

Aviation Security Advisory Committee Meeting Summary

Date: October 1, 2003

Time: 9:00 a.m. to 11:50 a.m.

Location: Crowne Plaza Washington national Hotel
Arlington Ballroom
Arlington VA 22202

Aviation Security Advisory Committee (ASAC) Chair Joseph Hawkins, Deputy Assistant Administrator for Analysis, Transportation Security Administration (TSA), presided over the October 1, 2003, ASAC meeting. Mr. Hawkins called the meeting to order at 9:00 a.m.

ASAC Members and officials participating in this meeting are listed at the end of this summary.

After opening remarks by the Chair and brief introductions by ASAC members, Mr. Hawkins instructed the group regarding its responsibilities under the Federal Advisory Committee Act and the ASAC charter. Mr. Hawkins then introduced Deputy Administrator Steve McHale.

Welcoming Remarks by Stephen J. McHale, Deputy Administrator, TSA

Mr. McHale welcomed ASAC participants and joined Mr. Hawkins in thanking participants who had contributed to the work of the three air cargo security working groups and the general aviation airport security working group during the prior several months. Mr. McHale highlighted the effective partnership between ASAC participants and TSA that is required to assure that the security of aviation transportation is enhanced and transportation is not needlessly burdened. He welcomed the diversity of views expressed in the various ASAC working groups.

Mr. McHale noted that this meeting of ASAC is unusual in that ASAC will be acting in open session on a report that contains Sensitive Security Information (SSI) that cannot be disclosed to the public.

Mr. McHale summarized by stating that, "the fascinating story of the man who shipped himself from New York to Dallas . . . remind(s) all of us of the potential vulnerabilities of the cargo system. We need to come up with ways to prevent acts like that from happening again. . . . [A]nd we need . . . to strike a balance."

Messrs. McHale and Hawkins recognized and welcomed two ASAC participants, Brian Riley representing the General Aviation Manufacturers Association, and Gary Taylor, representing the Bureau of Alcohol, Tobacco and Firearms.

Approval of Minutes

Mr. Hawkins called for a motion to approve the minutes of the April 30, 2003, ASAC meeting. Joe Morris moved to approve the minutes as written; Ms. McKinley seconded. Hearing no dissent, Mr. Hawkins determined that the minutes of the April 30, 2003, meeting were approved.

Report of the Air Cargo Working Groups

Mr. Hawkins introduced Elaine Dezenski, Director of Maritime Land and Cargo Policy, Office of Transportation Security Policy, TSA; and Steve Alterman, President, Cargo Airline Association, presenters of the report of the air cargo security working groups.

Ms. Dezenski briefed ASAC on the air cargo working groups' structure, participating organizations, and general information. Mr. Alterman briefed the group on the working groups' recommendations, consistent with the need not to reveal SSI.

Ms. Dezenski noted that creation of the ASAC air cargo security working groups had been proposed in January 2003 and approved in April 2003. She observed that much work had been accomplished in the intervening five months leading up to the working groups' report and consensus recommendations today. Each of the three working groups met monthly, with task teams meeting more frequently through the working period.

With respect to cargo security, Ms. Dezenski stated that, "[i]ndustry and stakeholder assistance is critical to the success of our effort. The intermodal and complex nature of cargo transport presents many challenges as was evident in the discussions of the working group. It is clear that no one silver bullet can be applied to create a security guarantee. We can, however, create security filters that help us manage risk appropriately."

Mr. Dezenski started that TSA's goal is to develop a "threat-based and risk managed approach to cargo security." She outlined TSA's plan to draft and publish proposed regulations, building on the consensus recommendations of the ASAC air cargo security working groups, in the months ahead.

Ms. Dezenski noted that three air cargo security working groups were created: Working Group 1 focused on shipper acceptance procedures, with particular emphasis on enhancing the "known shipper" program. Working Group 2 focused on ways to enhance the security of indirect air carriers and freight forwarders. Working Group 3 focused on enhancing the security of the all cargo aircraft. In addition to TSA, 27 organizations participated in the efforts of the three working groups producing 40 substantive recommendations in 22 topic areas.

Ms. Dezenski noted that, although the working groups' recommendations are supported by strong consensus of the participants, a few participants offered dissenting opinions with respect to some recommendations. Ms. Dezenski stated that TSA welcomes these dissenting statements.

Mr. Alterman opened his portion of the presentation by thanking TSA for soliciting input from the working group participants, particularly the private sector representatives. Mr. Alterman

singled out Ms. Tamika McCree of TSA's Office of Transportation Security Policy for special thanks for her administrative support of the working group meetings.

Mr. Alterman noted that the tasks set for the working groups were specific, and stated that the working groups' recommendations address those tasks. He then reviewed the scope of each working group's tasking, and briefly discussed the recommendations addressing each scope element. Mr. Alterman noted that he was unable to discuss specific recommendations because of the need to safeguard SSI.

Mr. Alterman stated that the recommendations of Working Group 1 fall into the following general categories:

- Enhancing the known shipper program
- Database coordination
- New technologies
- Unknown shipper cargo

He reported that the recommendations of Working Group 2 fall into the following general categories:

- Enlarging the security definition of "indirect air carrier" (IAC)
- Validation and revalidation
- En route security
- IAC agents and contractors
- Database coordination
- Voluntary disclosure
- IAC employee training

Mr. Alterman summarized the recommendations of Working Group 2 in the following general categories:

- Identification of persons
- Perimeter access
- Screening of persons
- Securing unattended aircraft
- Controlling access to cargo on the ramp
- Searching aircraft
- Incident response
- Lines of communication
- Quality control and audit

Following Mr. Alterman's presentation, Mr. Hawkins invited questions and discussion among ASAC member representatives.

Paul Hudson (ACAP) objected to limiting the discussion to prevent public disclosure of SSI. Mr. Hawkins reminded Mr. Hudson that:

- Many ASAC members participated in the air cargo working groups; they were able to discuss matters of concern fully within the working groups.

- ASAC members who did not participate in the working groups were invited to participate in teleconferences with key working group participants, including both industry and TSA participants, to discuss SSI candidly before the committee meeting. Mr. Hawkins noted that Mr. Hudson had not availed himself of these opportunities.
- All ASAC members received a complete copy of the working groups' report, including SSI, before the committee meeting.
- Because Mr. Hudson did not participate in the earlier opportunities to review the working groups' report, TSA had made special arrangements before the committee meeting to provide Mr. Hudson with a copy of the report to review following the meeting.

Mr. Hudson moved to close a portion of the committee meeting to permit discussion of SSI out of public hearing. Mr. Witkowski seconded the motion. In discussion, Mr. Hawkins stated that the meeting cannot be closed without publication of advance notice of the closure in the Federal Register. Mr. Witkowski noted that to accommodate Mr. Hudson's request, the committee would be required to postpone action on the report, publish a notice in the Federal Register, then reconvene in closed session at a later time.

Mr. Hudson proposed to amend his motion to postpone committee action on the air cargo security working groups' report pending publication of a closure notice in the Federal Register. Mr. Witkowski seconded the amended motion, and asked that the substance of dissents be taken up as matters of discussion in the proposed closed session. Mr. Hudson stated his opinion that "one of the basic procedural goals of this Committee is to try to get wherever possible, consensus and not simply representations of majority and dissenting views." Mr. Hawkins observed that, "consensus is not unanimity" and pointed out that, "[i]t is not necessary to have unanimous agreement in order to have consensus. That is why we allow for consensus and dissenting opinions." Mr. Hawkins also noted that the handful of dissenting opinions contributed by working group members had been physically attached to the report itself and would be reviewed by TSA and others along with the report.

Mr. Alterman observed that action by the committee on the air cargo security working groups' report, "is not the end of a process, it is the beginning of a process." He noted that committee members and the public will have opportunities to comment, in many forums, on aspects of air cargo security during TSA's rulemaking process. He counseled against postponing committee action on the report because, in his view, delay would serve no purpose with respect to the current dissenting opinions. Mr. Luckey joined Mr. Alterman in counseling against delay.

There being no further discussion, Mr. Hawkins called the question whether to postpone action on the report of the air cargo security working groups. Mr. Hudson requested a vote by show of hands; Mr. Hawkins asked for comment on this request and, hearing none, requested a vote by show of hands in favor of the motion to postpone. Four hands were raised. Mr. Hawkins asked for a show of hands on those opposed to postponement; all other participants voted to oppose the motion. There were no abstentions. The motion was defeated.

Mr. Hudson asked Mr. Hawkins to include in these minutes the names of committee participants voting in favor of the motion to postpone. Although the legal transcript of the meeting does not identify representatives who voted in favor of the motion, notes compiled at the meeting by the

Designated Federal Official (DFO) identify these persons as: Paul Hudson (ACAP), Paul Rancatore (APA), Christopher Witkowski (AFA), and Jay Norelius (CAPA). All other ASAC member representatives present at this meeting voted against the motion.

Mr. Johnson moved to transmit the report of the air cargo security working groups to TSA for consideration. Mr. Luckey seconded the motion. In discussion, Mr. Johnson stated the support of Victims of Pan Am 103 for the known shipper program, and conveyed that group's belief that further improvements are necessary. Mr. Hudson stated the position of the Aviation Consumer Action Project that "unscreened" cargo should not be permitted on board commercial passenger aircraft.

Mr. Hawkins called the question. By show of hands, the motion carried.

Mr. Hawkins declared a five minute break for the convenience of the participants and the public.

Report of the General Aviation Airports Guidelines Working Group

Ms. Pam Hamilton, Director of Aviation Initiatives, Office of Transportation Security Policy, TSA, briefly review the history of the general aviation airports security working group. Authorized at the April, 2003, meeting of ASAC, this working group was asked to develop recommendations for "a unified set of security procedures for general aviation airports" to forestall "a patchwork of individual state and locally imposed security requirements across the national airspace system."

Ms. Hamilton noted that the working group was charged with two specific tasks: (a) To develop a method of categorizing general aviation airports for purposes of security analysis; and (b) To develop recommended security standards for each category of airport. She thanked the working group for completing the task in 120 days, noting that the working had built on prior work to accomplish this task.

Messrs. Ron Swanda of the General Aviation Manufacturers Association, and Henry Ogrodzinski of the National Association of State Aviation Officials, briefed the committee on the efforts of the general aviation airports security working group, which they co-chaired.

Mr. Ogrodzinski opened the presentation, describing the working group's methodology and key conclusions. Mr. Swanda followed with a summary of the working group's recommendations.

Mr. Ogrodzinski stated the opinion of the working group that the recommended general aviation airport security guidelines should be shared as widely as possible among the general aviation population. He observed that the working group understood its core task to be, "to develop security practices that might be useful in preventing the unauthorized use of a general aviation aircraft in an act of terrorism against the United States," and he noted that there has not been a documented incident of such use to date.

Ten general aviation organizations, the managers of several airports and the aviation directors of six states actively participated in the deliberations of the working group.

The working group observed that privately owned, private use, general aviation airports receive no public funds, and most state government aviation agencies have no authority to regulate them. They are very different from the majority of general aviation airports across the country. Mr. Ogrodzinski reported that, beyond distinguishing public use from private use airports, the working group was unable to reach consensus on categorization of general aviation airports for security purposes. However, the members of the working group volunteered to reconvene at TSA's request to review any categorization method the agency might develop.

Mr. Swanda described the working group's recommendations, noting at the outset that they build upon two years of prior security work by the general aviation committee. He cautioned against a "one-size-fits-all" approach to general aviation airport security, and against "unfunded mandates." Mr. Swanda stated that, "it is not productive to single out general aviation to undertake some sort of security measures that are not being undertaken by other parts of the nation's air transportation system or the nation's transportation system in general." He stated that the working group report, "is based upon best practices that can be implemented by [general aviation] airports given the resources they have and given the individual knowledge of those airport operators."

According to Mr. Swanda, "Our recommendations are broad in scope and generic in application. Each and every landing facility operator throughout the United States will be able to use them and apply appropriate security measures to improve security at that airport." He noted that the working group's recommendations address the following topic areas:

- Pilots and passengers
- Aircraft
- Airport facilities
- Surveillance
- Security and communications plans
- Specialty operations, particularly agricultural aviation operations
- Government assistance for general aviation security

At the conclusion of the presentation, Mr. Hawkins invited questions and discussion from committee members.

Mr. Hudson asked whether the working group had addressed questions concerning flight training and use of rental aircraft by potential terrorists at general aviation airports. Mr. Ogrodzinski responded that the working group report contains several recommendations concerning flight training. He also noted that FAA, TSA and other agencies have address flight training through actions taken since September 11.

Andy Cebula (AOPA), speaking as a member of the working group, discussed several of the actions taken by federal agencies to enhance the security of flight training since September 11. Jeb Burnside (NATA), also a member of the working group, echoed Mr. Cebula's comments.

Mr. McHale asked the members of the working group why it would not be more appropriate to regulate general aviation airport security than merely to recommend a collection of industry best

practices? Mr. Swanda responded that to mandate security practices by regulation would significantly harm the economic viability of many general aviation airports and, by extension, the economic viability of general aviation itself. He suggested that regulation in this area should be preceded by vulnerability assessment.

Ms. Ross noted that the working group recommends federal funding of hangar construction. She noted that commercial air carriers have “far too many aircraft to put into hangars,” and she questioned whether it would not be better to apply federal guidelines for the secure non-hangared parking of commercial aircraft to the general aviation fleet than to ask the federal government to fund hangar construction. Messrs. Swanda and Ogradzinski replied that hangaring aircraft offers great security benefits where feasible, that hangaring may be more feasible in the general aviation context than in the commercial aviation context, and that the recommendation for federal funding of hangar construction in the general aviation context is a response to fear of unfounded mandates among working group participants. Mr. Cebula expressed hope that funding for general aviation hangar construction would be included in the Federal Aviation Administration Reauthorization Bill pending at that time.

There being no further discussion, Mr. Hawkins noted that copies of the presentation on general aviation airport security had been distributed to ASAC members at the meeting, but there appeared to be no copies of the proposed working group report available. ASAC members confirmed by show of hands that they had not received copies of the report. Mr. Hawkins stated that, without having had an opportunity to review the report itself, ASAC members were not in a position to determine whether to forward the report to TSA.

Mr. Swanda offered to duplicate his copy of the report and distribute copies to ASAC members after a brief recess of the meeting. Mr. Riley stated that production of the report had not been completed until late the previous day; he stated that he had 25 copies of the report available for immediate distribution and asked Mr. Hawkins to permit ASAC members to review the report and act on it in the meeting.

Mr. Hawkins determined that, “this body cannot vote on a document that it has not had the opportunity to read.” He suggested that the committee convene again in two to three weeks to act on the report.

After further discussion, Mr. Hawkins directed distribution of copies of the general aviation security working group report to the member of ASAC, he set a period of two weeks for submission by ASAC members of comments on the report to TSA, and he stated that TSA, in cooperation with committee members, would determine how to facilitate committee action on the report. Mr. Hudson stated that, if the committee is asked to act outside a formal meeting, unanimous consent should be required to authorize any action.

Further Remarks by Mr. McHale

Mr. McHale expressed regret that closure could not be reached on the general aviation airport security working group report, but stated his view that the correct result had been achieved within the committee under the circumstances. He promised that TSA would offer the

committee an opportunity to act on the report sooner than four months from that date, and he thanked the committee members for their efforts.

Mr. McHale agreed to take questions from ASAC members. The ensuing colloquies are recorded in the transcript of the meeting.

General Discussion and Next Meeting

Following Mr. McHale's closing remarks, Mr. Hawkins opened the meeting to a general discussion among the committee members.

Mr. Norelius asked whether a non-SSI version of the air cargo security working groups report would be developed by TSA for distribution to the public. Mr. Corrao stated that a fact sheet summarizing the working groups' recommendations had been developed for public distribution, but a redacted version of the full report would not be developed.

Mr. Witkowski asked when the public materials concerning the air cargo security report would be available. Mr. Corrao replied that the materials were available at that time from a TSA staff person identified in the meeting.

Mr. Hawkins adjourned the meeting at 11:50 a.m.

ASAC Members Present:

Non-Governmental Organizations:

Air Courier Conference of America	Joe Morris
Air Line Pilots Association International	Steve Luckey
Air Transport Association of America	Chris Bidwell
Aircraft Owners and Pilots Association	Andy Cebula
Airforwarders Association	David Wirsing
Airport Consultants Council	Paula Hochstetler
Airport Law Enforcement Agencies Network	Tim Kimsey
Airports Council International-North America	Dawn Lucini
Allied Pilots Association	Paul Rancatone
American Association of Airport Executives	Carter Morris
Association of Flight Attendants, AFL-CIO	Chris Witkowski
Aviation Consumer Action Project	Paul Hudson
Cargo Airline Association	Steve Alterman
Coalition of Airline Pilots Associations	Jay Norelius
General Aviation Manufacturers Association	Brian Riley
International Airline Passengers Association	Nancy McKinley
National Air Carrier Association	George Paul
National Air Transportation Association	Joseph (Jeb) Burnside
Regional Airline Association	Lynn Ross
Victims of Pan Am Flight 103	Glenn P. Johnson

Government Agencies:

TSA (ASAC Chairman)	Joseph Hawkins
TSA (ASAC FACA DFO)	Joe Corrao
Bureau of Alcohol Tobacco & Firearms	Gary Taylor
Federal Bureau of Investigation	Alexis Smollock
U.S. Postal Inspection Service	Robert A. Martin

Observers and Members of the Public

Last Name	First Name	AFFILIATION
Anslett	Frank	RAYTHEON
Bardnan	Nancy	GAO
Barnard	Randy	SCIS AIR SECURITY CORP.
Blouin	Bob	NBAA
Brejas	Charlotte	TSA AVOPS
Bidwell	Chris	ATA
Carder	Zack	TSA
Carfer	Tanara	ATF
Case	Scott	NCB-FAA
Castrillo	Joseph	UNITED AIRLINES
Chen	Sophy	HOGAN &HARTSON
Cosule	Andrew	AOPA
Coutu	Theresa	IN-VISON
Cox	Kenneth	CTI CONSULTING
Cramer	Deborah	DELTA
Daly	John	DOT -S-60
Dudley	Ann	AMERICAN AIRLINES
Egan	Michael	RUSS & BARRUZZINI
Evans	David	PBI MEDIA
Fisher	Clint	TSA
Flynn	Cathal	SELF
Forave	Mark	MIAMI DADE AVAITION
Fren	Niel	CAPA
Fried	Brandon	AIR FORWARDERS ASSOCIATION
Friedman	Thomas	TSA
Friedman	Pamela	TSA
Garza	Ray	CTI CONSULTING
Guimard	Lou	ATK
Hammerpu	Rebecca	AAAE
Hutton	Helena	3M
Jackson	Lee	TSA-OPS POLICY
Judup	Valentine	JAPAN INT'L TRANSPORT
Kent	J.H.	NCBFAA
Kisorr	Alex	CAA
Kolander	Candace	AFA
Kosatka	Art	TRANSECURE
Leguer	Jonwa	AM. TRUCKING ASSOCIATION
Longmire	Lee	TSA
Lowe	Paul	AVIATION INT'L NEWS
Loyd	Robert	AIR FRANCE
Lucini	Dawn	ACI-NA
Macomber	Richard	NAT'L INDUST TRANSP. LEAGUE
Mallard		NASAO
Martin	Robert	USPIS
Mavrogianno	Anthony	ACC
Mccaffrey	Jim	BA
Moore	Andrew	NAT'L AG. AIRCRAFT ASSOC.
Morton	Charles	TSA
Ogrodzinski	H	NASAO
Paul	George	NACA
Power	S	WSJ
Ramsdell	Eric	NBAA

Last Name	First Name	AFFILIATION
Riley	Brian	GAMA
Riveng	Joseph	EBAA
Rork	Susan	ARINC
Ross	Lynn	RAA
Rupp	Chris	CBP
Schaus	Jennifer	INFO USA
Shilling	James	CAPA
Shoemaker	Roger	TSA
Shumann	John	GAO
Skoclurg	Steur	SCIS
Small	Albert	DOLONEY & SMALL ASSOCIATES
Somoza	Lorenzo	USPIS
Swanda	Ron	GAMA
Taylor	Gary	ATF
Taylor	Frau	CONTINENTAL AIR
Terhorst	Jodi	TSA
Thaxton	Richard	IDTECH PARTNERS
Todd	Alistair	ACI-NA
Trainor	Robert	NTSB
Trapp	George	ACCA
Tucker	Courtney	TSA-9
Wassernan	Howard	AIR FRANCE
Wears	Walter	TIA
Webber	Mel	ACI
Wood	Leonard	ADT
Wright	Jerry	ALPA