenance and recurrent training, putting unwitting passengers at great unnecessary risk. Mandate equal requirement levels of certification for scheduled and non-scheduled passenger flights. Note: Most personal life and travel insurance policies exclude payment of charter related claims since charters do not afford passengers the established scheduled commercial passengers air travel safety standards.

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CONCLUSIONS

In summary, the final report contains no specific call to action, no commitments to address aviation safety and security system-wide by mandating the deployment of current technology and training, with actionable timetables and budgets. Later attempts to track these recommendations will result in problems with differing agency interpretations, misunderstandings, and outright opposition to implementation by individuals and/or organizations who oppose the specific recommendations.

I recommend that time limits for completion be added to all recommendations that have no deadlines and that all recommendations be re-written for specific actions by specific agencies with an accountability matrix added for follow-on actions to ensure that the recommendations are implemented. Without specifics, once again we will allow the airlines to lead and the government follow as to what is necessary to secure the flying public.

Sadly we remain, as noted eight years ago, by our predecessor commission, President Bush's Commission on Aviation Security and Terrorism which concluded that, "The U.S. civil aviation security system is seriously flawed and has failed to provide the proper level of protection for the traveling public. This system needs major reform. Rhetoric is no substitute for strong, effective action."

At best, these recommendations allow and encourage more research, more pilot programs and more analysis. Once again, it leaves in place domestically and internationally, highly limited anti-hijacking machines that provide basic metal detection X-ray technology with no explosive detection capabilities for carry on baggage. Outside of the limited deployment (54 units) of CTX 5000SP, this is also true for checked in baggage.

Until Explosive detection technology is ordered in sufficient quantities and deployed system wide, specific efficiency measures must be implemented to identify which bags out of the millions transported annually need further scrutiny. Matching bags to passengers does this. Sadly, the commissions recommendation matches bags only to "Selectees" after profiling. Partial bag match does not allow for the identification of an unaccompanied "rouge" bag since it requires a "passenger Selectee" to trigger matching passengers to their bags and further scrutiny.

The automated profiling system developed by Northwest Airlines and the FAA will rely on the ability of a skycab or a counter check in agent to successfully verify a passengers identity as the same individual the computer profiled. Currently the airlines are not required to collect complete passenger manifest data on either domestic or international flights. We have seen the short comings of incomplete flight manifest information, as evident every time a plane crashes. It often takes the airlines days to notify victims families since without complete names, the airlines don't accurately know who boarded the plane. Profiling will now rely on the incomplete passenger data to produce a "Selectee" in order to identify the bags that need further scrutiny.

While I greatly support the upgrade in training and certification of security screeners and personnel, we can not expect them to adequately perform their jobs in detecting explosives inside carry on bags with minimal training and obsolete 8-20 yr. old anti-hijacking technology designed to detect metal and not explosives. We must deploy state of the art screening technology with at least limited EDS (Explosive Detection) capabilities.

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CONCLUSIONS (Continued)

In terms of mail and cargo transported on passenger planes, the recommendations do not provide any meaningful degree of protection for the flying public nor require and fund Research & Development of EDS (Explosion Detection Systems). Based on the threat of letter bombs/packages and the systemwide vulnerability that exist in the belly of every passenger plane the recommendations do not provide either a short or long term fix.

Mr. Vice President, we are all aware that any comprehensive security system is as good as its weakest link. Criminals and terrorist will continue to identify and exploit the weakest link in our defenses. Nationally, there are over 450 commercial airports with scheduled passenger flights. It is up to the Federal government that regulates the airlines to provide national security standards, adequate funding and actionable timetables. Anything short of that does not fulfill the Commissions mandate of enhancing aviation security in a meaningful way.

The Boeing chart on p.6 projects an aviation accident a week by the year 2015 based on the projected increases in air traffic. That acknowledges 250-300 people will die onboard passenger airplanes a week; 1,000-1,200 a month or projected total deaths of 12,000-15,000 annually! Statistically, that compares weekly commercial aviation deaths to the weekly death toll in the Vietnam War. This is totally unacceptable and an outrage! Commercial air travel need not bear the same risk as going to war.

In closing, Mr. Vice President, I feel that the flying public should be able to put their family members aboard a plane with a great degree of confidence that they will walk off at the point of their destination and not come home in a body bag like my husband did. It is for all the aforementioned safety and security reasons that I can not sign a report that blatantly allows the American flying public to be placed regularly at "unnecessary risk" while we as a nation have the capability, but not the will to reasonably protect them.

For the record, I take objection to the inclusion of any "Classified Annex" to the Final Report of the White House Commission on Aviation Safety and Security. If a classified annex was issued in the name of the Commissioners, it has been included without privying all the Commissioners to the contents, issues, or providing applicable background data or conclusions, with our knowledge or consent.

Sincerely,

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Member, FAA Security Baseline Work Group
President, Families of Pan Am 103/Lockerbie
Widow of John Binning Cummock

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