



## APPEARANCES (Cont.)

Mr. Kevin P. Cummings  
U.S. Customs Service

Mr. Andy O'Connell  
U.S. Secret Service

Mr. Robert Blitzer  
FBI

Ms. Bonnie H. Wilson  
Airports Council International/  
North America

Mr. Edward J. Driscoll  
National Air Carrier Association

Ms. Deborah McElroy  
Regional Airlines Association

Mr. Andrew V. Cebula  
National Air Transportation Association

Mr. Robert Martin  
U.S. Postal Inspection Service

Mr. Bob Monetti  
Victims of PanAm Flight 103

Mr. David A. Varrelman  
Airport Law Enforcement Agencies

Mr. Robert DiVito  
Aviation Consumer Action Project

Mr. Darryl Cook  
Air Carrier Conference of America

Mr. John Daly  
U.S. Department of Transportation

Mr. John Lenihan  
White House Commission Staff

Mr. Douglas R. Laird  
Air Line Pilots Association International

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## APPEARANCES (Cont.)

Ms. Mary Kay Hanke  
Association of Flight Attendants

Mr. Anthony Fainberg  
Mr. Mike Morse  
Mr. Karl Shrum  
Federal Aviation Administration

Mr. Richard Lally  
Consultant

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1 any remarks they have through the organization's main table  
2 representative, except as requested to do otherwise by the  
3 Chair. When addressing the Chair, please identify yourself,  
4 and that will greatly facilitate keeping accurate minutes.

5           This meeting is open to the public, but members of  
6 the public may address the committee only with the permission  
7 of the Chair, which should have been arranged by giving  
8 advanced notice concerning the scope and duration of the  
9 intended presentation. The Chair may entertain public  
10 comment if, in the Chair's judgement, doing so would not  
11 disrupt the orderly progress of the meeting and would not be  
12 unfair to any other person. Members of the public are  
13 welcome to present written material to the committee at any  
14 time.

15           At this time, it is my honor to introduce the  
16 Deputy Secretary for Transportation, Mr. Mort Downey.  
17 Members of the ASAC will recall that the deputy secretary  
18 addressed us on July 17 when the ASAC formed the Baseline  
19 Working Group. Mr. Downey?

20                           PRESENTATION BY DEPUTY SECRETARY DOWNEY

21           DEPUTY SECRETARY DOWNEY: Thank you, Cathal. I  
22 appreciate that I can take a couple of minutes to come in and  
23 thank all of you for the work that you've done since July 17.  
24 When I spoke to you then, you obviously did not know how

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1 intense the public interest, the public concern would be on  
2 these issues. But I think you have responded in a really  
3 admirable fashion. The recommendations that you put together  
4 really address what has become a national concern.

5           The TWA accident, while none of us know what the  
6 cause was, clearly established in the public's mind how high  
7 the stakes are, the issue of aviation security. We are  
8 potentially a target. We all knew that on July 17. We know  
9 it today. What we know better today, by virtue of your work,  
10 is what can be done and what the costs are and what the  
11 measures are and what their effectiveness will be.

12           There are a lot of steps ahead in terms of review  
13 by the full advisory committee, review at the government  
14 level, review by the Gore Commission. But all of that has to  
15 be based on sound fact and a sound working relationship on  
16 what the issues are. I think we have forged that over the  
17 last few months. I know it has been an intense effort on  
18 your part and I again want to thank you very much for it.

19           I look forward to sitting in for at least the first  
20 hour or so to hear what it is, in fact, that you have  
21 recommended.

22           ADMIRAL FLYNN: Thank you, sir.

23           DEPUTY SECRETARY DOWNEY: Let me also just say the  
24 Secretary would have been here this morning, but at the last

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1 minute an aviation safety discussion over at the White House  
2 has intervened. So he's over there. He might get back, but  
3 I, at this point, don't think so. He also sends his thanks  
4 for what you all have done.

5           ADMIRAL FLYNN: I want to thank all the members of  
6 ASAC for your presence here this morning and to thank those  
7 of you who have been members of the Baseline Working Group  
8 for your contributions to that effort and the contributions  
9 of your organizations to that.

10           I would like as we proceed to tell you that we have  
11 -- I would also like to welcome others who are here in  
12 attendance, people from government and outside, and the  
13 representatives of the press who are here today. Welcome.

14           I want to remind the members of the ASAC that we  
15 have a usual system of microphones here. These are the  
16 rather small black ones on tripods. They do not amplify your  
17 voice. They are for the purpose of recording the proceedings  
18 in order to keep accurate minutes.

19           Then this time there are also -- you'll see around  
20 here these silver microphones, and they are there for the  
21 purpose of public affairs, to be able to have a recording of  
22 this to assist the press.

23           When people wish to have their voices amplified,  
24 there is an voice amplification system built into this podium

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1 lectern here and members of the ASAC are welcome to come to  
2 that when addressing the group. It's your choice. You can  
3 do it from your seats.

4 INTRODUCTION

5 ADMIRAL FLYNN: I would like now again, for the  
6 purpose of the record of the meeting, to go around the table  
7 so that people can identify themselves and their  
8 organizations. The Deputy Secretary for Transportation and I  
9 have already done that, so we'll start with Mr. Blitzer,  
10 please.

11 MR. BLITZER: I am Bob Blitzer with the FBI.

12 MR. DiVITO: Robert DiVito with the Aviation  
13 Consumer Action Project.

14 MR. CUMMINGS: Kevin Cummings with U.S. Customs.

15 MR. VARRELMAN: Dave Varrelman, Airport Law  
16 Enforcement Agencies.

17 MR. CEBULA: Andy Cebula, National Air  
18 Transportation Association.

19 MS. HANKE: Mary Kay Hanke with the Association of  
20 Flight Attendants.

21 MR. MONETTI: I'm Bob Monetti. I'm with the  
22 Victims of Pan Am Flight 103.

23 MR. O'CONNELL: Andy O'Connell, U.S. Secret  
24 Service.

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1 MR. LAIRD: Doug Laird, Airline Pilots Association.

2 MR. DRISCOLL: Ed Driscoll, National Air Carriers  
3 Association.

4 MR. MARTIN: Bob Martin, Postal Inspection Service.

5 MS. McELROY: Debbie McElroy, Regional Airline  
6 Association.

7 MS. RORK: Susan Rork, Air Transport Association.

8 MS. COUTU: Theresa Coutu, the American Association  
9 of Airport Executives.

10 MS. WILSON: Bonnie Wilson, Airports Council  
11 International/North America.

12 MR. LALLY: Dick Lally, chair of the Baseline  
13 Working Group.

14 MR. FAINBERG: Tony Fainberg, FAA Designated  
15 Federal Official.

16 ADMIRAL FLYNN: You will see a placard at the chair  
17 over there to Doug Laird's left. That is for the  
18 organization the Families of Pan Am 103/Lockerbie, and their  
19 representative may be joining us. And we welcome that group  
20 as a new member organization of the ASAC.

21 REVIEW OF MINUTES OF JULY 17, 1996 MEETING

22 ADMIRAL FLYNN: The first order of business is a  
23 review of the minutes of the meeting of July 17, 1996. Let

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1 me open it to the members for any discussion of those  
2 minutes.

3 (No audible response.)

4 ADMIRAL FLYNN: I would like to have someone  
5 propose the adoption of the minutes, please.

6 MR. DRISCOLL: So proposed.

7 MS. McELROY: Second.

8 ADMIRAL FLYNN: I'd like the concurrence of the  
9 ASAC in those minutes and adoption of the minutes. All those  
10 in favor, say aye.

11 (Chorus of aye.)

12 ADMIRAL FLYNN: They're adopted. Thank you.

13 Our first new business item is a report of the  
14 Baseline Working Group and its recommendations. I would like  
15 to call Dick Lally to review those recommendations. I will  
16 leave it up to Dick as to how he would like to handle  
17 questions from the members of the ASAC as he goes through it,  
18 whether he wants to take them as he goes along or hold them  
19 until he has completed at least certain sections of his  
20 presentation.

21 BASELINE WORKING GROUP REPORT/RECOMMENDATIONS

22 MR. LALLY: Thank you, Admiral Flynn. I think what  
23 I'd like to do is use a couple of view graphs to give you a  
24 little background on the Baseline Working Group activities,

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1 and then proceed from there to a sanitized version of the BWG  
2 recommendations for new domestic security baseline and take  
3 questions as they come on those particular recommendations.

4           Among the recommendations, I will flag for you a  
5 couple of dissenting views, where we have members of the BWG  
6 who dissented in all or in part on the recommendations. I'll  
7 flag those for you, but then after we proceed with all of the  
8 recommendations, we'll come back to those dissenting portions  
9 and Admiral Flynn will conduct discussion on those who wish  
10 to discuss the dissenting views any further.

11           ADMIRAL FLYNN: May I interrupt there?

12           MR. LALLY: Yes, sir.

13           ADMIRAL FLYNN: There are two things being passed  
14 around to the ASAC. The larger document, to the members of  
15 the ASAC, the larger document is the Baseline Working Group  
16 Report. It is a Federal Air Regulation 191 protected  
17 document. It is for the members of the ASAC only.

18           They are also distributing -- and it will be made  
19 public -- a document that has 11 pages and a cover page, the  
20 summary of recommendations of the final report of the  
21 Baseline Working Group, and that is a public document. That  
22 document is available to the public.

23           MR. LALLY: Thank you, Admiral Flynn.

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1           The discussion that I will be presenting to you is  
2 a sanitized version of the proceedings. It does not get into  
3 the protected report, the thick one that was just being  
4 passed out. That is being passed out under controlled  
5 distribution, as Admiral Flynn stated, not for public  
6 discussion and not for public release. Further discussion of  
7 that document or its contents must be requested of  
8 Admiral Flynn, who is the Designated Federal Officer in  
9 charge of that FAR 191 disclosure. But let me proceed with  
10 the view graphs that we have.

11           The first one is just to refresh your memory, shows  
12 that the working group was established at the ASAC Meeting of  
13 July 17, which was already mentioned. The membership of the  
14 ASAC is all up there on the slide in Washington acronym  
15 terminology, and I think you can read it. In summary, it  
16 reflects six government organizations who are members of the  
17 working group, eight industry organizations, including two  
18 crew member organizations who are members of the working  
19 group, and two public interest groups who were members of the  
20 BWG. So we had good representation.

21           We also had good guidance from the Designated  
22 Federal Official for the BWG, Dr. Anthony Fainberg.

23           As far as the charter of the Baseline Working  
24 Group, you got that at the July 17 meeting, but just to

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1 review it quickly, it was to review the threat of foreign  
2 terrorism within the United States; consider the warning and  
3 interdiction capabilities; examine the vulnerabilities of  
4 domestic civil aviation system and particularly checked  
5 baggage and checkpoint screening; consider the potential of a  
6 successful terrorist attack; identify options and develop  
7 recommendations regarding options for effective, sustainable  
8 system improvements; the cost of procuring, fielding and  
9 maintaining additional security equipment; the overall impact  
10 of those equipment and procedures on the airline and airport  
11 operations; measures to ensure the most effective  
12 implementation; feasible time frames for implementation;  
13 possible legislative, executive and regulatory actions; and  
14 funding options for recommended improvements.

15           Based on all of those considerations, we were to  
16 produce a report containing the options and the  
17 recommendations to be reported to this ASAC Meeting, which is  
18 what we are doing today. Next chart, please.

19           The Technical Staff, without with the BWG could not  
20 have performed, was a mainstay of support. Assistance was  
21 headed by Karl Shrum of FAA and had representatives of the  
22 following organizations participating: FAA, both  
23 headquarters and field; the FAA Tech Center; Volpe

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1 Transportation Center; airline and airport representatives,  
2 specifically Delta, Northwest, United and Tucson Airport.

3           As far as our proceedings were concerned, at the  
4 outset, as the Deputy Secretary stated, we were promised a  
5 period of calm and quiet in which to studiously deliberate  
6 and come up with our recommendations. Well, that was not to  
7 be the case. The TWA 800 crash occurred within 12 hours.  
8 That generated a little more interest than we were expecting  
9 and gave us a little more help than we were expecting.

10           We submitted a first report for the White House  
11 Commission on August 30 and today we present the final report  
12 to the ASAC.

13           In our deliberations, we had eight all-day meetings  
14 and one final two-day meeting to approve this report. Most  
15 of our meetings were attended by representatives of the White  
16 House Commission. Attendance at early meetings topped 50,  
17 with the room as full as it is today, and at the later  
18 meeting, averaged around 20, 25.

19           All members of the BWG had security clearances  
20 which were required for classified briefings that we were  
21 privileged to. Our final report, as has been mentioned, is  
22 not classified, but does contain sensitive information and is  
23 protected under FAR 191. That has been distributed now.

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1 I think at this point early on, I would like to  
2 thank the Baseline Working Group members for their  
3 commitment, their dedication, their interest, their  
4 professionalism, their expertise which they gave of  
5 unstintingly to contribute to this report. We had good  
6 meetings, good discussions, good exchanges and good results.

7 Without the Technical Staff, we couldn't have done  
8 it. So I'd like to salute them, thank them for their  
9 participation, especially Karl Shrum, the director, and Becky  
10 Tuttle, the mainstay who kept us on track no matter where we  
11 wandered to.

12 And I thank Irish Flynn and Tony Fainberg for their  
13 leadership and support as we went through this process. I  
14 thank also them for the opportunity that was provided the BWG  
15 and its membership to participate in this most worthwhile  
16 undertaking. We think the results will serve the nation, the  
17 industry and the traveling public well. We urge your  
18 favorable consideration of the recommendations.

19 I'd like now to turn off the machine and switch now  
20 to your thin summary, which everyone has, which is the  
21 Security Baseline Working Group Summary and Recommendations.  
22 We can walk through this at whatever speed you desire.

23 The summary on the first page tells us the complex  
24 nature of the aviation system in the United States, the

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1 volume and the magnitude, and the second paragraph also  
2 highlights in brief summary fashion the essence of the threat  
3 and that we can't feel complacent any longer that we in the  
4 United States are immune from foreign terrorist actions. We  
5 are not. Accordingly, our basic security measures must be  
6 raised to meet the increased threat.

7           Civil aviation has been and will continue to be an  
8 attractive target. So it is important that civil aviation  
9 take steps immediately to improve our security and reduce our  
10 vulnerabilities, and that is what this group tried to do and  
11 that is what its recommendations are intended to accomplish.

12           The scope of the recommendations is reflected  
13 quickly on page 2. It's based on several assumptions that  
14 the BWG made early on. There were a number of assumptions,  
15 but the key ones are summarized quickly here. Most  
16 importantly, we determined that effectiveness, rather than  
17 cost or expediency, would be the primary consideration in  
18 raising baseline standards. Further, the BWG stated that  
19 there would be "no unfunded" mandates to be imposed on air  
20 carriers, airport authorities or other participants in the  
21 system.

22           Another key finding or conclusion or assumption was  
23 that terrorist attacks related to weapons and explosives  
24 introduced into the aviation system would be the priority

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1 focus of our study, and recognizing also, most importantly,  
2 that terrorism is considered by the BWG to be a national  
3 security issue, not an airline or airport issue. Airlines  
4 and airports, when targets of terrorist attacks are surrogate  
5 targets. The real target is the policies and Government of  
6 the United States.

7           As far as the recommendations are concerned, we  
8 recommended near-term recommendations, mid-term and long-  
9 term, the objective being that the long-term recommendations  
10 will constitute the ongoing baseline, the new baseline. The  
11 near-term and mid-term recommendations are steps to be taken  
12 to get to the long-term recommendations.

13           Turning now to the next page, we'll go through the  
14 recommendations, and we can go through them one by one. I  
15 think they are numbered in your copy, but the numbering has  
16 nothing to do with priority. It is strictly for  
17 administrative convenience, our discussion today. That's the  
18 only reason the numbers are there.

19           But, first of all, we recommended that airlines  
20 implement and adopt an FAA-approved profiling system to be  
21 applied to all passengers, to identify those passengers whose  
22 property and themselves require additional security. That's  
23 a system that was considered in the past, was developed in  
24 recent years by FAA and one of the airlines and is a system

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1 that provides the foundation for follow-on security methods.  
2 It's something that can be done, can be done manually or  
3 passively, and we're recommending that immediately initial  
4 action be taken that FAA shall require the airlines to adopt  
5 that system, either manually or passively as their  
6 circumstances warrant.

7           The second recommendation is a key area that was  
8 flagged in our charter, weaknesses associated with checked  
9 baggage. On this general topic, we do have one dissent, a  
10 dissent from the Association of Flight Attendants. We'll get  
11 to the meat of the dissent later on in our discussion, but  
12 I'll flag it for you now.

13           The recommendations says that FAA and industry and  
14 passenger representatives undertake a study beginning  
15 November 1 to conduct modeling and other methods of matching  
16 passengers and baggage, and bring the results of that study  
17 back, after being in effect for a period up to 90 days, back  
18 to the full ASAC for a determination to go ahead or not go  
19 ahead. The objective of the study as to passenger baggage  
20 match procedures to be applied in whatever scope as  
21 appropriate and the objective being to solve the problem  
22 presented by the unaccompanied bag.

23           Specifically, recommendations there call for the  
24 deployment of FAA-approved explosive detection systems.

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1 There is only one such system in existence today. That is  
2 the InVision CTX 5000. We're hopeful that others will come  
3 on board quickly now that the requirement is in existence and  
4 that eventually the EDS will be in existence at -- a form of  
5 EDS will be present at all of our airports to deal with the  
6 problem of screening checked baggage.

7           The third recommendation deals with blast hardened  
8 containers. We recommended that FAA continue the efforts  
9 that were underway and make available additional blast  
10 hardened containers to the airlines for further operational  
11 experience as to their use in day-to-day operations, and that  
12 FAA should continue that effort, that they also have  
13 underway, in working with the airlines to pursue the blast  
14 hardening of aircraft itself.

15           Number four is the carry-on bags problem. We want  
16 FAA to develop standards for explosive detection systems to  
17 deal with carry-on property, just as they have developed  
18 standards for explosive detection systems dealing with  
19 checked baggage. We think the same tools need to be present  
20 to deal with carry-on property.

21           We think that carry-on property itself needs to be  
22 controlled better. So we ask FAA to prescribe uniform  
23 standards to restrict the size, type and amount of carry-on  
24 property and provide for strict enforcement of those

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1 standards. We want FAA to continue and rush into place,  
2 which I understand is happening even as we speak, a complete  
3 operational tests and evaluations of screener proficiency and  
4 their evaluating and reporting system to improve screener  
5 performance.

6 We also think that there should be limited  
7 distribution of advanced technology for trace explosive  
8 detection to be placed into effect in the interim before EDS  
9 deployment and to supplement EDS equipment when it is in  
10 place.

11 We want to start right away with special  
12 examination of the property of selectees who have been  
13 identified by the profile system that I mentioned earlier.  
14 Therefore, we say that all property belonging to selectees  
15 who have been so identified must be cleared by one or more of  
16 the following techniques that are listed under that topic in  
17 addition to the normal passenger screening operations.

18 Then we want, as a last point in this key area,  
19 we're calling for full deployment of explosive detection  
20 equipment, including liquid explosive scanning devices  
21 certified by FAA for the screening of carry-on bags at  
22 Category X and Category 1 airports. That will be a giant  
23 step forward in the technological use of this function.

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1           In passenger screening, the next topic, the BWG  
2 says that FAA shall require the airlines to apply the profile  
3 that we talked about earlier, and those people identified by  
4 that profile as requiring additional security scrutiny will  
5 receive that scrutiny and they must be cleared by one or more  
6 of the following. These are additional inspections above and  
7 beyond the normal passenger screening process.

8           BWG calls for deployment of commercially available  
9 trace explosive detection equipment for selectee screening at  
10 Category X and Category 1 airports as soon as available. And  
11 also the deployment as soon as perfected of FAA-certified  
12 trace portals that passengers can walk through and be  
13 screened for the presence of explosives, as well as the  
14 presence of metal, which is now the case. We want to retain  
15 the trace detector operations for small, low-level activity  
16 airports and stations.

17           When it comes to cargo, your BWG stumbled a bit.  
18 We found that after a discussion of air cargo activities that  
19 we didn't know enough. So we did the next best thing. We  
20 appointed a committee and we called in some experts who knew  
21 air cargo. They were headed by Ed Badolato as chair. So we  
22 have a couple of representatives of the Cargo Working Group,  
23 as it became known, here today to assist us in any  
24 discussions we need on the cargo subject.

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1           But basically that Cargo Working Group worked fast,  
2 hard and long and very, very effectively and they produced a  
3 series of recommendations dealing with air cargo that are a  
4 giant step forward from the current recommendations, current  
5 procedures, and should serve us well in the air cargo area  
6 until we have the ability to run air cargo through detection  
7 equipment to detect explosives, if we ever reach that point  
8 given the various nature, size and types of air cargo that  
9 are in the system. But what we have here in these  
10 recommendations are good and they will bring a new look at  
11 air cargo.

12           The group did something differently than what was  
13 previously the case. Previously in dealing with air cargo,  
14 we were looking at cargo from the airplane out. The Cargo  
15 Working Group, they brought in shippers and forwarders and  
16 everything. So we were able to look at air cargo from the  
17 shipper in. So it opened up different opportunities for the  
18 inspection and the examination of cargo.

19           Those things are reflected in these  
20 recommendations, along with some very substantive training  
21 requirements that will enable both the FAA and the industry  
22 to do a better job and each know what the other is doing. So  
23 I think the air cargo recommendations are very strong and  
24 very good.

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1           In the case of mail, the BWG recognized with great  
2 favor the steps that the Postal Service has already taken  
3 with respect to enhanced security of mail. But the BWG felt  
4 they ought to go a step further. The BWG recommends that the  
5 United States Postal Service seek statutory authority to be  
6 able to examine by explosives detection systems mail to  
7 detect threats that might be present on items going aboard  
8 aircraft.

9           Today, as I understand it, that kind of inspection,  
10 that kind of intrusion in the mail, is not possible. So  
11 legislative authority is needed, and we recommend that it be  
12 obtained.

13           The next topic deals with personnel, a major, major  
14 area of concern and major, major important area of security  
15 operations. So we think we made some major recommendations,  
16 the first of which is that FAA should initiate action to  
17 certify security contractors and certify individual screeners  
18 much the same as FAA certifies aircraft mechanics, power  
19 shoot riggers, engine repair stations, things like that.

20           We think that the security function has to be  
21 recognized as a safety requirement that is as important as  
22 any other safety requirement when it comes to the operation  
23 of air transportation. So we think this is a giant step  
24 forward and I think it will enhance and raise the level of

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1 professionalism for that function greatly, and that's  
2 something that is badly needed.

3           We call for full certification by FAA for security  
4 contractors and full certification by FAA of individual  
5 screeners, a certification that they can take with them from  
6 job to job, that they can recertify on their own and that  
7 they must maintain their proficiency to maintain that  
8 certification.

9           As a first step when it comes to implementation, we  
10 would like to see one -- at least one -- FAA fully certified  
11 supervisory screener in place at every checkpoint in the  
12 country so that we quickly get the feel and the impact of the  
13 certification process in the system.

14           As far as law enforcement support, we recommend to  
15 the FBI and FAA that there be an FBI presence at Category X  
16 airports and that the agents so assigned be assigned aviation  
17 related cases as a first priority.

18           We think for times when federal law enforcement  
19 officers are not actually present at the airport that there  
20 be federal deputization of local law enforcement officers to  
21 perform the federal functions so that crimes do not go  
22 unnoticed or unprosecuted. Those crimes are such as  
23 disruption of aircraft, assault of flight crew members,  
24 unruly passengers, things like that.

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1           We want the FBI to work with FAA to try to improve  
2 access by law enforcement authorities at airports to the NCIC  
3 database. We have a dissenting view on that issue,  
4 registered by the chairman of the Criminal Justice Policy  
5 Board, which oversees the NCIC operation. We'll come to that  
6 dissent as our discussion advances.

7           We want further that the FAA and the FBI explore  
8 the idea of expanding the normal FBI fingerprint check for  
9 employees to include a search of FBI files on other  
10 information, intelligence-type information, that may be of  
11 importance in clearing or not clearing personnel for access  
12 to secure areas.

13           We want as the FBI's automated fingerprint system  
14 comes on line, we would like to see aviation industry get it,  
15 getting some first in, first out priority treatment to get  
16 advantage of that information.

17           The next one, aircraft security, we're proposing  
18 that what is now routine at certain locations under FAA  
19 security directors will be expanded and that there be an  
20 aircraft search for all passengers flights that arrive from  
21 or depart from a location designated by FAA as high risk, and  
22 that once that search is conducted, that that aircraft be  
23 secured so it is protected against unauthorized access. We  
24 identify acceptable methods to assure such protected access.

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1           We would like to see the air carriers, the airports  
2 and the FAA work together to develop comprehensive security  
3 programs to deal with service providers, the fuelers, the  
4 caterers, the other institution's activities that have access  
5 to aircraft so that they, also, are required to have  
6 comprehensive security programs that will prevent and deter  
7 the introduction of explosives or other contraband by means  
8 of those services.

9           In terms of airport support, which is essential,  
10 we're recommending that FAA require some additional support,  
11 additional muscle for that support. We want a minimum of two  
12 explosive detection canine teams, FAA certified or  
13 equivalent, at each Category X airport. We want a common  
14 standard for explosive detection canine certification, and  
15 that there be provision for recertification on site.

16           When it comes to potential airport blast activity,  
17 we want FAA to give the airports a working model of  
18 explosives effects and blast mitigation measures that will be  
19 capable of airport specific analysis and implementation.

20           Also, that FAA instruct airports to perform an  
21 evaluation of their existing access control system and  
22 require that airports correct any deficiencies through  
23 enhancement, repair, upgrade or replacement as necessary.

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1           We want at Category 1 airports, a lower category of  
2 airport, also a minimum of two explosive detection canine  
3 teams. And we want FAA to continue their good work that has  
4 been done with the industry, law enforcement and  
5 intelligence, to develop enhanced access control and  
6 intrusion detection systems.

7           In research and development, the next topic, we  
8 have only a sentence here, but it's very, very important.

9           What we're dealing with today is problems that  
10 exceed the capabilities of existing technologies. We have x-  
11 rays that detect dense objects. We have metal detectors that  
12 detect metal and we have physical search, which is good, as  
13 thorough as may be conducted. But we don't have the  
14 explosive detection capability for our walk-through  
15 passenger, for our carry-on property. We do have some for  
16 our checked baggage, but one that's just coming on line.

17           We need more of that equipment. We need to give  
18 the industry and the workers the tools to meet the new threat  
19 and they don't have them yet. So we're calling for an  
20 expanded research and development program between FAA and the  
21 industry, a partnership effort, to identify and develop this  
22 technology and get the tools in place as quickly as possible.

23           BWG looked at FAA in a leadership role and  
24 concluded that FAA has done as good a job as anyone could

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1 have done and that there was no need to change the leadership  
2 role for the aviation security activity. But we did feel  
3 that FAA needs to change its focus somewhat.

4           We did feel that FAA needs to focus more intently  
5 on the identification of problems and the action to gain  
6 their solutions and to gain overall improvement of security,  
7 rather than FAA's focus being on the identification of  
8 violations of regulations and the initiation of enforcement  
9 actions. We're not saying that FAA should forget the club  
10 that the regulations give them, and that it's very important  
11 that regulations be promulgated and that they be properly  
12 enforced. But the primary objective is improved security; we  
13 want that to be the primary objective.

14           So to implement that, a major recommendation there  
15 is to expand FAA's Federal Security Manager Program from  
16 Category X airports to selected Category 1 airports. It's at  
17 the Category X airports where this federal security manager  
18 plays that coordinating role between the airport, the airline  
19 and others involved, the objective being to identify  
20 problems, get them solved and have a good security program,  
21 and the other guys come around in their inspection and  
22 enforcement hat.

23           We think that the FAA needs to consider an industry  
24 self-inspection program, to put more responsibility on the

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1 industry to inspect their own activity and their own  
2 compliance status, and that the FAA recognize the industry's  
3 efforts in that regard, and that overall the compliance and  
4 enforcement activities be reviewed in order to improve them  
5 and improve the compliance posture and improve the status of  
6 security.

7           The next topic is the structure of aviation  
8 security. As I mentioned earlier, we looked at that and we  
9 recommended no change in the current structure of  
10 responsibility. We still feel that FAA is the lead federal  
11 agency, supported by FBI and other law enforcement and  
12 intelligence agencies, and that airlines and airports are the  
13 other parties, and that we have an effective relationship and  
14 to tamper with it will probably do more harm than it could do  
15 good. So we're saying that it should be kept in place,  
16 refined, nurtured and made as good as possible.

17           To aid in that regard, we went to the next  
18 recommendation and we said every airport and every airline  
19 should have a head of security who shall be a high-level  
20 corporate official and who shall have the responsibility of  
21 ensuring the compliance of its organization with security  
22 requirements, have oversight authority over all security  
23 activities and be responsible for the submission of whatever  
24 compliance reports FAA shall require -- and we ask that FAA

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1 do require such compliance reports. We think those are steps  
2 forward.

3           The next one, which on my sheet is Number 15, deals  
4 with another important personnel function. That's the role  
5 of airline and airport security personnel. These are rather  
6 mundane sounding recommendations, but they're important.

7           We want FAA to establish a standard of a train-to-  
8 proficiency standard for ground security coordinators that  
9 are in place at every airline station; and that the air  
10 carriers then develop training programs for FAA approval that  
11 meet that standard; and that FAA assist the airlines in that  
12 regard by providing resources and reference materials; and  
13 that the airlines go another step, that the airlines  
14 eliminate the current authority they have to have only a GSC  
15 designee on duty at all times who is not necessarily fully  
16 trained, the ground security coordinator. Based on this  
17 recommendation, the airlines will have a fully trained ground  
18 security coordinator on duty at all times.

19           Similarly, at airports there is a requirement for  
20 airport security coordinator. We're making one a training  
21 program developed for airport security coordinators that is  
22 fully comparable to the training program required for ground  
23 security coordinators.

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1           We think that the air carriers should emphasize to  
2 the personnel the importance of continuing checks of their  
3 aircraft for foreign items and that the in-flight security  
4 coordinator training, the pilot training, be also enhanced to  
5 meet FAA requirements.

6           With regard to general employees and the population  
7 at airports, we're recognizing that we have a system to  
8 recognize those people and make them team members, so that we  
9 don't treat those people as potential risks; rather we treat  
10 them as potential deputies. And they are there and can be  
11 the eyes and ears and so that they become the first line of  
12 defense as being on duty at these airports all the time.

13           We would like to see their job descriptions and the  
14 training programs enhanced to reflect that responsibility.  
15 If you're going to work at an airport, if you're going to be  
16 a mechanic or whatever you're going to be, you still need to  
17 know about security and you need to support security and you  
18 need to know what it is so you can report any violations of  
19 security. So we want that kind of training adopted.

20           That needs Federal FAA and industry development of  
21 those kinds of training and airports as well -- of airports  
22 primarily I would say, the kind of training that would be  
23 applicable for all personnel employed at an airport as what

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1 security is at that airport, what their role in it is and how  
2 they are to conduct it.

3           At the last item, we want better control of  
4 corporate identification media so that we don't have  
5 impostors buying or stealing ID and gaining entry.

6           Also dealing with people, we're recommending that  
7 FAA amend regulations Part 107, 108 and 109 and 129, to make  
8 individuals, companies and other non-regulated persons  
9 accountable for unauthorized testing, interfering with or  
10 compromising federally required security methods or  
11 improvements, so that we don't have people running around  
12 playing games, jumping fences, you know, unauthorized testing  
13 of the system -- "I bet I can get through. I bet you can't  
14 catch me," or "That procedure is unworkable and I'm testing  
15 it" -- so that we eliminate the games here and we have  
16 serious security and people must respect the security.

17           To supplement all of this, we're recommending that  
18 immediately upon adoption, if these recommendations are  
19 adopted, that there be launched a public education campaign,  
20 and that we publicize to the country, to the population,  
21 particularly to air travelers, what these improved security  
22 measures are, how they must change their method of behavior,  
23 what they can do to help and what they can do when they  
24 observe faults in the system.

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1           Procedurally we recommend that there be some  
2 amendment to the Federal Advisory Committee Act, which we're  
3 functioning under right now in this public meeting, an  
4 amendment that will facilitate consultation between the  
5 government and the industry without a public meeting when  
6 security, near-term security, is the prime interest, so that  
7 the FAA does not have to publish in the Federal Register and  
8 call a public meeting to detail and identify the weaknesses  
9 or the gaps they are trying to close before issuing their  
10 regulations to close those gaps. It will improve security  
11 quickly, work better, and provide for a more effective  
12 program.

13           Next to last, we're dealing with rulemaking. The  
14 people around the table I know and those of us who have been  
15 involved in aviation, not only security, but Federal  
16 Government, and not only aviation, that rulemaking, federal  
17 rulemaking is a long time-consuming process. There's a good  
18 reason for it -- the public interest must be served.

19           But when we come to security, when we have security  
20 as a vital interest, we think there needs to be methods under  
21 which we can streamline that, not that we shortchange the  
22 public in their right to know and participate, that we have  
23 the streamline process that permits the expedited issuance of  
24 security rules and regulations when they are required.

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1           And the last recommendation deals with probably one  
2 of the most important ingredients here, funding. We learned  
3 up front there is and was never a free lunch, that somebody  
4 has to pay. The BWG debated this issue. We have one  
5 dissenting opinion here from the Office of Management and  
6 Budget on our funding recommendation.

7           But the BWG agreed with that earlier statement I  
8 made, that assumption, that what we're dealing with here in  
9 combating terrorism is not an airline and airport problem.  
10 It's a national security problem. And the airlines and  
11 airports are targets in place of the United States government  
12 and its policies.

13           The burden of protection for airlines as they  
14 represent our entire society cannot be placed solely on the  
15 shoulders of the airlines and the airports and other  
16 individual parties. We feel that there needs to be federal  
17 funding for this improved security baseline.

18           Secondarily, that there needs to be identified a  
19 dedicated funding stream so that we will have funds committed  
20 to support security requirements without going through the  
21 perils of budget submissions and political machinations, to  
22 use a poor term, so that we think that funding is essential  
23 and we think that the Federal Government should provide the  
24 initial and that the Federal Government must identify and

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1 provide a dedicated funding source to sustain the system in  
2 the long run.

3           That concludes the summary of the recommendations.

4 I would say that if there are no discussion of the  
5 recommendations themselves, that perhaps, Irish, we give time  
6 now for the dissenting views on the three issues, the first  
7 one being the checked baggage question.

8           ADMIRAL FLYNN: Thank you very much. I would like  
9 to proceed in the following way, that we go through the  
10 Recommendations 1 through 20 and I will ask by show of hands  
11 whether there are any dissenting views on any one of them.  
12 I'd rather think what's going to happen is that there are a  
13 great number of these recommendations on which there is  
14 unanimity. I will move that the ASAC adopt those as  
15 recommendations which will then be made to the Administrator  
16 of the FAA.

17           Then I'll come back to the remaining ones, which I  
18 think will be just a few of the recommendations, on which  
19 there are dissenting views, and we will get full discussion  
20 of them and have full opportunity -- for example, the  
21 Association of Flight Attendants, who have expressed their  
22 dissenting view particularly having to do with the baggage  
23 reconciliation measure. We can come back to that and discuss  
24 it.

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1           But what I would like to do in the first instance  
2 is to see or to confirm my view that there are a considerable  
3 number of these recommendations on which there is already  
4 unanimity. So, Mr. Driscoll?

5           MR. DRISCOLL: I have one question, not expressing  
6 or wanting to express a dissenting view. But on a couple of  
7 these I think we need clarification.

8           ADMIRAL FLYNN: All right. We'll take them up one  
9 by one and then at any one of them, people may ask for  
10 clarification, and then we'll come to ones in which there are  
11 dissent, all right?

12           Number 1, any requests for clarification? Ms. Rork  
13 of ATA.

14           MS. RORK: I have not necessarily a request for  
15 clarification, but a request of the Chair that we review  
16 the --

17           ADMIRAL FLYNN: Excuse me, Susan. Would you use  
18 one of these (indicating), please.

19           MS. RORK: I do have a request that we review at a  
20 later date one paragraph in the profiling language. This is  
21 at the request of the member carriers of the ATA. I do also  
22 want to say that I do not believe that it will change the  
23 intent of the language, but that we just need additional  
24 clarification. It's inappropriate to discuss, you know, in

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1 the room today. I'd just like to ask that request of the  
2 Chair.

3 ADMIRAL FLYNN: Without dissent of other members of  
4 the ASAC, we will permit that. If there is any substantive  
5 change to the view of that, we will bring it back to a  
6 subsequent meeting of the ASAC. I take it that this is not a  
7 dissent, that this is some clarifying language of some kind.

8 Okay.

9 That noted, do we have unanimity for Recommendation  
10 Number 1?

11 (No audible response.)

12 ADMIRAL FLYNN: Mr. Monetti, did we -- no. All  
13 right.

14 Number 2, are there any requests for clarification?  
15 Now I know there is a dissent in the area of checked baggage  
16 from the Association of Flight Attendants and, indeed, also  
17 from the Families of Pan Am 103/Lockerbie. But is there  
18 anything about it that requires clarification?

19 (No audible response.)

20 ADMIRAL FLYNN: All right. We'll come back then to  
21 the dissent on Number 2.

22 Number 3, clarifications? Ms. Rork of ATA.

23 MS. RORK: Thank you. In light of some recent  
24 developments with the testing of blast hardened containers,

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1 it is the request of the Air Transport Association that we  
2 reconvene and review the language in the paragraphs on the  
3 recommendations regarding blast hardened containers. Again,  
4 it's just for clarification, not to change necessarily the  
5 intent of it.

6 ADMIRAL FLYNN: Well, perhaps you could elaborate  
7 on that. Let me give some background on it, I think, that  
8 members of the ASAC will know that we had testing of various  
9 hardened containers, one particularly developed and  
10 manufactured by Jaycor. that withstood the detonation of an  
11 amount of explosive of interest.

12 Then there was a development program through the  
13 Great Lakes Consortium, led to selection of some other  
14 candidates. In their tests, these particular candidates  
15 failed to contain the detonation of the amount of explosive.  
16 That's the background.

17 Now we need to proceed with regard to cost  
18 reduction of effective blast containment ULDs, and that's  
19 where the program is heading. Now with that in mind, does  
20 the ATA still -- well, what is the ATA's position?

21 MS. RORK: We'll continue to support the  
22 development of the blast hardened containers, obviously  
23 continue to work with the FAA to that end. Our concern is  
24 that the existing language may paint too optimistic a picture

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1 about the blast hardened containers and we would just like to  
2 review the language and make sure that, in fact, it reflects  
3 where we are with the blast hardened containers as of this  
4 date, as of the latest testing.

5 ADMIRAL FLYNN: Well, all right. But with the  
6 summary that's here on page 4 of the summary, 3(a), given  
7 that the ones that will be put out there for operational  
8 assessment, is there anything that requires change with  
9 regard to that, that immediate step?

10 (No audible response.)

11 ADMIRAL FLYNN: Okay. Then the FAA to continue to  
12 work with industry to pursue aircraft hardening program  
13 options? Sure.

14 MS. RORK: That's fine.

15 ADMIRAL FLYNN: So on those -- with regard to the  
16 others, yes, it's a dynamics program out there. Noted that  
17 consultation with the ASAC will continue to review this  
18 program. But I take it that overall, in the principle, there  
19 is an objection to the program as it is described at --

20 MS. RORK: Again, there is no objection to the  
21 program. We support the recommendations. Maybe I didn't  
22 make myself clear in that we would just like to revisit the  
23 explanatory language underneath.

24 ADMIRAL FLYNN: Okay.

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1 MS. RORK: If we can be allowed that courtesy.

2 ADMIRAL FLYNN: Mr. Monetti?

3 MR. MONETTI: Only if I get to revisit it after.

4 ADMIRAL FLYNN: Sure, sure.

5 MS. RORK: Of course you do.

6 MR. MONETTI: We had nine or ten meetings to  
7 revisit all these.

8 MS. RORK: I understand.

9 MR. MONETTI: I appreciate what you're saying --

10 ADMIRAL FLYNN: Would you please identify yourself  
11 for the --

12 MR. MONETTI: I'm sorry. Bob Monetti from the  
13 Victims of Pan Am Flight 103.

14 I fully appreciate ATA's position on the profiling  
15 clarification and the blast hardening clarification. But the  
16 fact is that if you get together with the FAA and review  
17 these, then we're violating Number 21. And if we don't all  
18 get together, then I'm not quite sure where we're going to go  
19 with this.

20 MS. RORK: I would like to respond. I believe  
21 Irish stated on the profiling, and I'm sure it would follow  
22 on the cargo thing, that this would be reviewed with the  
23 Working Group if, in fact, there were changes. I would

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1 certainly not in any way whatsoever not want that to happen.

2 I truly want to make that clear to you, Bob.

3 ADMIRAL FLYNN: We will have to redistribute any  
4 changes of words in that Baseline Working Report, that one  
5 which you have, to the members of the Baseline Working Group  
6 for review, and we will need to then also bring that up again  
7 at the next meeting of the ASAC.

8 MR. MONETTI: My problem with that is the next  
9 meeting of the ASAC will probably be in June.

10 ADMIRAL FLYNN: Yes, but the members -- no, I know.  
11 We had one before that. But the members in the meantime and  
12 your status of the Baseline Working Group, which for this  
13 purpose we will not be able to disestablish, we'll have to  
14 ask for your continuation in view of this to ask you to  
15 review those things. I don't know another way of handling it  
16 because I don't know what you have in mind, what the ATA has  
17 in mind.

18 MR. MONETTI: The other way to handle it is to say  
19 that what we have in this is what we're going to vote up or  
20 down on and then if there's a real problem with it, let's  
21 vote against it.

22 MS. RORK: I am not in any way against any of the  
23 recommendations. We support all of the recommendations in  
24 the report. What I'm asking for is some language

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1 clarifications in the explanations in light of the fact that  
2 there has been some recent testing of the blast hardened  
3 containers, et cetera.

4           In terms of the intent of the report, that is not  
5 what I'm trying to change.

6           MR. FAINBERG: May I propose, interject and  
7 propose, that we compile this and any possible other -- I  
8 don't want to say "nits," but requests for revision in the  
9 underlying text of the document and within a very short  
10 period of time try to rework them and pass them out to the  
11 current members of the Baseline Working Group for  
12 concurrence. I think that's a reasonable thing to do.

13           ADMIRAL FLYNN: I would ask ATA as we go through  
14 these, and members of the ASAC, to distinguish between the  
15 ongoing work and implementation of these programs in which  
16 there will be ample opportunity and the ASAC will be informed  
17 as to necessary common sense or whatever things that will  
18 happen in implementation of those programs and the intent of  
19 these recommendations.

20           All right. That noted, are there any dissents with  
21 Recommendation Number 3?

22           (No audible response.)

23           ADMIRAL FLYNN: Number 4, clarifications?  
24 Dissents?

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1 (No audible response.)

2 ADMIRAL FLYNN: Number 5, clarifications?

3 Dissents?

4 (No audible response.)

5 ADMIRAL FLYNN: Number 6, clarifications?

6 Dissents?

7 (No audible response.)

8 ADMIRAL FLYNN: Number 7, clarifications?

9 Dissents?

10 (No audible response.)

11 ADMIRAL FLYNN: Number 8, clarifications?

12 Dissents? I'll recognize first Mr. Blitzer of FBI.

13 MR. BLITZER: I would just refer to the October 16  
14 letter --

15 ADMIRAL FLYNN: Of which item are you addressing?

16 MR. BLITZER: "G."

17 ADMIRAL FLYNN: What?

18 MR. BLITZER: 6(g).

19 ADMIRAL FLYNN: 6(g) -- 8(g).

20 MR. BLITZER: Sorry.

21 ADMIRAL FLYNN: All right. We do have a dissent  
22 there from the -- now let us have discussion of that from --  
23 if you wish to summarize that dissent.

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1 MR. BLITZER: In a nutshell, and there's a lengthy  
2 letter on this to Dick, which I just referred to. But in a  
3 nutshell -- and it's not just the FBI. It's the law  
4 enforcement community feels that if we're going to do this,  
5 we need to have fingerprint checks. That's the heart of it  
6 because we just do not have the confidence in an NCIC check  
7 to fully identify personnel going into the secure areas.

8 ADMIRAL FLYNN: All right. We'll come back to  
9 that.

10 AAAE, Ms. Coutu?

11 MS. COUTU: Just a point of clarification that one  
12 of our members asked for. Item F, which states that we ask  
13 for federal deputization of local law enforcement officers of  
14 Category X and Category 1 airports. The clarification would  
15 be that the intent of the BWG was not that all LEOs at  
16 airports be deputized, but just a certain number so that  
17 there would be hopefully an individual or two on during any  
18 given time who had had that status?

19 ADMIRAL FLYNN: I think that that was indeed the  
20 sense of the BWG.

21 MR. LALLY: That, to my knowledge, is my reading of  
22 the intent.

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1 ADMIRAL FLYNN: I think that's noted and we'll note  
2 that in the minutes of this meeting to record that position.

3 I see that as a clarification rather than a dissent.

4 MS. COUTU: That's all that is, clarification.

5 ADMIRAL FLYNN: Again, we'll come back to the  
6 dissent, but for the moment we'll proceed to Recommendation  
7 Number 9. Clarifications? Dissents?

8 (No audible response.)

9 ADMIRAL FLYNN: Number 10, clarifications?

10 MR. VARRELMAN: Clarification. Dave Varrelman,  
11 Airport Law Enforcement Agency.

12 "Two explosive detection canine teams." You mean  
13 two maximum per airport? Is that what you're saying?

14 ADMIRAL FLYNN: No.

15 MR. VARRELMAN: Two minimum per airport. Two  
16 minimum around the clock or two minimum total? You're  
17 talking about two different things here. So what I need to  
18 know is are you talking about two per shift or are you just  
19 talking about two per airport?

20 MR. LALLY: I think the BWG recommended that we  
21 enhance the capability. All we said was we want two teams  
22 per airport in the long run. I think that the sense of that  
23 would be two teams to support your airport operations and  
24 that would be for that airport to utilize as it's needed, as

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1 those two teams are needed, to support your operations.  
2 Whether that meant you put them on all two at one time or  
3 whether you shifted them, I think that would be up to the  
4 airport and the federal security manager, whomever, at that  
5 airport.

6 MR. VARRELMAN: Not the federal security manager.  
7 But we could work that out --

8 MR. LALLY: Well, strike that.

9 MR. VARRELMAN: Strike that, yes. It's just  
10 there's a difference between this and some of the FAA  
11 recommendations that are coming out. So I just want that  
12 clarified.

13 ADMIRAL FLYNN: Let's clarify it. The  
14 clarification is that it's a minimum of two total explosive  
15 detection canine teams per Category X airport.

16 Dissents?

17 MR. CUMMINGS: Kevin Cummings from U.S. Customs.  
18 Could I revisit (a)? Are we talking here only foreign  
19 designated airports I assume, high risk?

20 (Chorus of nays.)

21 MR. CUMMINGS: They're U.S. airports as well?

22 (Chorus of yes.)

23 MR. CUMMINGS: And who would perform this search,  
24 which group?

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1 ADMIRAL FLYNN: The airlines.

2 MR. CUMMINGS: Okay.

3 ADMIRAL FLYNN: Number 11, clarification? Dissent?

4 (No audible response.)

5 ADMIRAL FLYNN: Number 12, clarification?

6 Mr. Driscoll?

7 MR. DRISCOLL: Ed Driscoll, National Air Carrier  
8 Association. Item 12(c) calls for voluntary disclosure. We  
9 have voluntary disclosure programs today that the original  
10 intent was if a carrier divulges voluntarily he not be  
11 subjected to enforcement action or penalties. However, that  
12 voluntary disclosure program, according to information we  
13 have, is now suspect and voluntary disclosures are resulting  
14 in enforcement action against the individual that makes it  
15 and the airline and/or the inspector general of the  
16 Department of Transportation is seeking criminal indictments  
17 through the Department of Justice by referring it to the U.S.  
18 Attorney.

19 Therefore, I'd like to see something here that  
20 affirms that the voluntary disclosure, which we're in support  
21 of completely, is taken and given with the clear  
22 understanding that there will be no retribution against the  
23 carrier or the individual that makes the voluntary  
24 disclosure.

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1 ADMIRAL FLYNN: Well, my understanding of self-  
2 disclosure does not extend to people who are coming in and  
3 saying, "By the way, I've committed murder and expect to be  
4 protected from criminal prosecution."

5 MR. DRISCOLL: We understand that also, Irish.

6 ADMIRAL FLYNN: I know you did. I'm sorry. What I  
7 just wanted to start in stark terms that this cannot be all  
8 encompassing, but it's the intent, I'm sure, as I understand  
9 it, the Baseline Working Group's recommendation, is to extend  
10 disclosure at airports and that there would also be the  
11 intent, particularly working in the consortia, that things  
12 that are brought up in the consortia will not result in  
13 enforcement action, that that would be the general intent, as  
14 well as that things be dealt with in order to solve them.

15 MR. LALLY: Yes, Dick Lally, BWG chair. The intent  
16 here was that FAA implement such a program and the intent  
17 also is that as FAA implements such programs they're done in  
18 conjunction with the parties involved and that the provisions  
19 dealing with prohibition against prosecution, so to speak,  
20 would be worked out during that implementation process. But  
21 the intent is as you describe it, that there be true  
22 voluntary disclosure without penalty.

23 MR. DRISCOLL: I accept that clarification, Irish.

24 ADMIRAL FLYNN: There is further -- Karl Shrum?

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1 MR. SHRUM: Karl Shrum, FAA. An important point  
2 that needs to be raised here is that voluntary disclosure is  
3 not blanket immunity. Voluntary disclosure is contingent  
4 upon the successful completion of an agreed upon fix between  
5 the regulated party and the FAA. In other words, if they  
6 fail to meet their obligation in the agreement that would  
7 obviate further violations, then we still have the option to  
8 take enforcement action.

9 MR. DRISCOLL: The individual that makes the  
10 voluntary disclosure if the violation has not been picked up  
11 by the FAA, then the voluntary disclosure and the willingness  
12 of the individual to correct the violation should result in  
13 absolute immunity from further action against the carrier or  
14 against the individual.

15 That's a legal point, Irish, that I think you  
16 better get your lawyers in on so that we have a clear  
17 understanding because it's being honored in the preach today  
18 and there are people that have made the disclosure only to  
19 find that an enforcement action is taken against them, paying  
20 mammoth fines and/or your inspector general is using self-  
21 disclosure to refer to the U.S. Attorney for possible  
22 criminal prosecution.

23 MR. LALLY: The intent of the BWG was not to open  
24 the doors to that kind of thing. I would suggest that the

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1 FAA would proceed in implementing this program and that the  
2 procedure be opened to the parties involved so you're assured  
3 on the protections that are presented. And the intent is to  
4 do it in good faith.

5 MR. DRISCOLL: Right. We want to see the program  
6 work and we don't want to hinder it at all. We want to  
7 encourage voluntary disclosure and we're in complete support  
8 owing that the assurances we get have to be there to  
9 safeguard the ones making the voluntary disclosure.

10 ADMIRAL FLYNN: Noted. With that, I take the  
11 point, record it in the minutes. I take it that there is not  
12 a dissent from Recommendation 12.

13 Number 13, clarification? Dissent?

14 (No audible response.)

15 ADMIRAL FLYNN: Number 14, clarification? Dissent?

16 (No audible response.)

17 ADMIRAL FLYNN: Number 15, clarification? Dissent?

18 PARTICIPANT: Second Number 15.

19 ADMIRAL FLYNN: Second Number 15.

20 (Laughter.)

21 MR. VARRELMAN: 14, could we insert a word in that,  
22 "airport operator," for the simple reason that those of us  
23 who have more than one airport are constantly in a battle as  
24 to who's running the airport, whether it's the airport itself

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1 or the operator of the airport, like New York, here in  
2 Washington? I think "airport operator" would certainly clear  
3 a lot of that up.

4 MR. LALLY: I think that's clear. I think the  
5 regulations say "airport operator." We were talking language  
6 that FAA regulations would implement. I think that's a  
7 given.

8 MR. CUMMINGS: It's "airport operator" in Section  
9 107 of the law right now. So I mean this is already in the  
10 law. It just hasn't been implemented.

11 MR. LALLY: That's correct. That's correct.

12 ADMIRAL FLYNN: Good. The second 15, recognition  
13 and utilization of employees. Clarifications? Dissent?

14 (No audible response.)

15 ADMIRAL FLYNN: Number 16, clarification?

16 MR. CEBULA: Can we put the word "now" after the  
17 word "amend"?

18 ADMIRAL FLYNN: We note what you're saying there,  
19 Andy.

20 (Laughter.)

21 ADMIRAL FLYNN: Further clarifications? Dissent?

22 (No audible response.)

23 ADMIRAL FLYNN: Number 17, clarifications?  
24 Dissent?

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1 (No audible response.)

2 ADMIRAL FLYNN: Number 18, clarification? Dissent?

3 MR. CUMMINGS: Just a question. Don't we have a --  
4 isn't there a general emergency rulemaking process?

5 ADMIRAL FLYNN: True.

6 MR. CUMMINGS: It might even be an exception to  
7 this 30 days?

8 ADMIRAL FLYNN: No, no, no. The question of  
9 consultation, that's what is involved here, the question of  
10 consultation.

11 MR. CUMMINGS: Okay.

12 ADMIRAL FLYNN: I would note that it involves not  
13 just the FACA, but the Administrative Procedures Act too I  
14 think. But any further clarifications? Dissent?

15 (No audible response.)

16 ADMIRAL FLYNN: Number 19, clarification?

17 MR. CEBULA: Yes, I'd like to ask something. Andy  
18 Cebula with the National Air Transportation Association. In  
19 the actual recommendation, the implementation suggests that  
20 the FAA would set fast track deadlines, which is a lot  
21 different than actually changing the rulemaking process. I  
22 guess I just wonder what the intent of 19 is because if the  
23 implementation is to actually set deadlines, but yet 19, the

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1 recommendation, suggests changing the rulemaking process,  
2 what is the intent I guess?

3 MR. LALLY: You're talking about the rulemaking?

4 MR. CEBULA: Yes, Number 19.

5 MR. LALLY: The intent is to get it done faster.

6 What we decided was that there probably is sufficient  
7 flexibility in the system as it exists today to get it done  
8 faster without resorting to a legislative change or a  
9 regulatory change. But to exercise all of the options that  
10 are available today to set deadlines and whatever, to issue  
11 rules more promptly.

12 MR. CEBULA: And I agree with that. I guess that  
13 what I would suggest is I'm not sure that the current wording  
14 of 19 would reflect that because it almost sounds like an  
15 administrative issue of the whole process used to issue rules  
16 needs to be changed.

17 MR. LALLY: Well, I think perhaps the shorthand we  
18 use here in this sanitized version may encourage that reading  
19 of it. But I think a reading of the full recommendation and  
20 the full report would make it clear. I would suggest that we  
21 note that in the minutes and that as we proceed that we  
22 recognize that the intent of the recommendation is to do it  
23 within the existing system without resorting to changes in  
24 the basic process.

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1 MR. CEBULA: Certainly, and with the new authority  
2 the Administrator now has, rules can be issued much more -- I  
3 don't want to say "easily", but certainly more expedited.

4 MR. LALLY: Expeditious.

5 MR. CEBULA: Right.

6 ADMIRAL FLYNN: We know on Number 20 that there is  
7 a dissent from the OMB. With regard to other members of the  
8 ASAC here, are there any requests for clarification?  
9 Mr. Driscoll of NACA?

10 MR. DRISCOLL: A request for a clarification. Item  
11 (a), 20(a), reads very well. I get a different  
12 interpretation if I read 20(b). Is 20(b) and the cost of  
13 operating that new equipment and taking all the actions as  
14 required under the FARs for maintaining the security system  
15 still subject to appropriation from general fund or is that  
16 stream of funds from an unidentified source?

17 MR. LALLY: The source of the stream is not  
18 identified. The intent is that the federal responsibility  
19 for funding be recognized in the identification of that  
20 source so that what we recommended is we need a large  
21 injection of federal funds to accomplish the upgrades  
22 recommended by this work in BWG.

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1           Then we need a dedicated federal funding stream to  
2 accomplish the ongoing operation costs of maintaining that  
3 system throughout the years.

4           MR. DRISCOLL: That's what I thought the intent  
5 was, and a few words and taking it from (a) and (b), if you  
6 just took (b) and add it on to (a), with the statement "as  
7 well as identifying a dedicated funding stream to fund the  
8 operating costs associated with continuing to maintain" et  
9 cetera, it would fall upon the federal fund.

10          ADMIRAL FLYNN: That goes beyond clarification to  
11 actually changing the recommendation of the Baseline Working  
12 Group. So we will come back to that. It's clear that we  
13 need further discussion on Item Number 20. We will do that.

14          But we'll now go back and we'll start from page 3  
15 and Item Number 2. I'll recognize the Association of Flight  
16 Attendants to give us a statement.

17          I've had request that I give a break. Let's have  
18 ten minutes and then we will have you. Time is flying, so  
19 please be back in ten minutes.

20          (Recess.)

21          ADMIRAL FLYNN: We will come to order and resume  
22 with the discussion of Recommendation Number 2 and the view  
23 of the Association of Flight Attendants. Mary Kay?

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1 MS. HANKE: Yes, thank you. Again, I am Mary Kay  
2 Hanke with the Association of Flight Attendants and we did  
3 submit a letter to the group dated November 27, which has  
4 been included in your report here this morning with a summary  
5 on it as part of Appendix A.

6 Since the report that was issued in 1990 after the  
7 Pan Am bombing, AFA has supported wholeheartedly a full  
8 passenger baggage match. We continue to support a full  
9 passenger baggage match, therefore, we do dissent on the  
10 recommendation made by the Baseline Working Group for only a  
11 partial passenger baggage match.

12 The Baseline Group did recommend a near-term  
13 partial match for an interim period even though they  
14 recognize the fact that a full baggage match is much more  
15 effective and implementation should be tested to determine  
16 its feasibility. So the recommendation by the group was that  
17 a full baggage match is more effective, and yet the  
18 recommendations that came out call for only a partial match.

19 Going back to Pan Am 103, it was determined then  
20 and the commission stated that there are undisputed facts  
21 that show that a passenger baggage match reconciliation was a  
22 bedrock component of any heightened security system, and I  
23 believe that is what we are seeking at this time.

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1           The other thing that we would disagree with or  
2 dissent from in the recommendation is the fact that the  
3 recommendation calls for addressing the threat of an  
4 unscreened passenger bag. That would indicate that those  
5 that have passed through the security measures, other  
6 security measures, do not need further screening, and we  
7 would disagree with that as well, that we believe there  
8 should be a full passenger baggage match on all bags aboard  
9 an aircraft, both domestic and international.

10           ADMIRAL FLYNN: Mr. Lally?

11           MR. LALLY: Yes. Dick Lally, Chairman of Baseline  
12 Working Group. I appreciate your comments and this was  
13 discussed. I think the recommendation of the Baseline  
14 Working Group is not as inconsistent with your views as it  
15 may appear at first look.

16           What the recommendation is, is that there be a  
17 study conducted with respect to passenger baggage match and  
18 that that be a study not to exceed 90 days, with the results  
19 reported back to the ASAC for a decision as to further  
20 implementation of passenger baggage match or any other  
21 procedure that would be responsive to the problem.

22           So the BWG said let's look at passenger baggage  
23 match. Let's do the study and let's have it come back and  
24 make a decision go/no go on further passenger baggage match.

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1           In the interim, given the responsibility of the BWG  
2 under its charter, which contains one specific point, we had  
3 to consider the effect on the operations of airports and  
4 airlines of any recommendations we put forward. The fact of  
5 the matter is that we, the BWG, and I doubt if anyone else  
6 has any real idea as to what the actual impact would be of  
7 full passenger baggage match on the domestic aviation system.

8           So I think it would be premature and inadvisable --  
9 I think this is the feeling of the BWG -- to make that leap  
10 to full passenger baggage match without additional data and  
11 experience.

12           Also, I think the fact is that all bags we know are  
13 not problems. We know that up front. So the idea is to  
14 identify those bags that are more likely to present a problem  
15 than others and concentrate our efforts where they are best  
16 deserved and be as productive as possible.

17           The passenger baggage match system is not an end  
18 all. It's not responsive to other threats and a true,  
19 effective security inspection is -- like passengers who go  
20 through screening at Washington National and change planes at  
21 Atlanta don't go through screening again. So a bag that is  
22 properly inspected need not be -- can be transported with  
23 some assurance and some confidence I believe.

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1 I'm going beyond response to your observation,  
2 though I think the BWG was aware of what you had in mind and  
3 made a judgment to look at it, do a test, but in the interim,  
4 to get something in place, take this partial baggage match  
5 procedure in place right away.

6 ADMIRAL FLYNN: If I may interject -- and I will  
7 recognize the Consumers in a moment -- do we also have a  
8 dissenting view from the Families of Pan Am 103/Lockerbie in  
9 a letter that they addressed to Mr. Lally? The objections in  
10 the dissent very closely parallel -- in fact, they're  
11 identical, as I read the letter, to those expressed by the  
12 Association of Flight Attendants.

13 Yes, sir?

14 MR. DiVITO: Robert DiVito of Aviation Consumer  
15 Action Project. We are also going to be dissenting from this  
16 recommendation because we believe that full passenger baggage  
17 match is essential. We've been looking at this since 1990  
18 with the recommendation from the original Pan Am group. Yes,  
19 possibly another study needs to be done, but we believe that  
20 the recommendation should be coming out of the working group  
21 that full passenger baggage match will be implemented as soon  
22 as possible.

23 MS. HANKE: And I would like to note -- Mary Kay  
24 Hanke from the Association of Flight Attendants to Mr. Lally

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1 -- that we wouldn't suggest that this -- well, that all of  
2 the recommendations will have an impact on the operations and  
3 airlines and the industry as a whole and never suggest that  
4 this is the end all to or the only thing that is important.

5           But, again, I believe that we do in our  
6 recommendations and our alternative recommendations that we  
7 have submitted allow for the implementation to take place  
8 over a four-year period. So it is not an immediate full  
9 passenger baggage match, but yet a process that can be  
10 implemented over four year's time.

11           ADMIRAL FLYNN: I think it would be helpful to the  
12 ASAC to have summarized for the ASAC the work that is ongoing  
13 now and that has been initiated by the White House Commission  
14 on baggage reconciliation bag match. So, if I may, I'll ask  
15 Tony Fainberg to bring us up to date on what's going on there  
16 because it bears importantly on this question.

17           MR. FAINBERG: We at the White House Commission  
18 have taken the bag match mandate for a pilot study to be done  
19 immediately very seriously and unlike many things that the  
20 government starts, this one did start on time on the 1st of  
21 November '96, actually earlier.

22           This is an effort to, first of all, engage in data  
23 collection for a month, which was done in the month of  
24 November, to try to understand over the whole system from

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1 many representative points and many representative air  
2 carriers what the parameters were, particularly what no board  
3 rates were, which feeds into the delays that would could be  
4 caused by pulling bags, and to learn how much time it took to  
5 pull bags selected at random from a very broad spectrum of  
6 aircraft types. This was done in cooperation with ATA and  
7 the air carriers.

8           We are taking that data and this month putting it  
9 into a model written by -- the model has been written by SDT,  
10 which is a contractor that we are using out of our Tech  
11 Center in Atlantic City. It's a process of analysis which is  
12 not only being undertaken by SDT, but is being vetted by an  
13 independent third party, the Transportation Center of  
14 Excellence, including people on the faculty of Berkeley and  
15 MIT.

16           I mention this because there is some question as to  
17 whether, quite frankly, one can be sure of models that SDT  
18 runs since SDT is, in fact, a subsidiary of a major air  
19 carrier. For this reason the study is being done in  
20 conjunction with these independent academics who are also  
21 looking at the matter. We are working with them and  
22 monitoring both the data taking and understanding the  
23 analysis and the activity.

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1           This has gone on in November and is going on now in  
2 December. We very much hope in January to be able to begin  
3 some live testing, where at again selected sites, including  
4 hubs and feeders to hubs, we are going to actually engage in  
5 passenger bag reconciliation, actually pulling bags, not  
6 everybody everywhere altogether, of course, but pulling them  
7 at first on one day one site, one day another site, so we  
8 understand more clearly how this will impact the system.

9           I guess the overall view -- and this was suggested  
10 by the Gore Commission and in the preliminary drafts of the  
11 Baseline Working Group -- the overall view is that because of  
12 the great concern that the air carriers have that  
13 implementation of bag match over all the system without  
14 careful planning could be catastrophic, we're trying to do it  
15 in a step-wise and reasonable fashion.

16           The goal, according to the Baseline Working Group,  
17 the goal is an eventual system-wide implementation of full  
18 bag match. What we're trying to do is understand the  
19 parameters and phase it in, in a way that has the minimal  
20 operational impact possible.

21           So far I think the effort has been relatively  
22 successful. We may have to refine our data taking and do a  
23 little bit more data taking, but we still hope that we can  
24 begin live tests in January.

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1 I would point out that whereas the Flight  
2 Attendants have been kind enough to give us four years to  
3 implement this matter, it is possible and my personal hope  
4 that we could do it substantially sooner. But, nevertheless,  
5 the first step I think is to understand how it works in the  
6 field.

7 I come from an experimental, technical background,  
8 and I'm much happier when I can sort of experiment bit by bit  
9 first. I think we're doing that and I think it's being  
10 reasonably successful. We'll have to follow it in January  
11 and February to see how things actually work.

12 MS. HANKE: Just a point of clarification, and that  
13 is then that here again the recommendation that is coming  
14 from the group does call for a partial. Do I understand you  
15 to say that the White House Commission is working towards  
16 implementing a recommendation that calls for a full?

17 MR. FAINBERG: I believe so. But even the language  
18 of the Baseline Working Group says the overall goal is for a  
19 system-wide solution to the unscreened, unaccompanied bag  
20 threat, which I think quite possibly would include a full bag  
21 match. We'll have to see.

22 If there are ways of doing it short of a full bag  
23 match which nevertheless address the problem of unscreened  
24 and unaccompanied bags, to my way of thinking, Baseline

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1 Working Group would find that acceptable. I suspect the Gore  
2 Commission would too, although we would have to talk to them  
3 about that.

4 In other words, I'm result oriented. The result is  
5 supposed to be don't let unscreened, unaccompanied bags get  
6 on the plane. If it requires a full positive bag match,  
7 that's fine. If there's some way of doing it short of that,  
8 which is equally effective, that would be, in my way of  
9 thinking, fine as well.

10 ADMIRAL FLYNN: My sense of it is that the dissent  
11 of AFA stands.

12 MS. HANKE: Yes.

13 ADMIRAL FLYNN: And the Consumer Action Group  
14 stands. I would think that the dissent of the Families of  
15 Pan Am 103/Lockerbie, since they to my knowledge don't have a  
16 representative here in the room, we would have to take it  
17 that their written dissent stands also.

18 But with those dissents noted, I would ask the rest  
19 of the members of the ASAC to express their concurrence in  
20 that recommendation or any further dissent. Mr. Monetti?

21 MR. MONETTI: Bob Monetti with the Victims of Pan  
22 Am Flight 103. I don't think there's a more emotional issue  
23 than this issue. The bag that contained the bomb that

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1 brought down Pan Am 103 was an unaccompanied bag. If we had  
2 had bag match, perhaps we wouldn't have to be here today.

3 I think sometimes though that we get confused  
4 between an administrative procedure, like a bag match which  
5 would prevent an unaccompanied bag, the same as we ask for  
6 positive ID of people as they check in. I think the biggest  
7 advantage of having a 100 percent bag match would be we would  
8 lose a lot less bags.

9 I don't know that if a real terrorist wanted to  
10 commit suicide and put his bag on the plane, we would prevent  
11 him from doing it. I don't think it's a magic solution. I  
12 think it's a very emotional solution. I would much prefer  
13 that we ensure whatever way we can do it that there are no  
14 unaccompanied bags on a plane, whatever that takes.

15 I would think in this high tech area we might find  
16 another way to do it other than bag match. But we need to  
17 make sure that happens. But to put all our eggs in one  
18 basket and say as long as we have bag match then everything  
19 else is going to be okay I think is really fooling ourselves.  
20 It's only one of the possible vectors and it doesn't 100  
21 percent protect us against it. It just makes it harder.

22 ADMIRAL FLYNN: Noted and thank you. I would take  
23 it that it isn't the position of AFA or the Consumers Action

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1 Group or the Families of Pan Am 103 that it be only bag  
2 match.

3 Any further discussion of this?

4 (No audible response.)

5 ADMIRAL FLYNN: All right. We'll note that and  
6 proceed to the other item on which dissent was expressed,  
7 which is the one dealing with NCIC, that being Recommendation  
8 8, page 7, 8(g) in particular. I'm not sure that we need to  
9 require the FBI to repeat its objections to this.

10 To summarize it, it would say that the NCIC is an  
11 inadequate and misleading measure and what is necessary is  
12 fingerprint checking, to which my understanding is that the  
13 Baseline Working Group would concur in that, and what is  
14 necessary -- would concur in that in general. But given that  
15 the present system is that that takes some 50-some days to  
16 get fingerprint checks, they have to have something to use in  
17 that period because otherwise the escorting of people becomes  
18 almost an impossible thing to accomplish.

19 So clearly the solution to it is to be able to  
20 expedite through technology and streamlining of procedures  
21 the fingerprint checks on new screening employees and people  
22 who are about to be employed in the secure areas of airports.

23 Now, again, I would say that the objection or  
24 dissent of the Justice Department, in effect, to this -- it

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1 isn't an FBI objection. It's a Justice Department objection  
2 to this -- stands. But for the rest of the ASAC, are there  
3 any dissenting views other than that which is represented  
4 here by the FBI to that recommendation?

5 (No audible response.)

6 ADMIRAL FLYNN: All right. Well, let's go on then  
7 to -- yes, by all means, Mr. Blitzer.

8 MR. BLITZER: This is Bob Blitzer, again. I just  
9 want to ask a question here. Item (h), which I didn't raise  
10 before, but the question in my mind here is it's not just FBI  
11 files that contain intelligence. Was the intelligence  
12 community discussed, Dick?

13 MR. LALLY: No. This is Dick Lally, Chair of the  
14 Baseline Working Group. I think the Baseline Working Group  
15 was thinking of the normal name check that accompanies a  
16 fingerprint check and that's what it was. I think the  
17 discussion I think recognized that there are other agencies  
18 involved, but I believe the intent of the recommendation is  
19 to at least start with the FBI because we're talking only  
20 domestic.

21 MR. BLITZER: Of course, international terrorist  
22 travel in and out.

23 MR. LALLY: That's correct, but we believe the FBI  
24 has cognizance of that activity.

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1 MR. BLITZER: Most times we do, not always. I just  
2 see the little hole there that I think is --

3 MR. FAINBERG: There's a Section H of this  
4 recommendation.

5 MR. BLITZER: Yes, I see a little hole there in  
6 terms of if we're talking about terrorists moving about, it's  
7 absolutely true that another agency could be looking at  
8 somebody somewhere else and that person could come here and  
9 the Bureau not know it and they not know it.

10 ADMIRAL FLYNN: Let me suggest that that's  
11 something that FAA needs to work with the FBI on to see if  
12 there's a single point shop that we can go to, to have these  
13 checks made because I can see that being difficult and even  
14 some perhaps Constitutional problems involved in the domestic  
15 system of referring names to intelligence agencies.

16 MR. BLITZER: I agree. There's a lot of issues  
17 there.

18 ADMIRAL FLYNN: So I think we need to pursue that,  
19 but the intent is I think clear. Ms. Wilson?

20 MS. WILSON: I'm Bonnie Wilson with the Airport  
21 Council International/North America. It's just not actually  
22 a dissent, but rather it's a commentary on the FBI dissent.  
23 As the issue of the use of the NCIC three databases was  
24 brought to the group by the airport community, I would like

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1 to state that I don't believe that the dissent recognizes the  
2 intent of the recommendation clearly.

3           We did not ask for the NCIC database access as a  
4 replacement for the fingerprint check, but rather as we have  
5 a 25-list of crimes that could initiate the fingerprint  
6 check, we were also asking that that 25 listed crimes be  
7 supplemented by a check through the NCIC database.

8           As we have all seen, there has been some difficulty  
9 in verifying the record of employment that would give us that  
10 12-month gap to look for those crimes.

11           Again, it's not as a replacement, but rather as a  
12 recommended additional trigger.

13           ADMIRAL FLYNN: Clarification noted. Well, as I  
14 understand it, there's one dissent to 8(g) and, of course, an  
15 important dissent. But it's the intent otherwise of AAAE,  
16 too.

17           MS. COUTU: This is Theresa Couto from AAAE. I  
18 also want to make a point of clarification for the minutes of  
19 this meeting. When the request for NCIC as an interim  
20 additional trigger was made, it was made to the Department of  
21 Justice Advisory Board by AAAE, ACI and ALEAN. The gentleman  
22 from the FBI said on the record that he not only represented  
23 FBI, but he represented all the law enforcement agencies.  
24 And since a law enforcement agency went on record with our

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1 two associations as requesting it, I would just state that as  
2 a point of clarification.

3 MR. VARRELMAN: ALEAN has not spoken because we're  
4 not dissenting. We agree with the recommendation and the  
5 intent of the recommendation. So there's really no reason  
6 for us to talk at this point in time.

7 ADMIRAL FLYNN: Let us turn to the source of all  
8 evil in Item 20. Let me ask on behalf of the ASAC what the  
9 intent of Number 2 is, as recommended by the Baseline Working  
10 Group? Is it that the Federal Government pay from the  
11 general fund a dedicated stream of money to fund the  
12 operating costs associated with continuing to maintain the  
13 new baseline? Or is it the intent that the Federal  
14 Government through regulation or whatever cause there to be a  
15 levy of some kind on passengers and were those -- or that  
16 would then create money that would be dedicated for this  
17 purpose?

18 MR. LALLY: Let me see if I can try to answer that,  
19 but I will ask our BWG members to help me out as necessary.  
20 The BWG talked a lot about funding. We talked about various  
21 sources of funding, one being just the congressional  
22 appropriation from the general funds, others being  
23 congressional appropriation from vested funds, so to speak,

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1 another being a ticket tax, another being a PFC charge,  
2 another being a surcharge.

3           We talked about all those things. And the BWG did  
4 not come to any consensus that any of those specifically was  
5 a desirable funding recommendation to come from this group.

6           The one thing that the BWG agreed upon and very  
7 strongly agreed upon was the fact that terrorism is a  
8 national security problem. It's not an aviation problem.  
9 And being a national security problem, it should be handled  
10 the same way other national security problems are handled,  
11 and that is that it comes out of general taxpayer funds to  
12 support and protect our society.

13           So the idea there was in our recommendation that,  
14 number one, full cost of baseline improvements Federal  
15 Government funded. Then as the ongoing, as ongoing  
16 protection of society that travels by air from acts of  
17 terrorism should be funded the same way, and that is a  
18 dedicated funding stream to come out of general-type funds to  
19 support the ongoing baseline security costs.

20           So I think that's as close as I can get to it. We  
21 didn't get into discussion of just how that dedicated funding  
22 stream would be identified nor what it would actually be.  
23 But we did agree that there must be one.

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1 I would ask the BWG members who have any other  
2 insight into that to speak up. I see one hand raised across  
3 the room by Mr. Monetti.

4 MR. MONETTI: It seemed to me that we almost added  
5 a third bullet here that said the debate over where the  
6 funding should come from shouldn't be in the BWG. It should  
7 be somewhere else.

8 MR. LALLY: That's true. Another recognition that  
9 the BWG made was, hey, we're minor leagues in this ball game.  
10 We've got a White House Commission over here working on it.  
11 We've got legislation going on in Congress. We've got  
12 hearings going on and we've got a BWG Subcommittee to the  
13 ASAC working on it also.

14 We tried to work our hardest, but we recognized  
15 that whatever we came out with was going to be something that  
16 was then introduced into the major leagues. And this is as  
17 far as our recommendation got given those circumstances.

18 MR. DRISCOLL: Mr. Chairman, what Dick Lally has  
19 explained is completely my understanding, since we are a  
20 member of the Baseline Working Group, as to where the  
21 Baseline Working Group came out. I would only suggest that  
22 to implement what Lally says the Baseline Working Group came  
23 out with that (a) and (b) is subject to a different

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1 interpretation. (a) is clear that it's general fund; (b) may  
2 not be as clear.

3 MR. MONETTI: And that's not an accident, Ed.

4 ADMIRAL FLYNN: Please address the Chair.

5 MR. MONETTI: Sorry.

6 MR. DRISCOLL: All I am suggesting is if the Lally  
7 interpretation is to stand, and that's what I support and  
8 that's what I understood the Baseline Working Group  
9 supported, then the language needs to be changed very simply  
10 to continue the thought with a general fund with respect to  
11 the dedicated funding stream. It can be done very simply.  
12 If that was the intent of the Baseline Working Group, I think  
13 it should be done.

14 ADMIRAL FLYNN: At this point, I should summarize  
15 for you the dissenting view of the Office of Management and  
16 Budget, who strongly disagree -- or the OMB staff strongly  
17 disagree with the recommendation.

18 "They're inconsistent with the current practice of  
19 FAA programs, contradict long-standing government wide budget  
20 policy and reflect an unrealistic outlook regarding the  
21 availability of discretionary funds."

22 They go on in some detail, but we can get the sense  
23 that it's a fairly strong objection on the part of the staff.

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1           That noted, we should also note that there have  
2 been some \$150 million appropriated to buy equipment as a  
3 down payment on the new baseline, so that whereas the OMB  
4 objection is strong, it may not be absolute. It may not -- I  
5 think there is other -- OMB might express its views, but  
6 others might dispose.

7           So I think an important thing for the ASAC to keep  
8 in mind, as distinct from the Baseline Working Group, is the  
9 last point that was mentioned that by Dick Lally, that this  
10 question of funding of the aviation activities, not just  
11 security but, indeed, including security, is being addressed  
12 by what I think is the appropriate group to do it at this  
13 time, and that is the White House Commission.

14           So I think this is a position on which the FAA  
15 membership of the ASAC must necessarily take a neutral  
16 position as we go forward with our presentations, but note  
17 that the it's the sense of the non-governmental groups -- is  
18 this right? Perhaps I'll recognize any others who dissent --  
19 that the capital costs and acquisitions costs and further  
20 operational costs of increased security measures should be  
21 borne by appropriated funds. Is that right?

22           MR. DRISCOLL: That's what Lally said the Baseline  
23 Working Group concluded.

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1 ADMIRAL FLYNN: What I'm asking is this the view of  
2 the ASAC people who are here present.

3 MR. DRISCOLL: It's my view.

4 ADMIRAL FLYNN: Now does the Aviation Consumers  
5 Action Project wish to express a view?

6 MR. DiVITO: Yes. We agree with the direct  
7 appropriation.

8 ADMIRAL FLYNN: Direct appropriation. Flight  
9 Attendants agree?

10 MS. HANKE: Yes.

11 ADMIRAL FLYNN: All right. And the Victims,  
12 Mr. Monetti?

13 MR. MONETTI: I still think this isn't any better a  
14 forum than the Baseline Working Group is. This is going to  
15 be settled by politicians, not by us.

16 ADMIRAL FLYNN: Yes. We shouldn't totally  
17 underestimate -- you shouldn't totally underestimate  
18 yourselves, but I think the perspective is wise.

19 Any further discussion on this point?

20 (No audible response.)

21 ADMIRAL FLYNN: All right. Let me then raise a  
22 motion or try to.

23 MR. DRISCOLL: Excuse me, Irish. What did you do  
24 with respect to clarifying the position as contained in (a)

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1 and (b)? I accept Lally's interpretation. The minutes of  
2 this are going to reflect what (a) and (b) stands for, that  
3 it comes out of the general fund, both (a) and (b)?

4 ADMIRAL FLYNN: No. I take the recommendation of  
5 the Baseline Working Group to be clear on (a), as to say you  
6 might say the capital cost, and to be ambiguous on the  
7 question on (b).

8 MR. DRISCOLL: That isn't what I understood. Lally  
9 said the BWG --

10 ADMIRAL FLYNN: I heard what Mr. Lally said. I  
11 also heard what you said. But my view of the overall  
12 Baseline Working Group Report is that it is ambiguous as to  
13 whether the funds for operation would be appropriated or  
14 collected in some other way.

15 MR. DRISCOLL: What I am suggesting here is -- and  
16 if necessary I will file a dissent -- that it is clear from  
17 what Lally said the intent was that it all come under general  
18 fund. That I thought was the intent of what the BWG came up  
19 with.

20 If that isn't the intent and this is ambiguous  
21 specifically so it lends itself to other interpretations that  
22 it could be a user fee assigned to travelers or anything  
23 else, then I will have to submit something for the record  
24 that says I agree with the Lally interpretation of what the

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1 BWG came up with according to his explanation here. I trust  
2 the minutes are going to reflect it.

3 ADMIRAL FLYNN: Noted.

4 MS. McELROY: Debbie McElroy with the Regional  
5 Airline Association. We agree with Mr. Driscoll. We  
6 participated in the Baseline Working Group and we were  
7 present at every single meeting. So I understand what was  
8 discussed fully and Mr. Lally's interpretation of the remarks  
9 were the intent of the group.

10 I think that should be absolutely clear, that this  
11 was an extremely contentious subject, that we had very  
12 detailed discussions, but the position that we ended with was  
13 that the dedicated funding stream, which would be identified,  
14 should come from the Federal Government and from general  
15 funds.

16 We view this as being no different than any other  
17 counter-terrorist measure that the U.S. Government takes.

18 MR. FAINBERG: As a point of clarification, do I  
19 understand it to mean that this definitively excludes the  
20 idea of a user fee or the use of a passenger facility charge?

21 MS. McELROY: Yes.

22 MR. VARRELMAN: That's not what the report said.  
23 The report doesn't say that at all. That's the big debate

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1 because the report specifically goes into other ways of  
2 funding this rather than using government funds.

3 MS. RORK: Excuse me. Susan Rork. I'm not looking  
4 at the report, and I don't believe that's the intent of the  
5 meeting at this time to do that. We're discussing the  
6 specific recommendations and we can make alterations.

7 I also attended every Baseline Working Group  
8 Meeting and all of those options were discussed, which is  
9 what Mr. Lally has alluded to. But, again, I would also like  
10 to support Mr. Lally's interpretation, that the funding was  
11 to be from the government and the general fund.

12 ADMIRAL FLYNN: Let me deal with that aspect and  
13 try to phrase it in this way, that we're just going to have  
14 to take I think the views of the ASAC, that I would propose  
15 to the ASAC that the Baseline Working Group recommendation is  
16 as Mr. Lally has phrased it, that the capital and continuing  
17 costs of the increased anti-terrorist directed measures of  
18 the baseline, of the elevated baseline, would be funded by  
19 appropriated funds. Correct?

20 MR. CUMMINGS: I think we better change page 90 and  
21 say these were considered but the ultimate result was --

22 ADMIRAL FLYNN: 90 doesn't change because 90 lends  
23 itself to either interpretation. What I take the  
24 recommendation -- Tony Fainberg, correct me if I'm wrong.

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1 You were there as the FAA representative throughout -- that  
2 the recommendation of the Baseline Working Group to the ASAC  
3 is that all the costs that we're talking about, these  
4 relevant costs, be covered through appropriated funds.

5           Now I'll put it to the ASAC as to whether you  
6 accept that. And I take it that there are a substantial  
7 number of members of the ASAC who do. Are there those who  
8 dissent or wish to comment along the sense of saying, for  
9 example, the FBI might well say not for us either to agree or  
10 --

11           MR. BLITZER: The FBI is staying out of this one.

12           (Laughter.)

13           ADMIRAL FLYNN: Yes, I mean it would seem to me  
14 that that might be an appropriate posture for some of the  
15 government agencies who are here present and that cannot.

16           So, again, is yours a dissenting view, Mr. Monetti?

17           MR. MONETTI: I am thoroughly confused.

18           MR. FAINBERG: Let me try to clarify something. As  
19 the matter now stands, as I understand it, the recommendation  
20 of the Baseline Working Group is that both initial  
21 acquisition expenses and continuing operational expenses,  
22 infinitely long, will be paid for out of general funds? That  
23 is the user stream. The passenger facility charge, AIP, any

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1 additional security fee or user tax is definitively excluded.

2 And the issue is does ASAC want to endorse this exclusion?

3 MR. CEBULA: Tony, if you look at the dissenting  
4 opinion of OMB, it's quite clear that that what you've just  
5 said was, in fact, what we agreed to in the working group  
6 because otherwise OMB wouldn't have written a dissenting  
7 viewpoint to exactly what you've just said.

8 MR. FAINBERG: They may have dissented to using the  
9 general funds even for the initial acquisitions.

10 MR. CEBULA: Well, they also dissented in using it  
11 for operating costs.

12 ADMIRAL FLYNN: That being the case, the  
13 recommendation is all of this stuff gets funded from the  
14 general fund. That's the Baseline Working Group's  
15 recommendation.

16 Well, Mr. Monetti, it's the Baseline Working  
17 Group's recommendation apparently with the dissent of  
18 Mr. Monetti, who was a member of the Baseline Working Group.

19 MR. MONETTI: The Baseline Working Group  
20 recommendation is as it is written.

21 ADMIRAL FLYNN: Okay.

22 MR. MONETTI: And we fought over every word in here  
23 and we said, yes, general funds for start-up and we don't  
24 know where the hell the other money is coming from. It's got

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1 to come from somewhere. And that's what we said. We barely  
2 agreed on that.

3 ADMIRAL FLYNN: Okay.

4 MR. MONETTI: We only did that after I had left.

5 (Laughter.)

6 MR. DRISCOLL: Excuse me, Irish.

7 ADMIRAL FLYNN: Yes.

8 MR. DRISCOLL: We had a very able representative in  
9 all those meetings, and that's Ron Priddy. He's sitting  
10 here. Susan and Ms. McElroy both said that they attended all  
11 the meetings the same as Ron Priddy did and they supported  
12 the Lally interpretation, which I also support, that the  
13 Baseline Working Group said that all funds for the initial  
14 acquisition and the continuing operation, since this all  
15 related to terrorism, be out of general funds. That's what I  
16 thought, Tony, you just restated.

17 And I think the comment over here, if it wasn't so,  
18 then why would the Office of Management and Budget have  
19 objected to it and taken a dissent?

20 ADMIRAL FLYNN: I think the Baseline Working Group  
21 has done a very useful job of phrasing the recommendation.  
22 So I don't think we need further discussion of the point.

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1           What I would ask the ASAC to do now is to approve  
2 all of the recommendations with the exception of Number 2,  
3 Number 8(g), which we'll come back to, and Number 20.

4           MS. McELROY: Irish, I have a question. Why  
5 wouldn't be approving all of them?

6           ADMIRAL FLYNN: Because we're going to come back to  
7 them. I just want to deal with the ones on which -- and then  
8 we'll --

9           MS. McELROY: Why are we coming back?

10          MR. FAINBERG: Because there's no ASAC agreement to  
11 my understanding on those points and that has to be  
12 discussed.

13          MS. WILSON: No, I think there's no BWG agreement  
14 on the point. Do we dissent -- dissenting agreements were  
15 included, but I don't think that's excludes it from the vote  
16 excepting the remaining BWG and the ASAC members --

17          ADMIRAL FLYNN: But we're going to come back to  
18 those ones. This is purely from the point of view of having  
19 clarity in the minutes, and those things on which there is  
20 unanimity, let's vote them unanimously and get them out of  
21 the way and then come back to these items on which there's  
22 clearly dissent so that we can record those more easily.  
23 That's all.

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1           So what I am moving is the unanimous endorsement of  
2 the recommendations other than Number 2, which we'll come  
3 back to -- all right. We can narrow it further, 2(a).

4           MS. HANKE: Number 2 we're objecting to overall  
5 because of the use of the word "partial" in (b). So it would  
6 be checked baggage.

7           ADMIRAL FLYNN: No, it's also in (b), too. Sorry.  
8 I'll withdraw that.

9           Other than 2, 8(g) and 20. 2, 8(g) and 20. Would  
10 someone move the adoption of those recommendations?

11          MR. CUMMINGS: I move the adoption of those.

12          ADMIRAL FLYNN: Second?

13          MR. DRISCOLL: Second.

14          ADMIRAL FLYNN: Those in favor, please raise your  
15 hands.

16          (Vote.)

17          ADMIRAL FLYNN: Those against?

18          MS. HANKE: Before I wanted to make a point of  
19 clarification. I thought that in the motion process there  
20 would be any discussion, and that is by doing it this way, I  
21 just want to make sure that I understand that I am adopting  
22 the report as its being submitted?

23          ADMIRAL FLYNN: Right.

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1 MS. HANKE: Versus the fact that AFA disagrees with  
2 this report as it's being submitted and would rather cast a  
3 vote of nonconformance with the report, with the full report.

4 ADMIRAL FLYNN: But I understand that your dissent  
5 from the report stems from this particular point of bag  
6 match.

7 MS. HANKE: That's correct. But because of that  
8 dissent, we would submit a vote of nonconformance with the  
9 entire report.

10 ADMIRAL FLYNN: All right. But, again, with regard  
11 to these specific recommendations, you are --

12 MS. HANKE: We did not dissent on the others.  
13 That's correct.

14 ADMIRAL FLYNN: We understand your position. We'll  
15 note it in the minutes.

16 MS. HANKE: Okay.

17 ADMIRAL FLYNN: All right, with the votes against  
18 that motion.

19 (Vote.)

20 ADMIRAL FLYNN: Be it noted that all, save the  
21 Association of Flight Attendants, voted in favor of endorsing  
22 all those recommendations, that is to say all save 2, 8(g)  
23 and 20.

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1           Now we're going to come back to 2. We recognize  
2 the dissent of again the AFA, of the Airline Consumers Action  
3 Project and of the Families of Pan Am 103/Lockerbie, and  
4 otherwise would ask for agreement in that recommendation,  
5 Recommendation 2. What I'm asking for is endorsement of  
6 Recommendation Number 2. Those in favor, please so indicate  
7 by raising your hands.

8           (Vote.)

9           ADMIRAL FLYNN: All present, save the  
10 representatives of the Association of Flight Attendants and  
11 the Airline Consumers Action Project, voted for. They have  
12 voted against, the latter two voted against.

13           Number 20 -- sorry, 8(g). The motion -- that  
14 phrase says to endorse Recommendation 8(g). Would someone  
15 move that?

16           MR. DRISCOLL: Move the adoption.

17           ADMIRAL FLYNN: Second?

18           MR. MONETTI: Second.

19           ADMIRAL FLYNN: Mr. Monetti seconds.

20           Those in favor, please raise your hands.

21           (Vote.)

22           ADMIRAL FLYNN: All are in favor, with the  
23 exception of the representative of the Federal Bureau of  
24 Investigation, who votes nay.

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1 ADMIRAL FLYNN: Number 20. This one, bear with me  
2 -- Mr. Monetti?

3 MR. MONETTI: I move we adopt it as written.

4 ADMIRAL FLYNN: We have a motion to adopt Number 20  
5 as written. Do we have a second?

6 MR. VARRELMAN: I have a question.

7 ADMIRAL FLYNN: Yes.

8 MR. VARRELMAN: It seems to me reading this, the  
9 way it's written and the way you're interpreting it, that the  
10 second part of this recommendation has no meaning and,  
11 therefore, should be taken out of the report. If you're  
12 going to totally fund by general funds -- that's what you  
13 said -- whereas reading your reading your report and reading  
14 your recommendation, the recommendation says we should  
15 identify a source of funding for subsequent maintenance of  
16 the program, which could be by a variety of sources.

17 So I'm confused on how to vote. I support either  
18 one, but I can't in all conscience vote for both of these  
19 being included because they're not up to the interpretation  
20 that you've given it, that everything is going to be general  
21 fund.

22 ADMIRAL FLYNN: Fine. We still have a motion  
23 proposed to adopt Number 20 as written. Is there a second?

24 (No audible response.)

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1 ADMIRAL FLYNN: There not being a second, that  
2 motion has failed.

3 I would phrase it this way, that the funding source  
4 for both (a) and (b) be appropriated funds from the general  
5 fund. Would someone care to move that for adoption?

6 MR. DRISCOLL: So moved.

7 MS. McELROY: Second.

8 ADMIRAL FLYNN: Those in favor?

9 (Vote.)

10 ADMIRAL FLYNN: I think we'll have to have you  
11 identify yourselves starting with the first hand up to my  
12 left. Please identify yourself.

13 MR. COOK: Darryl Cook with the Air Carrier  
14 Conference of America. I vote yea.

15 MR. BLITZER: I'm going to abstain.

16 ADMIRAL FLYNN: FBI abstains. Please identify  
17 yourself and say your vote.

18 MR. DiVITO: Robert DiVito, Aviation Consumer  
19 Action Project, yea.

20 MR. CUMMINGS: U.S. Customs. We have to abstain I  
21 believe.

22 MR. VARRELMAN: Dave Varrelman, Airport Law  
23 Enforcement Agencies, yes.

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1 MR. CEBULA: Andy Cebula, National Air  
2 Transportation Association, yea.

3 MS. HANKE: Mary Kay Hanke with the Association of  
4 Flight Attendants, yes.

5 MR. MONETTI: Bob Monetti, Victims of Pan Am Flight  
6 103, no.

7 MR. LAIRD: Doug Laird, Airline Pilots Association,  
8 yes.

9 MR. DRISCOLL: Ed Driscoll, National Air Carrier,  
10 yes.

11 MR. MARTIN: Paul Martin, Postal Service, yes.

12 MS. McELROY: Debbie McElroy, Regional Airline  
13 Association, yes.

14 MS. RORK: Susan Rork, Air Transport Association,  
15 yes.

16 MS. COUTO: Theresa Couto, American Association of  
17 Airport Executives, yes.

18 MS. WILSON: Bonnie Wilson, Airport Council  
19 International/North America, yes.

20 MR. DALY: John Daly, DOT, abstains.

21 ADMIRAL FLYNN: The motion carries by the votes as  
22 indicated.

23 Are there any other motions with regard to Item  
24 Number 20?

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1 (No audible response.)

2 ADMIRAL FLYNN: I think this concludes our  
3 discussion of the Baseline Working Group Report and  
4 Recommendations. I would like to have someone join me in  
5 proposing a vote of thanks -- I'm sorry. There's a hand up.  
6 Ms. Rork?

7 MS. RORK: Well, why don't you continue because we  
8 may be on the same train of thought?

9 ADMIRAL FLYNN: I was going to suggest -- I want to  
10 express, and I feel the ASAC would want to express through a  
11 vote of thanks and appreciation to all who worked on the  
12 Baseline Working Group, an enormous undertaking, a great deal  
13 of time, and that we should particularly recognize the chair  
14 for having steered the ship through such stormy waters and  
15 brought it to port.

16 Would someone join --

17 MR. DRISCOLL: I so move.

18 MR. MONETTI: Second.

19 ADMIRAL FLYNN: We should be glad to hear any  
20 remarks that might be in seconding that.

21 MS. RORK: Susan Rork, the Air Transport  
22 Association. My thoughts were directly along the same. In  
23 particular, I'd like to thank Dick Lally for coming back out

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1 of retirement, a wonderful retirement I might add, to take  
2 this mighty task on. He certainly did a fine job.

3 ADMIRAL FLYNN: Here, here!

4 MS. RORK: We appreciate it.

5 MR. CEBULA: I would like to move that we audibly  
6 thank him.

7 (Applause.)

8 ADMIRAL FLYNN: We can proceed with the remaining  
9 items and update on the Universal Access System from Karl  
10 Shrum. Mr. Shrum?

11 UNIVERSAL ACCESS SYSTEM UPDATE

12 MR. SHRUM: When last we met in July, we were about  
13 halfway through the six month operational test program for  
14 the Universal Access System at Miami and Detroit. There have  
15 been a number of developments since then.

16 Linda Bruce, who was the COTR, the contracting  
17 officer technical representative and the driving force, at  
18 least from FAA in the UAS Project has since transferred to  
19 the Office of Airport Safety and Standards. Her task has  
20 been taken up by Karl Kellerman, also of my shop, ACP 100.

21 We've completed the test program now as originally  
22 conceived at Detroit and Miami in September and October. We  
23 are still gathering data from one door that's being utilized

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1 by Delta Airlines in Detroit that had some teething problems  
2 and got off to a late start.

3           Also, in addition to the test program, the UAS  
4 concept has been expanding in other ways at Atlanta, which  
5 was originally selected by the UAS Working Group as a test  
6 site, but was unable to implement due to a problem with a  
7 subcontractor, has since voluntarily implemented UAS at that  
8 airport for Delta Airlines, is adding Northwest pilots and is  
9 maintaining the central database at Delta Airlines in  
10 Atlanta.

11           U.S. Air, which has been has been a voluntary co-  
12 participant -- in other words, they are not actually part of  
13 the federally funded UAS test project, but have implemented  
14 UAS according to our standards and are sharing their data  
15 with us -- of course, has their checkpoint at Charlotte and  
16 are now looking to expand possibly to Miami and Detroit also.

17           We need to have close-out meetings at Miami and  
18 Detroit, formerly in the test program, see to the disposition  
19 of the equipment and so forth. With everything that's been  
20 going on in the last couple of months, we haven't gotten  
21 around to that. We hope to do so soon.

22           We meet with the folks from VOLPE on December 5.  
23 We should have the draft final program report any day now.  
24 Once we've had a chance to review that, we would like to

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1 reconvene the UAS Working Group, which last met I believe in  
2 April, possibly sometime in January. We can discuss the  
3 date.

4           The other question that always comes up whenever I  
5 gave a UAS status report, how much money is left in the pot?  
6 After all necessary expenses to complete the test program  
7 report and if there are no fundamental modifications to  
8 essentially conclude the project, we would have \$181,000 left  
9 over to possibly expand implementation to other airports or,  
10 if necessary, to test modifications to the UAS standards.

11           Essentially the task of the meeting, the next  
12 meeting, would be to improve or modify the report and  
13 standards based on the test results. Then our other  
14 commitment to the ASAC would be to develop a long-term  
15 implementation plan, which, of course, leads us back to our  
16 favorite issue of funding for implementation.

17           Would anyone at this point care to suggest a good  
18 date for a meeting to convene the UAS Task Force again?

19           PARTICIPANT: I think you better pick one, Karl.

20           MR. SHRUM: Well, maybe I can put it this way.  
21 Obviously with the White House Commission International  
22 Conference in the middle of January, early January being just  
23 after the holidays, how about say the third or fourth week in  
24 January? Anybody see any clear problems with that?

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1 (Simultaneous conversation.)

2 MR. SHRUM: 4th of January?

3 PARTICIPANT: Fourth week.

4 MR. SHRUM: Oh, fourth week. Okay.

5 ADMIRAL FLYNN: Or the third week would work.

6 MR. SHRUM: Tentatively, we'll shot for the third  
7 week and take it from there. Any questions?

8 (No audible response.)

9 ADMIRAL FLYNN: Thank you, Karl. The next one is  
10 the status of our implementation of some of the White House  
11 Commission recommendations. Mike Morse.

12 STATUS OF WHITE HOUSE COMMISSION RECOMMENDATIONS

13 MR. MORSE: Yes, thank you. I want to bring you up  
14 to speed on one item in particular, and that is the airport  
15 consortia that have been created and how we see the progress  
16 with those.

17 As I'm sure most of you realize, the White House  
18 Commission called for the establishment of consortia at  
19 domestic airports and called upon FAA to convene initial  
20 consortia meetings at local airports. We, in fact, did call  
21 for the convening of consortiums at 41 locations, consisting  
22 of all Category X airports and 22 Category 1 airports. These  
23 were locations at which we had FAA security agent personnel

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1 present to assist in the initial facilitation of these  
2 meetings.

3           We quite intentionally did not issue detailed  
4 guidance on the structure and conduct of consortium  
5 activities, believing that for them to work properly that had  
6 to be developed locally and worked out, even though there  
7 would be growing pains.

8           Some of the issues which were initially encountered  
9 by the first group of consortia were issues in resolving what  
10 should be the membership of the group, ranging from in some  
11 cases what I would describe as a town meeting type approach  
12 to other consortia, which seemed to consist primarily of a  
13 relatively small number of immediate stakeholders that had  
14 assets at the airport or responsibilities at the airport.

15           In most cases, this seems to have evolved towards a  
16 mix of both a larger group which can exist on certain  
17 occasions and be convened for certain kinds of information  
18 input and information sharing, coupled with something that I  
19 would call in most cases an executive group or steering  
20 group, which would address other areas and things that were  
21 not of broad general interest.

22           The second problem area or development that we  
23 seemed to see throughout most of the initial consortia  
24 meetings was concerns over the handling of sensitive

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1 information, both sensitive information that might come from  
2 law enforcement agencies or others providing threat  
3 information as input to consortium activities, and sensitive  
4 information either of a proprietary nature or concerning  
5 regulations that were being developed or violations and so on  
6 and so forth.

7           So issues around how sensitive information got  
8 handled and interacting with who the membership were seemed  
9 to be problems that we found pretty much universally.

10           In our view, the initial consortia activities have  
11 been successful. The consortia, in fact, did come into  
12 existence at all the locations that we asked for them to. In  
13 addition, a number of others have been called on there own at  
14 other airports that read the Gore Commission Report and  
15 reacted to it even without FAA doing anything to stimulate  
16 the meetings.

17           Dealing specifically with the 41 that we had called  
18 for, most of them held initial meetings by the first week of  
19 October and began working relatively rapidly on the conduct  
20 of initial vulnerability assessments, which I would note that  
21 we did not intend to be the end all and be all of future  
22 vulnerability assessment activity, but to be an initial quick  
23 look at vulnerability.

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1           In most cases the assessments were completed by  
2 early in the month of November and the groups then, in turn,  
3 began work on initial action plans to fix the problems or  
4 address the problems that were identified in the  
5 vulnerability assessments.

6           We had asked for these plans to be completed by  
7 December 1, then to be submitted to the servicing FAA  
8 Security Office for forwarding up through the system  
9 believing that there would be in some cases things that would  
10 be proposed that, in fact, could be approved at the local  
11 level along with many other things that would probably  
12 require either changes in regulation or would call upon the  
13 Federal Government to provide resources or things that, in  
14 fact, would drive it to a higher level of review.

15           Of the 41, 30 of the airports have provided their  
16 action plans, and those plans have reached the Washington  
17 level and are being analyzed by our staff at this time. The  
18 other 11 have all been completed and are either in or out  
19 from the airport to the local FAA or coming up through our  
20 system. So we would expect in the next few days to have all  
21 41, the initial ones, in hand.

22           I'm not really at liberty to talk about the  
23 specifics of any particular plan, but we're not seeing any  
24 big surprises, at least in the ones we've reviewed so far.

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1 Almost indicate a need for explosive detection equipment.  
2 Some ask for policy changes, such as requesting some sort of  
3 change in voluntary disclosure programs or expansion of them  
4 to the airports. Also some are recommending changes to  
5 increase individual accountability, again topics that I don't  
6 think are of any surprise to you.

7           Many of the vulnerabilities noted were ones that  
8 has been previously identified, either in joint FBI/FAA  
9 survey work of some years ago or in explosive vulnerability  
10 surveys conducted by the FAA in the last two years and in  
11 specific and various FAA inspection activities over the  
12 years. So, again, no big surprises. We're mostly seeing the  
13 vulnerabilities are broadly stated vulnerabilities of the  
14 type that we already had some reason to believe existed. We  
15 will update you on this as it goes on. That's all I have.

16           ADMIRAL FLYNN: I would like to call on Tony  
17 Fainberg to brief on the ITP progress.

18           MR. FAINBERG: The Integrated Product Team that was  
19 set up in response to the Gore Commission's mandate to deploy  
20 a wide variety of security equipment to major airports in  
21 this country is well underway. It's headed by Ron Parillo of  
22 our Tech Center in Atlanta City and seconded by Jim Farrell,  
23 from our Policy Group here in Washington, and it has support  
24 from various technical, administrative and legal experts at

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1 FAA and includes, as well, representatives from the field of  
2 FAA and from the airports and the air carrier  
3 representatives.

4           The status is that there has been an initial order  
5 for a small number of trace detectors. That was done almost  
6 immediately, about 30, which are now arriving, being looked  
7 at in two laboratories, ours and a contracting DOE  
8 laboratory, and will be deployed very soon.

9           We are involved in a massive order of CTX equipment  
10 from the producer, InVision, and the plan is to buy  
11 approximately 54 of these for deployment over the course of  
12 the next calendar year. There had been some hitches which  
13 are of a technical nature in negotiating the precise wording  
14 of the agreement, but I understand the matter is well on  
15 track, although a couple of weeks late at this point. We do  
16 not expect the delay in concluding the agreement to have an  
17 effect on delivery.

18           We expect the first delivery of the first unit  
19 rather to be still in the middle of January. Then in the  
20 immediately following months, there will be multiple  
21 deliveries with production capability increasing as time goes  
22 on and a view to deployment, as I said, hopefully at the very  
23 latest by the end of the next calendar year.

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1           We will have an initial deployment plan for all the  
2 equipment -- the CTX, the trace detection and a certain  
3 amount of non-certified explosive detection equipment by  
4 March of next year with a final plan of exactly where these  
5 things will go and when -- sorry. The initial plan will be  
6 developed in January and the final plan will be developed in  
7 March.

8           A word briefly about the non-certified EDS  
9 equipment that we assess as effective, although not as  
10 effective as the CTX at present. Some 12 percent of the  
11 funding has been set aside for allocations for these pieces  
12 of equipment manufactured by a number of folks and including  
13 two basic technologies. One is an advanced dual ray X-ray  
14 system and the other one uses nuclear quadrupolar resonance.  
15 The combination of these pieces of item has not yet been  
16 determined, but will be done so probably in a month or two.

17           The screener performance evaluation and reporting  
18 system, SPERS, which includes computer-based training, plus  
19 threat image projection for monitoring the effectiveness of  
20 screener performance, is being deployed at Category X  
21 airports. Deployment has started with National a few weeks  
22 ago and should be extended to all of the Category X airports  
23 over the course of the next I believe six months. Continuing

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1 deployment will ensue after that to the Category 1 airports  
2 of this country.

3           We will get smarter as the threat image projection  
4 becomes more widely deployed as to how effective this is at  
5 providing and monitoring in near real time of screener  
6 performance. I consider this to be an extremely important  
7 component of what we're doing.

8           I guess a final major point I want to make regards  
9 the automated passenger profiling, which we've discussed.  
10 Some people still think it's two years away I understand.  
11 That is not the case. Our initial contract with Northwest is  
12 intended to produce a system-wide beta test on the system no  
13 later than April of this year. Now this is only one of four  
14 major reservations systems, but it is a major one.

15           How long it takes afterwards to be passed on to the  
16 other major reservation systems, the other three, is not  
17 clear, but we would hope to do that over the course of the  
18 following six months or so. I think, as far as I'm aware,  
19 we're still on track with that. I think that's all I have to  
20 say right now.

21           The major disappointment I have is that we still  
22 have not got a contract in place with InVision. But I am  
23 told that's a matter of days and that, as I said, the delay  
24 is not supposed to effect the delivery schedule. There is an

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1 ongoing concern about the production capability of InVision  
2 to be able to produce everything, but we'll see -- everything  
3 by the end of the year, but we'll see. That's all I have.

4 ADMIRAL FLYNN: Okay. Then, Karl, do you have an  
5 item? I'm sorry. Were there any questions about Tony's  
6 presentation? Karl?

7 NEW LEGISLATIVE REQUIREMENTS

8 MR. SHRUM: The Federal Aviation Reauthorization  
9 Act of 1996 was the most extensive piece of aviation security  
10 legislation, Title 3 that is, since the Aviation Security  
11 Improvement Act of 1990, and we just wanted to highlight some  
12 of the key provisions and the actions that we're pursuing to  
13 implement the law.

14 First up, new regulations. We're expanding the  
15 requirement for a criminal history records check to screeners  
16 and their supervisors, and there is discretionary authority  
17 for the Administrator to include other types of personnel.  
18 Also the legislation codified the trigger system that we have  
19 in the current regulation, i.e., gap in employment, direct  
20 evidence of incarceration and so forth.

21 Further -- and this is familiar. It was a BWG  
22 recommendation. We've been directed to establish the  
23 certification of screening companies, as the law says "to  
24 improve training and testing through uniform performance

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1 standards." So there will be proposed rules on those two  
2 items.

3           Also the 107 and 108 rewrites, which are in the  
4 Department for review, and the identical security measures  
5 for foreign air carriers, we're shooting to have all of these  
6 out in February. These are five of the top six priorities on  
7 the Agency's rulemaking calendar. We've been told those  
8 dates are not adjustable.

9           Further, we were directed to come up with four  
10 reports to Congress. First on the favorite issue, report  
11 including proposed legislation and funding for security is  
12 due in 90 days, which is January 6. We were asked to take a  
13 look at a transfer of responsibilities, which of course the  
14 Baseline Group recommended against, and also identify revenue  
15 sources for the security system.

16           Next, there was to be a report on air cargo, also  
17 due in 90 days. The language of the law is somewhat  
18 inconsistent with events that developed thereafter. We were  
19 to report on any changes implemented as a result of White  
20 House Commission recommendations. And, of course, the White  
21 House Commission has not yet developed their reported  
22 recommendations in the cargo field. We were to assess the  
23 effectiveness and recommend additional measures.

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1           There was also a sense of the Congress, and there  
2 were several in the legislation, that inspection of cargo and  
3 mail could be enhanced. We've asked for an extension on the  
4 report date so that we can assess and include such  
5 recommendations as the White House Commission may decide  
6 upon.

7           Third was a baggage match report, which would be  
8 due 30 days after completion of the pilot program that was  
9 described to you earlier. Again, the sense of the Congress  
10 was stated as, "To develop to the extent feasible effective  
11 domestic bag match."

12           The fourth report is actually the responsibility of  
13 a panel of experts at the National Academy of Sciences, a  
14 weapon and explosive detection study, which would be  
15 essentially to assess available technologies and then  
16 identify the most promising to improve efficiency and cost  
17 effectiveness. This, in essence, superseded language in the  
18 1990 law that would allow us to use the equipment funded  
19 through the \$144 million that the IPT is managing.

20           There was a further section, "Interim Deployment of  
21 Commercially Available Explosive Detection Equipment."  
22 Again, it was stated that the ultimate goal is for such  
23 equipment to be replaced by certified equipment. Canine  
24 deployment was also considered to meet the requirements of

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1 the law and the implementing mechanism would be agreements  
2 with the air carriers.

3           Certain other provisions -- Congress endorsed  
4 developing computer-assisted passenger profiling programs,  
5 directed the FAA and the FBI to conduct regular joint threat  
6 assessments, and also air carriers and airports would be  
7 required to conduct periodic vulnerability assessments. Any  
8 questions?

9           (No audible response.)

10           ADMIRAL FLYNN: I would like to ask John Lenihan  
11 from the White House Commission Staff as an add-on to the  
12 agenda to touch on some points.

13           WHITE HOUSE COMMISSION UPDATE

14           MR. LENIHAN: Thank you, Admiral Flynn. At the  
15 behest of Tony Fainberg, he asked if I would mind very  
16 briefly giving a status update as to where the White House  
17 Commission is to date.

18           As you are all no doubt aware, the 45-day interim  
19 report came out on September 9 from the Vice President to the  
20 President with coincidentally to your Baseline Working Group  
21 20 specific security recommendations. I don't want to  
22 individually review those recommendations right now. Instead  
23 I'd like to take a higher road and say that the Commission is  
24 aggressively pursuing each recommendation through

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1 partnerships, collaboration, ongoing communication with the  
2 many federal entities -- DOT, FAA, DOD -- state, FBI,  
3 Justice, Treasury, the Postal Service, state and local  
4 entities, just to name a few.

5           On the private sector side, there is ongoing  
6 communication and dialogue with ATA, the air carriers and a  
7 host of associations in commercial aviation.

8           The Commission to date has adjourned some public  
9 hearings hosted by the Vice President, including a hearing  
10 from the families of the victims of prior air disasters back  
11 in November. That hearing supports Recommendation Number 14  
12 in the Vice President's Report that says we should provide  
13 more compassion and effective assistance to families of  
14 victims. NTSB, at the President's urging, will take the  
15 lead, and in my opinion, rightfully so, in this important,  
16 sensitive area.

17           Last Thursday, December 5, there was another public  
18 hearing on air traffic aviation system modernization, with  
19 technology demonstrations that the Vice President and the  
20 commissioners in attendance all went out and saw those new  
21 technology, high technology demonstrations.

22           In January -- the date is undefined -- there will  
23 be a public hearing on safety. Coincidentally, this morning  
24 the President announced in conjunction with ATA and 21 CEOs

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1 the voluntary smoke detector in cargo areas on all airplanes.  
2 There will also be a public hearing very late in January on  
3 the draft final recommendations.

4 In addition, there will be an international  
5 conference, which I think many of you are aware of, from  
6 January 13 through 15, that the Commission in conjunction  
7 and, in fact, hosted by G.W. University will occur in  
8 Washington, D.C.

9 As we speak there are structured focus group  
10 interviews occurring in three U.S. cities -- Portland, Dallas  
11 and Newark -- where the traveling American public is being  
12 quizzed by an outside independent contractor with specific  
13 questions in aviation security. The contractors will furnish  
14 those reports sometime in early January for the commissioners  
15 and the Vice President to get a sense of that.

16 On the final note, we have every expectation that a  
17 final report from the Vice President and the Commission will  
18 go to the President on February 1, 1997.

19 ADMIRAL FLYNN: Thank you very much. Any  
20 questions?

21 MR. LENIHAN: Yes, sir?

22 MR. CEBULA: How is the Commission going to take  
23 the Baseline Working Group recommendations now coming out of  
24 the ASAC because there are definitely some differences in

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1 approaches to certain areas that the Baseline Working Group  
2 is recommending as opposed to what were in the early  
3 September recommendations out of the Vice President's.

4           MR. LENIHAN: I go the other way. I think there is  
5 a lot of commonality. I think there's a lot -- it's great  
6 work that the Baseline Working Group -- I don't want to speak  
7 out of school -- but maybe have more expertise in that arena  
8 in those areas. I mean it's a fresh document. We got it  
9 this morning. I listened to the presentation today and will  
10 take that under advertisement.

11           Okay. Thank you.

12           ADMIRAL FLYNN: Are there any other items that  
13 members of the ASAC would like to bring to our attention?

14           (No audible response.)

15           ADMIRAL FLYNN: I'd like to thank you all for your  
16 rapt attention through all of this and conclude the meeting.  
17 We are adjourned.

18           (Whereupon, at 12:03 p.m., the meeting in the  
19 above-entitled matter was adjourned.)

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