

STATEMENT OF FRANKLIN HATFIELD, DIRECTOR OF SYSTEM OPERATIONS
SECURITY FOR THE FEDERAL AVIATION ADMINISTRATION BEFORE THE
COMMITTEE ON HOMELAND SECURITY, SUBCOMMITTEE ON
TRANSPORTATION SECURITY AND INFRASTRUCTURE PROTECTION ON
AVIATION SECURITY; ARE WE TRULY PROTECTED?
OCTOBER 16, 2007.

Chairwoman Jackson-Lee, Congressman Lungren, Members of the Subcommittee:

I am pleased to appear before you this afternoon to discuss the role of the Federal Aviation Administration (FAA) in supporting the Transportation Security Administration's (TSA) response to aviation security threats and incidents. I want to assure the Subcommittee that FAA and TSA are aligned and work very closely together in terms of understanding and implementing our respective roles in responding to aviation security threats. The FAA supports TSA through a broad range of standing mechanisms, some of which are continuous in nature, and some of which are activated in response to an identified threat. FAA's mission is aviation safety and efficiency. FAA supports TSA's aviation security mission. Accordingly, we work with TSA, the Department of Defense (DoD), and other key partners to effectively respond to any potential threat without compromising the safety of the National Airspace System (the NAS) and while mitigating impacts of system efficiency.

The FAA is uniquely qualified, trained, and equipped to operate the NAS and manage the nation's airspace. This is why FAA retains control of the airspace, even when security incidents arise. While other entities have missions and skill sets that are essential to responding to security threats, the FAA's understanding of the complexity of the NAS makes it uniquely suited to recognizing aviation threats and identifying the options

available based on the facts of a given situation without compromising operational safety and unduly impacting NAS efficiency and the nation's economy.

As security has become a greater focus of managing air traffic, and responsibility for transportation security rests with the Department of Homeland Security (DHS), it is helpful to understand the legislative history of why the FAA was given and retains operational control of the airspace. The FAA was created almost 50 years ago in 1958 to provide a centralized focus for aviation, replacing an ineffective system of diffused authorities that had evolved over time. Prior to 1958, the functions of the FAA were splintered, with the Civil Aeronautics Authority (under the Department of Commerce) possessing day-to-day air traffic control responsibilities; the Civil Aeronautics Board possessing accident investigation and safety regulatory responsibilities; and an Airways Modernization Board having the responsibility for planning and developing a system of air navigation facilities. On top of that, there was an inter-agency Air Coordinating Committee which reviewed all matters involving use of the airspace. This approach to managing the NAS was clearly inefficient and ineffectual.

The legislative history of the Federal Aviation Act of 1958 (FAAct) makes it clear that Congress wanted one independent agency with “plenary authority” over the nation's airspace. The FAA Act was intended to address two fundamental deficiencies in the Federal Government's aviation responsibilities, one of which was a “lack of clear statutory authority for centralized airspace management.” When it was unclear which civilian agency or the military had authority over air traffic, airspace and other aviation

safety issues, the confusion led to aviation accidents, including mid-air collisions. The current statutory framework for the Administrator's airspace authority and the accompanying legislative history confirm that the FAA continues to be the sole authority for airspace management, air traffic regulatory authority, and use of the airspace.

To more fully understand how FAA supports the security responsibilities of the TSA and other agencies on a daily basis and in response to a perceived threat, I will review the communications and technological initiatives that are currently in place and how they work. I will also briefly summarize the ongoing government exercises to ensure that all the requisite individuals throughout government know what is expected of them should a crisis arise.

Communications

In the aftermath of 9/11, the FAA established the Domestic Events Network (DEN) – a continuous, twenty-four hour a communications capability that includes over a hundred agency partners. Through the DEN, agencies monitor ongoing activity in the National Airspace System (NAS) along with their respective areas of expertise to identify anomalies to determine whether they could pose a threat and to coordinate operational responses to defeat any such threats. The DEN enables all of the key aviation security stakeholders to connect the dots and ensure that responses reflect the risk-based decisions of the Government. It is a first line of defense that provides ongoing information sharing on a real-time basis. For example, FAA manages day-to-day operations in the NAS. Based on information provided by controllers, our watch officer may use the DEN to

alert TSA and other partners about aircraft that are flying where they shouldn't be or aircraft that are not responding to controllers' attempts to contact them. In the vast majority of cases, the identified aircraft turn out not to be a security threat, but providing early information to the DEN gives other parts of the government the opportunity to input their areas of expertise in order to provide a more complete picture of what may or may not be happening. The level of interest a flight receives would obviously be determined through shared information about the situation, triggering higher levels of scrutiny as appropriate.

In addition to the DEN, the FAA supports the TSA in a variety of operational elements, including the Freedom Center (formerly known as the Transportation Security Operations Center (TSOC)) in Herndon, Virginia. The Freedom Center is staffed with TSA personnel as well as representatives from various partner agencies, including the FAA, which has air traffic control specialists assigned to the facility's National Capital Region Coordination Center (NCRCC). If an incident arises, the FAA personnel are immediately available to provide air navigation services related input to the interagency response decisions, including information on flight behavior (e.g., flight path and communication with air traffic control (ATC)); aircraft registration; pilot history; and critical safety factors such as the FAA's ability to safely divert the aircraft to alternate landing locations while mitigating potential threats. These personnel also are able to leverage the FAA's ATC capabilities to communicate with the suspect flight and provide security driven instructions.

Should the situation warrant, TSA can activate a bridge telephone conversation with high ranking officials throughout DHS. This will permit DHS senior officials to immediately understand the situation at hand in order to make informed, coordinated decisions from the top for their immediate implementation. Usually, if this bridge is activated, the FAA Administrator's representative will immediately be joined to the network discussion. In this manner, the merits of different options can be discussed, informed decisions can be made, and implementation of those decisions can occur expeditiously.

It is important to understand that the range of potential scenarios that may unfold means that a standard protocol or checklist is neither an optimal or practical solution. When a problem is identified, the facts of any given situation will dictate how the situation is handled and what decisions get made. For example, if it is discovered that a passenger enroute to the United States is on the no-fly list, the decision of where and/or whether to divert the flight could be impacted by the actions of the passenger in question. Is the passenger exhibiting signs of anxiety or restlessness? Or is the passenger sound asleep? The specific facts around the situation could lead to different conclusions, different decisions and consequently, different results. The important thing is that the conclusions and decisions are made at the appropriate level of government with all the players in the decision making process basing those decisions on the same coordinated, integrated, real-time information.

These means of communicating have proven to be very effective in ensuring the level of response is appropriate to the threat at hand, while avoiding unduly impacting the

nation's aviation system, which is already the most complex and busy system in the world, and creating unwanted economic consequences.

Technology

In addition to effective inter-agency communication, new and better technology is also an essential tool in the war against terror. The FAA supports TSA through sharing technology. For example, FAA provides the Traffic Station Display (TSD) system at key facilities operated by TSA and other partners. While TSD was only designed to support air traffic management activities, the system's ability to share situational information reduced the potential for miscommunication or misunderstanding among agencies sharing information, which, past incidents have demonstrated, is essential in reacting to developing situations appropriately.

We are actively working with TSA now both in the short and long term on new, shared and interoperable technological platforms, which will support TSA's aviation security responsibilities. We are also cooperating with TSA on longer range plans through the FAA's Joint Planning and Development Office (JPDO), which is currently working to integrate security capabilities into the architecture for the Next Generation Air Transportation System (NextGen).

Joint Planning/Coordination Groups

The FAA and TSA also work in close partnership through a variety of interagency planning groups. For example, the FAA and TSA co-chair an interagency airspace

procedures working group that meets every week to discuss, resolve and ensure that positive communication and coordination continues between all agencies. We co-chair an interagency working group working on improving the Government's ability to counter and respond to Man Portable Air Defense System (MANPADS) threats posed by terrorists. We partner on event specific task forces such as those established to protect National Special Security Events (NSSE) such as the recent UN General Assembly. These are just a few examples of the many ongoing inter-agency efforts designed to optimize our nation's security.

Exercises

Improved communication and technology is further enhanced by regular joint TSA-FAA as well as national level, Government wide exercises. These exercises, which are built around various threat scenarios identified by the Intelligence Community and/or real world events (e.g., the August 2006 UK terror plot), enable the FAA and TSA to explore and refine our cooperation at all levels ranging from policy decisions to tactical operations. The FAA and TSA senior officials regularly conduct exercises led by each agency's Administrators. The last such exercise, held earlier this year in April, enabled us to explore and significantly clarify how we would work together to effectively respond to a terrorist attack premised on the UK plot scenario, in which the terrorists intended to blow up flights from Heathrow bound for the U.S.

In addition to these bilateral exercises, we participate in partnership with TSA in broader, Government wide exercises such as Top Officials 4 (TOPOFF 4), which is being

conducted this week. TOPOFF 4 will help the participating agencies identify gaps and strengthen cooperation on responses to terrorist attacks using Radiological Dispersal Devices (RDD) or “dirty bombs”.

In conclusion, the FAA is committed to supporting fully TSA in its efforts to improve aviation security. While we continually look to refine and improve these efforts, I am confident that both agencies agree that our working relationship is a strong one.

This is the conclusion of my prepared statement. I will be happy to answer your questions at this time.