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MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE



PUBLIC MEETING



Federal Aviation Administration
800 Independence Avenue, SW
MacCracken Room
Tenth Floor
Washington, DC 20591



Thursday, December 7, 2000

1

2 **ANNOUNCEMENT..... 9**

3 **INTRODUCTIONS.....11**

4 **APPROVAL OF THE MINUTES OF THE JUNE 1, 2000 MEETING.....13**

5 **THE AVIATION SECURITY IMPROVEMENT ACT OF 2000.....13**

6 **ELECTRONIC FINGERPRINT PILOT PROGRAM FAA.....18**

7 **CHECKPOINT SECURITY SCREENERS.....23**

8 **CARRIAGE OF WEAPONS TASK FORCE.....24**

9 **REGULATORY ACTIONS.....25**

10 **PAPERWORK REDUCTION ACT.....27**

N O T E

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4
5 Under normal circumstances the minutes of the full
6 Aviation Security Advisory Committee are recorded and
7 transcribed verbatim. A court reporter attended the
8 December 7, 2000, ASAC meeting for the purpose of recording
9 the proceedings and subsequently providing a verbatim
10 transcript.

11
12 Unfortunately, the company for which the court
13 reporter worked, Ann Riley and Associates, LTD., is no longer
14 in business. The FAA never received a transcript. These
15 minutes were compiled by a combination of the Chairman's
16 notes, the speakers' notes and presentation materials.

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

1 P A R T I C I P A N T S

2

3 ASAC Committee Members:

4

5 LT. General Michael Canavan

6 Chairman, Aviation Security Advisory Committee

7 Associate Administrator for Civil Aviation Security

8

9 Dr. Jan Brecht-Clark,

10 Designated Federal Official

11 Director, Office of Civil Aviation Security

12 Policy and Planning

13

14 Ms. Sharan Sharp

15 Department of Transportation

16

17 Ms. Deborah McElroy

18 Regional Airlines Association

19

20 Mr. Paul Archambeault

21 Air Transport Association of America

22

23 Mr. Richard Mills

24 National Air Carriers Association

25

26 Mr. Steve Alterman

27 Cargo Airline Association

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

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Mr. Al Graser
American Association of Airport Executives

Mr. Warren Koppel
Airports Council International - North America

Captain Steve Luckey
Airline Pilots Association

Mr. Bob Monetti
Victims of Pan Am 103

Mr. Duane McGray
Airport Law Enforcement Agencies Network

Mr. Bob Martin
US Postal Service

Mr. Bob Hutnick
Immigration and Naturalization Service

Ms. Beverly Wright
Federal Bureau of Investigation

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

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Presenters:

Karl Shrum
Office of Civil Aviation Security
Policy and Planning

Ms. Donna Krimski
Office of Civil Aviation Security
Operations

Mr. Bob Monetti
Victims of Pan Am 103

Don Cotton
Office of Civil Aviation Security
Policy and Planning

Dr. Jan Brecht-Clark,
Designated Federal Official
Director, Office of Civil Aviation Security
Policy and Planning

Mr. Art Kosotka
Office of Civil Aviation Security
Policy and Planning

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Attendees:

Mr. William Davis
Deputy Association Administrator
for Civil Aviation Security

Ms. Rebecca Tuttle
Office of Civil Aviation Security
Policy and Planning

Ms. Linda Valencia
Office of Civil Aviation Security
Policy and Planning

Mr. Bruce Landry
Office of Civil Aviation Security
Policy and Planning

Mr. Richard Kolodner
Office of Civil Aviation Security
Policy and Planning

Ms. Catherine Vasquez
Office of Civil Aviation Security
Policy and Planning

1 Mr. Quinten Johnson
2 Office of Civil Aviation Security
3 Policy and Planning

4
5 Ms. Bonnie Wilson
6 Airports Council International - North America

7
8 Ms. Dawn Lucini
9 Airports Council International - North America

10
11 Mr. Barclay Dick
12 Tucson Airport Authority

13
14 Mr. Thomas O'Sullivan
15 Tucson Airport Authority

16
17 Mr. Peter Falcone
18 Office of Civil Aviation Security
19 Operations

20
21 Mr. Lee Longmire
22 Office of Civil Aviation Security
23 Operations

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25 Mr. Brian Belcher
26 Office of Civil Aviation Security
27 Operations

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

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Ms. Ann Marie Avila
Office of Civil Aviation Security
Operations

Mr. Steve Jenkins
Office of Civil Aviation Security
Operations

Mr. Howard Phillips
Emery Worldwide

Mr. Andrew Wyczlinski
Emery Worldwide

Mr. Reginald Watkins
Immigration and Naturalization Service

Mr. John Kirby
Immigration and Naturalization Service

Mr. Gary Edwards
US Secret Service

Ms. Dan Wright
Federal Bureau of Investigation

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

1 Mr. Ron Nolan
2 Federal Bureau of Investigation

3
4 Mr. Jerry Wright
5 Airline Pilots Association

6
7 Mr. Michael Chase
8 Federal Aviation Administration,
9 Office of Chief Counsel

10
11 Ms. Laura Gimlett
12 US Airways

13
14 Mr. Rich Davis
15 United Airlines

16
17 Mr. Bob Spitler
18 American Trans Air

19
20 Mr. Paul Arnold
21 United Postal Service

22
23 Mr. Jeff Dunaway
24 United Postal Service

25
26 Mr. Larry Wansley
27 American Airlines

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

1
2 P R O C E E D I N G S
3

4 [10:10 am]
5

6 **Announcement**
7

8 **CHAIRMAN CANAVAN:** This meeting is being held
9 pursuant to a notice published in the Federal Register on
10 November 28, 2000. The agenda for the meeting will be as
11 announced in that notice with details as set out in the
12 handout. The FAA Designated Federal Official (DFO),
13 Jan Brecht-Clark, is responsible for compliance with the
14 Federal Advisory Committee Act (FACA). It is her
15 responsibility to see to it that the agenda is adhered to and
16 that accurate minutes are kept. The DFO also has the
17 responsibility to adjourn the meeting should she find it
18 necessary to do so in the public interest.
19

20 Placards for the member organizations are set out
21 on the main table. Only one representative from each
22 organization may sit at the table, participate in

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

1 discussions, and vote on matters put to a vote by the chair.
2 Other representatives of member organizations should channel
3 any remarks they have through the organization's main table
4 representative, except as requested to do otherwise by the
5 chair. When addressing the chair, please identify yourself
6 to greatly facilitate keeping accurate minutes.

7

8 The meeting is open to the public, but members of
9 the public may address the committee only with the permission
10 of the chair, which should be arranged by giving advance
11 notice concerning the scope and duration of the intended
12 presentation. The chair may entertain public comment if, in
13 his/her judgment, doing so will not disrupt the orderly
14 progress of the meeting and will not be unfair to any other
15 person. Members of the public are welcome to present written
16 material to the committee at any time.

**MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE**

THURSDAY, DECEMBER 7, 2000

1 **Introductions**

2

3 Now, for the purpose of the record of the meeting,
4 I would like to go around the table so that each member can
5 identify themselves and their organization. I will start
6 with the Chair.

7

8 My name is Michael Canavan, FAA Chairman ASAC.

9

10 **MS. BRECHT-CLARK:** My name is Jan Brecht-Clark.

11 I am the Designated Federal Official and the Director of the
12 Office of Civil Aviation Security Policy and Planning.

13

14 **MS. SHARP:** Sharan Sharp, Department of
15 Transportation.

16

17 **MS. MCELROY:** Deborah McElroy, Regional Airlines
18 Association.

19

20 **MR. ARCHAMBEAULT:** Paul Archambeault, Air
21 Transport Association of America.

1
2 **MR. MILLS:** Richard Mills, National Air Carriers
3 Association.

4
5 **MR. ALTERMAN:** Mr. Steve Alterman, Cargo Airline
6 Association.

7
8 **MR. GRASER:** Mr. Al Graser, American Association
9 of Airport Executives.

10
11 **MR. KOPPEL:** Mr. Warren Koppel, Airports Council
12 International - North America.

13
14 **MR. LUCKEY:** Steve Luckey, Airline Pilots
15 Association.

16
17 **MR. MONETTI:** Bob Monetti, Victims of Pan Am 103.

18
19 **MR. DUANE MCCRAY:** Duane McGray, ALEAN.

20
21 **MR. MARTIN:** Bob Martin, US Postal Service.

22

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000

1 **MR. HUTNICK:** Bob Hutnick, INS.

2

3 **MS. WRIGHT:** Beverly Wright, FBI.

4

5 **Approval of the Minutes of the June 1, 2000 Meeting**

6

7 **CHAIRMAN CANAVAN:** The first order of business is
8 a review of the minutes of the meeting of June 1, 2000. Let
9 me open it to the members for any discussion of those
10 minutes.

11

12 **NOTE:** The minutes were formally adopted as they
13 were provided to the members of the committee.

14

15 **The Aviation Security Improvement Act of 2000**

16

17 **CHAIRMAN CANAVAN:** Mr. Karl Shrum, of The Civil
18 Aviation Security Office of Policy and Planning, will address
19 us on the impact of the Airport Security Improvement Act of
20 2000.

1

2

KARL SHRUM: The Background of the Airport

3

Security Improvement Act of 2000. This legislation is based

4

on the findings of audits performed by the General Accounting

5

Office and the Office of the Inspector General. In addition,

6

issues raised in House and Senate Hearings were addressed.

7

The Airport Security Improvement Act of 2000 or S. 2440 was

8

introduced April 13, 2000. It was enacted as P.L. 106-528 on

9

November 22, 2000.

10

11

The law will become effective 30 days after

12

enactment or as otherwise provided. This means that the law

13

was written to be self-executing.

14

15

One of the areas impacted by this law is automated

16

fingerprinting. The law requires the FAA to develop the

17

electronic fingerprint pilot program into an aviation

18

industry-wide program within two years. The law states that

19

airports will determine the cost-effectiveness of the

20

electronic fingerprint pilot program. The law requires an

21

interim report to Congress within one year. In addition, it

1 required that the FAA notify Congress if the program is not
2 sufficiently operational after two years.

3

4 The law mandated new fingerprinting requirements
5 at Category X Airports. All new applicants for unescorted
6 access and screener positions will have to be fingerprinted.
7 These new requirements are effective 30 days after enactment
8 of the law (December 22, 2000). The law did include the
9 provision for applicants to be employed for 45 days while
10 criminal history record check is underway if employment
11 investigation is successful. That provision will be reduced
12 to 30 days after the two-year anniversary of enactment.

13

14 There are also new mandates effecting
15 fingerprinting requirements at other airports. At these
16 airports all new applicants for unescorted access and
17 screener positions will be fingerprinted. However, this
18 requirement does not take effect until three years after the
19 enactment date of the law (November 22, 2003). Once this
20 becomes effective, employment investigations will not
21 required if the criminal history record check has been
22 completed.

1

2 Until the effective date (November 22, 2003),
3 employment investigations continue to be the requirement at
4 these airports. The fingerprint checks will only be
5 preformed if a trigger is met. Current regulations must be
6 amended to authorize fingerprint checks for all applicants.

7

8 Also, the law expanded the list of disqualifying
9 crimes that will be used to evaluate the results of
10 fingerprint checks. The list of offenses barring employment
11 has been expanded to include more felonies. The expanded
12 list of crimes is effective at all airports as of December
13 23, 2000.

14

15 The Certification of Screening Companies
16 rulemaking will be effected by this law. The Act requires
17 that a final rule be issued by May 31, 2001.

18

19 Also required is 40 hours of classroom instruction
20 for screeners or that they be trained to equivalent level of
21 proficiency. The law also mandated that screeners complete
22 40 hours of on the job training and pass an examination.

1
2 Airports and air carriers are to develop and
3 implement programs to reward the compliance of and penalize
4 the noncompliance of their employees. The FAA is required to
5 publish a list of sanctions as guidelines for disciplining
6 employees. The law mandated that airports and air carriers
7 include the list of sanctions in their security programs.

8
9 The Airport Security Improvement Act of 2000
10 mandated that airports and air carriers to develop
11 comprehensive and recurring employee training programs.

12
13 The law also addressed access control
14 improvements. The law requires that access control points
15 are to be strengthened and any weaknesses eliminated by
16 January 31, 2001. The FAA is directed to assess and test for
17 compliance and follow up with appropriate enforcement action.
18 The FAA has also been directed to issue guidelines for
19 measuring compliance.

20
21 Finally, the law addressed the utilization of
22 explosives detection systems. It called for the maximize use

1 of explosives detection equipment. It mandated a manual
2 process to randomly select additional checked bags for
3 screening with EDS. However, the law made it clear that it
4 does not limit FAA's ability to impose additional security
5 measures.

6

7 **Electronic Fingerprint Pilot Program FAA**

8

9 **CHAIRMAN CANAVAN:** The Office of Civil Aviation
10 Security Operations will give a status report on the test
11 pilot program for the electronic transmission of
12 fingerprints.

13

14 **DONNA KRIMSKI:** My name is Donna Krimski from The
15 Office of Civil Aviation Security Operations, Airports
16 Division. I will present an overview of the fingerprint
17 pilot but first lets review the background and circumstances
18 that led to the pilot.

19

20 In February of 1996, a rule became effective
21 that authorized fingerprint checks for unescorted access to

1 the security identification display area only if certain
2 triggers were present. In 1998, 14 CFR Part 108 was amended
3 to include authorized fingerprint checks screeners, again,
4 only if certain triggers were present. At that time,
5 fingerprint cards were submitted and mailed for processing.
6 Initially, airports and air carriers waited an average of 54
7 days for results. This long waiting period was an
8 operational concern for industry. Industry requested that
9 the FAA work on improving turn-around time.

10

11 In response, in 1998 FAA implemented the
12 e-transmission pilot on a voluntary basis. Under the pilot,
13 participating parties would transmit fingerprints
14 electronically for processing and FAA would send results
15 electronically. All regulated parties were invited to join.

16

17 The pilot was geared to the sites submitting
18 the greatest number of fingerprint checks. So the pilot was
19 designed to meet the demand from a limited number of sites.
20 The model developed for the pilot could accommodate up to 20
21 sites. The purpose of the pilot was to determine the

1 feasibility of e-transmission and to reduce the 54 day turn-
2 around for the results.

3

4 Product evaluation was not an objective of
5 the pilot because there are products on the market that have
6 been certified by the FBI as having been tested. These
7 products have been found to be in compliance with FBI's
8 integrated automated fingerprinting identification system
9 image quality specifications.

10

11 Since July of 1999, 5 pilot airports have
12 been transmitting fingerprints electronically and receiving
13 results for those without a criminal history record
14 electronically.

15

16 Under the pilot, results without a criminal
17 history record are being returned on average 3 to 4 days for
18 fingerprint results - this is a great improvement over the
19 initial 54 days. Airports have reported receiving results in
20 2 days or less, but this is not the norm.

21

1 Results with a criminal history record
2 average 10 or more days; in some cases; the FBI/CJIS advises
3 that every state does not send the criminal history record to
4 the Bureau. Consequently, the FBI has to request a copy of
5 the criminal history record from some states and this adds to
6 the waiting time for receiving results. Criminal history
7 records are express mailed to the pilot airports; eventually
8 the FBI expects that the criminal history records will also
9 be transmitted electronically.

10

11 The total number of fingerprint processed
12 electronically in fiscal years 1999 and 2000 is 5,969. The
13 total number of fingerprint processed by inked card being
14 mailed in fiscal years 1999 and 2000 is 6,772.

15

16 Let's review the information we've learned related
17 to the operation of the live-scan equipment from pilot
18 airports. On average, it takes from 15 to 25 minutes to
19 live-scan prints. The amount of time needed to scan is
20 related to the experience of the operator and will vary at
21 locations due to procedures and staffing. The cost of live-
22 scan equipment varies - parties need to shop around. It

1 takes an average of 2 or 3 days to get equipment hooked up to
2 OPM, an FBI designated clearinghouse. Training on operating
3 the equipment is provided by the vendor. Live-scan equipment
4 produces a higher quality fingerprint image, this reduces the
5 number of fingerprints that need to be returned and
6 reprinted.

7
8 Some of the problems we encountered during the
9 pilot were (1) technical difficulties were experiences in the
10 initial dial-up (2) vendor reconfiguration of equipment
11 delayed start-up and (3) there were some administrative
12 processing issues related to fee submissions.

13
14 In conclusion, the pilot although limited to five
15 airports, has provided hands-on experience for industry and
16 FAA. This experience will assist both industry and the FAA
17 as we work together to implement the requirements of the new
18 law.

19
20 The current system will accommodate 20 sites.
21 Consequently, FAA is working to upgrade the system so that

1 other airports and air carriers can participate in the
2 electronic program within the timeframe specified in the law.

3

4 Over the past two years, FAA has worked closely
5 with industry, the FBI and OPM, and we will continue to do
6 so. The federal agencies are aware of the new requirements
7 and the anticipated increase in fingerprint submissions.

8

9 The pilot demonstrates that the technology is
10 feasible; it reduces the number of reprints, as well as the
11 turn-around time for results.

12

13 **Checkpoint Security Screeners**

14

15 **CHAIRMAN CANAVAN:** Mr. Bob Monetti, of the Victims
16 of Pam Am 103, has asked to address the group on the topic of
17 Checkpoint Security Screeners.

18

19 **Note:** A copy of Mr. Monetti's remarks was not
20 available.

21

1 **Carriage of Weapons Task Force**

2

3 **CHAIRMAN CANAVAN:** Mr. Don Cotton, of the Civil
4 Aviation Security Office of Policy and Planning, will speak
5 to us regarding the progress of the Carriage of Weapons Task
6 Force and their current focus on the Verification and Use of
7 Law Enforcement Credentials.

8

9 **DON COTTON:** My name is Don Cotton and I am the
10 Chairman of the Carriage of Weapons Task Force. Today I
11 would like you update you on the status of the Task Force's
12 project to develop a memory chip card for the verification of
13 law enforcement credentials. The Task Force chartered the
14 Verification-Card Working Group (VCWG) to look at this issue.
15 The VCWG is comprised of law enforcement agencies, law
16 enforcement organizations, the airline industry, the airport
17 industry, employee representative groups and the FAA.

18

19 The VCWG met twice in June and twice in July. The
20 VCWG has developed a general plan that covers development to
21 implementation. However, many details need to be addressed;

1 the development and the distribution of software, the
2 purchase of cards, the purchase and distribution of readers,
3 the test program and final implementation.

4

5 There are still several issues that need to be
6 resolved. The most important being: (1) which agency will
7 have program responsibility of the pilot program (2) which
8 agency will be responsible for the life-cycle management of
9 the system and (3) identifying possible funding for software
10 and hardware installation and maintenance.

11

12 The group hopes to resolve some of these issues in
13 the coming months and begin receiving demonstrations on
14 writers and readers that are available commercially on the
15 shelf. Thank you.

16

17

18 **Regulatory Actions**

19

20 **CHAIRMAN CANAVAN:** Mr. Karl Shrum, of The Civil
21 Aviation Security Office of Policy and Planning, will now

1 address the status of the various rulemakings and other on-
2 going initiatives in civil aviation security.

3

4 **KARL SHRUM:** The Security of Checked Baggage on
5 Flights within the United States Final Rulemaking. This
6 rulemaking is in response to recommendations of the White
7 House Commission. The use of the computer assisted passenger
8 prescreening system and explosives detection systems or
9 passenger bag match for selectee bags has been implemented
10 through air carrier security programs. The final rule has
11 been in the Office the Secretary of Transportation since
12 September 9.

13

14 The Foreign Air Carrier Security Programs
15 (Identical Measures) Final Rule. Security measures for
16 foreign air carriers identical to the security measures of US
17 air carriers at the same airport was mandated by Congress in
18 1996. A letter from Secretary Slater was sent to Congress on
19 June 12. There has been no response from the Congress.

20

21 Certification of Screening Companies Final Rule.

22 This rule mandated by Congress in 1996 is complex and

1 implementation is dependent upon related technical
2 developments, such as threat image projection, needed to
3 measure performance and set standards. The comment period
4 for the notice of proposed rulemaking closed on May 4.
5 Drafting of the final rule is ongoing. The Airport Security
6 Act of 2000 or S. 2440 requires that a final rule be issued
7 no later than May 31, 2001.

8
9 Final Rules for 14 CFR Part 107 and 108. The
10 final rules for 14 CFR 107 and 108 were cleared by the Office
11 of the Secretary of Transportation and forwarded to the
12 Office of Management and Budget on August 17.

13

14 **Paperwork Reduction Act**

15

16 **CHAIRMAN CANAVAN:** Mr. Art Kosatka, of The Civil
17 Aviation Security Office of Policy and Planning, will now
18 address the group on an upcoming project that deals with the
19 Paperwork Reduction Act.

20

1 **ART KOSATKA:** My name is Art Kosatka of ACP-100 and
2 I would like to speak to you regarding the pending OMB
3 clearance of FAR 107, and an FAA survey to follow publication
4 of the regulation which will help to update and validate the
5 economic analysis underlying the regulation in the context of
6 the Paperwork Reduction Act. Under the conditions of the
7 Paperwork Reduction Act, each FAA regulation undergoes an
8 analysis every three years to determine whether it remains in
9 the best interests of the government, the industry, and the
10 travelling public for that rule to remain in place, and/or
11 whether it might require various updates and amendments to
12 optimize its value in the current aviation environment. The
13 timing of this data gathering effort is keyed to the May 2001
14 expiration date of OMB's clearance of the current regulation.

15

16 FAR 107, written in 1972, deals with airport
17 security, and was economically justified based on an analysis
18 of the costs and conditions of that time. Since then, the
19 regulation has undergone a significant number of revisions
20 and amendments, each of which carried it's own independent
21 economic evaluation, and some of which, in retrospect, may

1 have been based on faulty assumptions, incomplete data,
2 and/or major changes in the security-driven environment.

3
4 During 1999-2000, a single integrated and
5 comprehensive rewrite of the entire regulation was undertaken
6 for the first time, accompanied by a new all-encompassing
7 estimate of the economic burden the newly revised rule would
8 impose on the industry nationwide. The new cost estimates
9 are considerably greater than previous figures, and may in
10 part be based on long-standing but outdated estimates and
11 assumptions which have occurred piecemeal over the years.
12 With the issuance of an entirely new regulation, FAA is
13 undertaking this data gathering effort to further review and
14 validate the estimates of both financial and laborburdens on
15 the industry, and if necessary, to further revise FAA
16 baseline assumptions, and potentially modify or eliminate
17 some outdated burdens accordingly.

18
19 Immediately following issuance of the regulation,
20 FAA Office of Civil Aviation Security will undertake an
21 industry wide survey to examine the cost of paperwork burdens
22 of the rule, with the specific goal of trying to identify any

1 burdens which might be mitigated or eliminated without
2 affecting the substance of the rule's regulatory intent. FAA
3 will work with the industry organizations and the ASAC
4 members in order to minimize any additional burden that the
5 survey itself might carry. The survey will only evaluate the
6 burdens of FAR 107, since its' OMB clearance is about to
7 expire; FAR 108 may be examined later in the year.

8

9 **Meeting Adjourned.**

MEETING OF THE
AVIATION SECURITY ADVISORY COMMITTEE

THURSDAY, DECEMBER 7, 2000