

## **Subcommittee on Aviation**

### **Hearing on**

# **Implementation of the Aviation and Transportation Security Act with a Focus on the 60-day Deadline for Screening and Checked Baggage**

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### **PURPOSE**

The purpose of this hearing is to review implementation of the Aviation and Transportation Security Act with a particular focus on how well the airlines and DOT have met the 60-day deadline for screening checked luggage.

### **BACKGROUND**

After the September 11th attacks, people became more aware that not all checked luggage was being screened by explosive detection systems. Currently, airlines use a computer profiling system, known as the Computer Assisted Passenger Prescreening System (CAPPS), to select those passengers who pose the greatest risk and whose baggage should be subject to a more rigorous inspection.

However, since most passengers do not fit the computer profile, most checked baggage is not subject to examination by an explosive detection machine.

In response to the failures of September 11th, the Aviation and Transportation Security Act (P.L. 107-71) transferred responsibility for aviation security from the FAA to a new Transportation Security Administration (TSA) within DOT. In response to concerns about checked baggage in particular, Section 110 of that Act amends Section 44901 of Title 49 to establish firm deadlines for the screening of all checked baggage.

Section 110 establishes two separate deadlines for checked baggage screening. The first deadline--60 days after enactment or January 18, 2002--required that all checked baggage be screened by some means. The law listed four possible ways that checked baggage could be screened. The four methods are:

1. a bag match program that insures that no checked baggage is placed aboard an aircraft unless the passenger who checked the bag is aboard the aircraft;
2. manual search, which involves opening the bag and searching through it by hand;
3. search by canine explosive detection units, i.e., bomb sniffing dogs;
4. other means or technology approved by the Under Secretary for Transportation Security.

The second deadline is at the end of this year. It requires the Under Secretary for Transportation Security to take all necessary action to insure that explosive detection systems are deployed at all U.S. airports in sufficient numbers to screen all checked baggage.

Last month, on December 7th, the Subcommittee held a hearing on the problems DOT would encounter in meeting that second deadline. The purpose of this hearing is to focus on the first deadline, the one that required action by January 18th.

Transportation Secretary Mineta set off a furor late last year when he stated that he did not think the January 18th deadline could be met. In response, many Members of Congress wrote to the Secretary expressing concerns about his comments and urging him to guarantee that aviation security measures will meet the deadlines and requirements set in the security Act. Also, late in the legislative session, the airlines made an unsuccessful effort to try to have the 60-day deadline extended. More recently, however, both the airlines and DOT have stated that the 60-day deadline would be met. One of the purposes of this hearing is to determine whether

and how they did so and the impact of those actions on passenger service and security.

One of the problems with complying with the 60-day deadline is that each of the methods for compliance has its drawbacks.

The airlines claim that a bag-match program will significantly slow down the system each time they have to climb inside the cargo hold and remove a bag because the passenger who checked that bag did not board the plane. They also say that a bag match program will not be effective in stopping a suicide terrorist. Proponents of bag match point to studies that demonstrate such a program would not significantly slow down the commercial aviation system. They acknowledge that bag match would not be effective in stopping a suicide terrorist, but point out it is now used on international flights and would be effective in stopping other terrorists such as the terrorists who blew up Pan Am 103 in 1988.

Manual search is also criticized for being slow.

Search by bomb sniffing dogs can be effective but it takes a long time to train the dogs and each dog can work for only a short period of time before they lose their effectiveness. Currently, there are not enough dogs available to cover all airports.

The fourth option for meeting the 60-day deadline, “other means or technology approved by the Under Secretary,” is criticized for not being precise or clear. Some may argue that this could include an enhanced passenger profiling system under which more bags would be selected for inspection. Opponents of this interpretation argue that the Act was intended to require major changes in methods being used to inspect baggage and that allowing profiling to be a means of inspection would permit the Act to be administered to require little change in the pre-enactment method. At the time the Act was passed, the airlines had been using profiling for many years to determine which bags should be inspected, and between September 11, 2001, and the date of passage, profiling had been enhanced to require random checks of additional bags. Therefore, opponents of this interpretation argue that allowing enhanced profiling as an acceptable “means” under the Act basically permits a continuation of the status quo.

Another means that could be used to screen checked baggage are the explosive

detection machines that must be deployed by the end of the year. At those airports where explosive detection machines are currently deployed, the law requires that they be fully utilized. Since 1996, FAA has spent \$441 million for the purchase of security equipment. This includes both the uncertified trace detection devices as well as the certified bulk detection machines such as those manufactured by CTX and L3, which were the subject of last December's hearing. For FY 2002, DOT received \$293 million to purchase additional security equipment. Even so, this will not be enough to purchase enough explosive detection machines to deploy at all U.S. airports by the end of the year as required by the security law.

### **DOT POSITION**

On January 16, 2002, Secretary Mineta announced guidance on what the airlines must do to comply with the January 18th deadline for screening checked baggage. According to Secretary Mineta, every available EDS machine will be used to its maximum capacity, and the bags of passengers selected by CAPPS will continue to be screened by EDS.

Where sufficient EDS machines are not yet available to screen all bags, the other options outlined in the Act will be used. Every bag will be screened by one of the methods listed in the Act -- either bag-match, manual search, search by explosive detecting K-9's, or by other technology (for example, trace detection devices). However, if bag-match is the chosen method, it will only be done on originating flights, not on connecting flights. This has raised concern because, to be an effective deterrent, bag-match must be done on each segment of a trip. DOT estimates that about 70 percent of all bags fly directly to their destination, while 30 percent have to make a connection. It is this 30 percent of bags that appears to be potentially at risk under the guidelines announced by DOT on January 16th.

### **OTHER 60-DAY DEADLINES**

The Act contained two other 60-day deadlines, regarding screener training and crew training.

#### Screener Training

Section 111 of the Act required DOT to develop within 60 days of enactment a

plan for the training of security screener personnel. The plan shall require, at a minimum, that a screener (1) has completed either 40 hours of classroom instruction or a program that the Under Secretary determines will provide an equivalent level of proficiency; (2) has completed 60 hours of on-the-job instruction; and (3) has successfully completed an on-the-job examination prescribed by the Under Secretary.

In addition, the Act requires that a screener may not use any screening equipment unless the screener has been trained on that equipment and has successfully completed a test on its use.

Finally, the Act requires that screeners be trained in using the most up-to-date technology and in recognizing new threats and weapons, including dual use items that may seem harmless but that may be used as a weapon.

### Crew Training

Section 107 of the Act requires the FAA Administrator, in consultation with the Under Secretary of Transportation for Security, to develop guidance for a scheduled passenger air carrier flight and cabin crew-training program to prepare crew members for potential threat conditions. The guidance shall require such a program to include, at a minimum, elements that address (1) how to determine the seriousness of any occurrence; (2) crew communication and coordination; (3) appropriate responses to defend oneself; (4) use of protective devices assigned to crew members (to the extent such devices are required by the Administrator or Under Secretary); (5) psychology of terrorists to cope with hijacker behavior and passenger responses; (6) live situational training exercises regarding various threat conditions; (7) flight deck procedures or aircraft maneuvers to defend the aircraft; and (8) any other subject matter deemed appropriate by the Administrator.

## **OTHER MATTERS**

In addition to the issue of bomb detection equipment, other security issues have arisen recently that may be discussed in the hearing. For example, DOT was recently criticized for not requiring all security screeners to have a high school diploma. Section 111 of the security Act establishes the qualifications for screeners. That section requires that a screener either possess a high school

diploma, a general equivalency diploma or have experience that the Under Secretary has determined to be sufficient for the individual to perform the duties of the screener position. In addition, the law requires that a screener be able to read, speak and write English, be a U.S. citizen, and have completed 40 hours of classroom instruction and 60 hours of on-the-job instruction.

Another issue that has been in the news recently involved general aviation security. Earlier this month, a 15-year old student pilot committed suicide by flying his small plane into a building in Tampa, Florida. There are several provisions in the Aviation and Transportation Security Act that address general aviation security. For example, Section 132(b) requires DOT to transmit a report within 30 days on airspace and other security measures that can be deployed to improve general aviation security. DOT submitted that report on December 19, 2001. That report provides an overview of general aviation, a summary of potential vulnerabilities and a discussion of the types of security measures that could be taken. The report also offered to provide Members of the Committee with a classified briefing to discuss these issues in more detail. In addition, the general aviation community has provided the TSA with several recommendations to enhance the security of general aviation operations.

## WITNESSES

### PANEL I

[Honorable John Magaw](#)

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Department of Transportation

[Honorable Kenneth R. Mead](#)

Inspector General  
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[Ms. Carol Hallett](#)

President and CEO  
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Statement of John Magaw  
Under Secretary of Transportation  
for Security

before the

Aviation Subcommittee  
Committee on Transportation and Infrastructure  
United States House of Representatives

January 23, 2002

Mr. Chairman and Members of the Subcommittee:

I am pleased to appear before you today and wish to thank the Subcommittee for calling this hearing on a matter of critical importance to the Nation—ensuring the security of air travel across the United States and meeting the deadlines set forth in the Aviation and Transportation Security Act.

### **Introduction**

On behalf of Secretary Mineta, I want to assure Congress that the Department of Transportation is making and will continue to make every effort to fulfill each and every deadline contained in the statute enacted on November 19 last year. Your leadership in passing the Aviation and Transportation Security Act—creating the Transportation Security Administration—means that Americans will continue to exercise their right to travel free from the fear of terrorist violence.

As you know, the President has appointed me to take on the challenging task of establishing the TSA and carrying out the mandates of the Act. I am honored to work with Secretary Mineta, Deputy Secretary Michael Jackson,

FAA Administrator Jane Garvey and the rest of the senior management team at DOT to accomplish this task.

In just a few months, the TSA will have hired tens of thousands of new employees to screen passengers and baggage at 429 airports nationwide. We will have put in place employee background screening tools in the aviation industry. With our public and private sector partners, we will strengthen every mode of transportation based upon comprehensive security assessments.

As part of that effort, Secretary Mineta announced last week that, beginning immediately, TSA will work with the State of Maryland to use Baltimore-Washington International Airport as a site to study airport security operations, test TSA deployment techniques and technology, and begin to train senior managers for the TSA.

My testimony today will address two topics: first, meeting the baggage-screening and other deadlines established by the Act, and second, developing the TSA into a functioning agency as rapidly as possible.

## **1. Deadlines in the Aviation and Transportation Security Act**

From the date of enactment, the Secretary has focused our efforts intensively on complying with or exceeding the deadlines established in the new law. As Secretary Mineta has stated, we consider the law's tight deadlines as promises made to the American people, and we will do everything humanly possible to keep these promises. Secretary Mineta has given those of us in DOT a simple mandate with regard to these deadlines: let's figure out how to meet them, because they are not negotiable.

To date, our efforts have been successful.

As you know, we complied with all four "30 day" deadlines--action on

Enhanced Class B airspace, qualifications for future screeners, a report on general aviation security, and claims procedures for reimbursement of direct security-related costs for airport operators and certain vendors.

Last Friday marked the “60 day” deadline for action. Among the 60-day deadlines, the requirement for 100% screening of checked baggage was the most important and most challenging. While security considerations prevent us from discussing details of the comprehensive new baggage-checking measures in a public forum, let me say that the approach contemplated in the Act--employing a combination of explosive detection equipment and alternative techniques as set forth in that provision by Congress--has been adopted. We also issued the necessary guidance to impose the new September 11 \$2.50 Passenger Security Fee on airline tickets sold on or after February 1, which will help finance TSA operations.

We continue working with the airlines to take the necessary action to meet the bag-checking requirement, using the full menu of options provided for in the law. Passengers, airline staff, and current screeners have already experienced changes as a result. We will have overlapping, mutually reinforcing layers of security, some of which are visible, like screening stations, while others remain unseen, like intelligence, undercover work and state-of-the-art technology tools.

Explosive detection equipment is a vital part of our baggage-checking program. Every available explosive detection machine will be used to its maximum capacity. Where we do not yet have such equipment in place, we will use other options outlined in the law. On originating flights, baggage will be matched to its passenger. Computers will screen passengers, and passengers will be screened for weapons—often multiple times. In addition, more bags will also be subject to sniffing by trained dogs, to more comprehensive screening by both explosive-detection and explosive trace detection devices, to manual searches, or to a combination of those techniques.

We will work to meet the requirement that each checked bag be screened by explosive detection equipment by the end of this year. Working with a team of consultants, we are looking at a wide variety of innovative approaches using technology, different ways to run the check-in process, and procurement strategies that can get us to that goal.

September 11 taught us that our enemies are willing to die to attack us, and that means that we must successfully screen all baggage and cargo on a passenger flight, not just succeed at matching bags to passengers. Screening all baggage and cargo through detection technology is therefore among one of our highest priorities.

In addition to the bag screening requirement, there are several other statutory deadlines that we met last week:

- FAA issued its guidelines for flight crews who face threats onboard an aircraft.
- Air carriers began to electronically transmit foreign airline passenger manifests.
- We released our screener training plan, which was written with input from leading government and private sector training experts.

As you can tell, FAA Administrator Jane Garvey and I already have combined the efforts of the TSA and FAA Civil Aviation Security staffs to implement our new program of initiatives to meet the 30- and 60-day deadlines. Let me say at this point, from my perspective, that it is the contribution of our team of dedicated employees that has been the most important factor in our success to date. We also appreciate the input of the Nation's airports, air carriers and aviation industry trade associations; their cooperation was an important factor in our efforts to successfully meet these

deadlines.

In concluding this portion of my testimony, I would like to mention the other future deadlines on which we are most focused. On February 17, less than a month from today, the TSA will take over the aviation screening responsibility that has been the airlines' up until now by assuming the airline screening contracts and equipment that provide passenger screening at the Nation's airports. We will implement the charter air carrier security program mandated by Congress. Most significantly, we will also begin to staff the TSA with sufficient Federal screeners and other personnel to be able to certify to Congress on November 19 of this year that we have complied with section 110(c) of the Act to carry out all passenger screening with Federal personnel.

This brings me to the second topic, bringing the new TSA on line.

## **2. Making the Transportation Security Administration a Functioning Agency**

The new TSA is foremost a security agency. We will use all the tools at our disposal--intelligence, regulation, enforcement, inspection, screening and education of carriers, passengers and shippers. I have worked to assemble a seasoned group of managers to assist me in creating the headquarters and field organization and fully staffing it within 10 months. The process itself entails consultation and participation by many outside groups—airlines, airport executives, labor unions, screening companies, airport vendors, airplane and security equipment manufacturers, trade associations and experts of many sorts.

To jumpstart work on critical tasks, we created "Go-Teams," to work intensively on specific tasks, present decision options, and then disband. Some of these have successfully completed their tasks and moved on. At present, we have some 36 Go-Teams launched and operating. They cover a

thousand details small and large—from what uniforms the TSA security force will wear, to the procurement, installation and maintenance of explosive detection equipment for 429 airports. In addition, we have teams developing detailed strategies to protect not only passengers, cargo, and people working in and moving through airports, but also physical assets such as aircraft and terminal facilities.

Funding and staffing up this enterprise are enormous challenges. We rely on the FAA Civil Aviation Security Office, which will be incorporated into the TSA, the Secretary's Office of Intelligence and Security and detailees from throughout the Department to undertake the many procurement, personnel, and provisioning challenges we face. The Secretary has formed a DOT Management Committee that makes assignments, tracks progress, and reports to him on the accomplishment of discrete projects. This process has accounted for our ability to meet the Act's deadlines and to produce the highest quality results.

A great deal of coordination within the Executive Branch is necessary to bring staff and resources online in an expedited manner, and I plan to place heavy reliance on the new Transportation Security Oversight Board composed of cabinet Secretaries and representatives of intelligence and national security groups, in particular the Office of Homeland Security. Unprecedented cooperation by these entities and the Office of Management and Budget on funding issues has already assisted us greatly.

We are creating a flat organizational structure at the TSA with well-trained front-line managers, and supporting them with an array of services deployed from Washington. We will avoid regional bosses and bureaucratic bloat, emphasizing instead front-line service delivery.

One key to our success at airports nationwide will be a core of senior managers, the Federal Security Directors. These FSDs are the strong front-line managers, who will bring federal authority directly to the point of

service, the airport. I expect to select the first FSDs within the next two weeks.

Another key to the success of our efforts will be baggage screeners. We are designing a compensation and benefit structure that will help attract the highest quality employees while also developing a fair process that allows us to quickly remove those who neglect their work. Screeners will receive compensation that is substantially higher than what screeners generally now receive and also full Federal benefits, including health insurance and leave and retirement programs. We believe that this compensation and benefit package will have a positive effect on screener retention rates and effectiveness. In addition, we will create a career path and provide other job enhancements for the screener workforce. Last month, we announced the qualifications for the new screeners. As required by the Act, these new screeners must meet strict requirements before they are hired and must successfully complete a rigorous training program and pass an exam before they can be deployed.

The TSA is charged with security for all the modes of transportation, and a focus on aviation mandates must not slow the TSA's pace in addressing the security needs of other transportation modes. Across every mode, we must continue to develop measures to increase the protection of critical transportation assets, addressing freight as well as passenger transportation. We will maintain a commitment to measure performance relentlessly, building a security regime that provides both world-class security, and world-class customer service, to the American people.

The new security system will be robust and redundant, and we will be relentless in our search for improvements. It is better today than yesterday; and it will be better still tomorrow.

This concludes my statement. I will be glad to answer any questions.

**Before the Committee on Transportation and  
Infrastructure  
Subcommittee on Aviation  
U.S. House of Representatives**

**Challenges Facing TSA  
in Implementing the Aviation and Transportation  
Security**

**Statement of  
The Honorable Kenneth M. Mead  
Inspector General  
U.S. Department of Transportation**

Chairman Mica, Ranking Member Lipinski, and Members  
of the Subcommittee:

I appreciate the opportunity to speak today on the  
implementation of the Aviation and Transportation Security  
Act (Act). This is our first testimony since the Act was  
signed into law on November 19<sup>th</sup>. The focus of our  
testimony today will be on aviation security.

Since the Act was passed, overall we are impressed with  
the diligence and aggressiveness with which the  
Department of Transportation (DOT) and the

Transportation Security Administration (TSA) have moved forward to meet the early deadlines included in the Act. The formative steps taken will be key to the future success of TSA as it moves forward to execute the new law and implement the critical steps for improving transportation security. However, it is important to note that the TSA is responsible for all aspects of transportation security, not just aviation security. Currently, all modes of transportation (transit, rail, motor carriers, coast guard, etc.) are performing risk assessments. In the months ahead, TSA will have to focus resources on addressing security across all modes of transportation.

While progress has been made, clearly the heavy lifting (installing explosives detection systems to screen all checked baggage and hiring a workforce) lies ahead. The most notable steps TSA has taken on aviation security so far include:

- issuing screener qualifications and developing a training plan for aviation security screeners;
- issuing proposed procedures for airport and parking lot operators, and direct vendors to seek part of the \$1.5 billion authorized to cover direct security costs;
- identifying and reporting to Congress on airspace security measures to improve general aviation security;
- issuing guidance for training programs to prepare

crew members for potential threat conditions on passenger aircraft;

- issuing the rule to begin collecting the security fee effective February 1<sup>st</sup>; and
- requiring air carriers to screen 100 percent of checked baggage using explosives detection equipment or alternative means, including positive passenger bag match.

Security is clearly tighter today than before September 11th, but despite new security measures, there are still alarming lapses of security, and much more needs to be done. Since November we have been conducting “undercover audits” of security performance at airports nationwide, as requested by the President. We are briefing DOT, TSA and Federal Aviation Administration (FAA) officials on our results as we perform our work at airports across the country.

Today, I would like to discuss three areas: screening checked baggage, hiring and training the workforce, and immediate budgetary challenges facing TSA.

Air carriers are now required to screen 100 percent of checked baggage using either an FAA•certified explosives detection system (EDS) or an alternative method. Because there are limited EDS units currently available, carriers are

relying primarily on positive passenger bag match. Based on our observations on January 18<sup>th</sup> at airports nationwide, we are pleased with the progress so far. However, positive passenger bag match has limitations and one gap in the process needs to be closed. The current procedure does not cover passengers and their baggage on connecting flights. This gap needs to be closed because by definition if the passenger is not on the same aircraft as the checked baggage, then it is not a positive passenger bag match. In addition, positive passenger bag match will not prevent a suicidal terrorist from blowing up an aircraft by putting a bomb in his baggage, which is why Congress has required all checked baggage to be screened through an explosives detection system by December 31, 2002.

TSA and FAA are working toward having sufficient equipment in place to screen 100 percent of checked baggage with EDS by the end of the year. Currently there is a gap between what the manufacturers can produce and what is needed to meet the December deadline. TSA is working to resolve this issue.

An equally important question is whether equipment can be installed in airport lobbies, as distinguished from EDS units integrated into the airport baggage system, and at the same time keep the aviation system running with a reasonable degree of efficiency. Given the rate that checked bags pass

through an EDS machine, the alarm rate experienced by current technology, and the amount of bags checked during peak times at our large airports, we have serious reservations as to whether 100 percent screening can be achieved using the current approach of installing EDS in the airport lobby, rather than integrating them into the baggage handling system.

The task of installing EDS machines will vary by each airport's physical plant and operations. EDS machines integrated into the baggage handling system may very well involve multiple levels of screening with numerous machines. This is why it is imperative that airport operators be key players in this process. We are encouraged that TSA is considering this approach.

Another major challenge facing TSA is the hiring and training of a qualified workforce. Recent estimates indicate that TSA will need to hire at least 40,000 employees, including over 30,000 screeners, an executive team, law enforcement officers, Federal air marshals, and support personnel. It is important to recognize that screeners do more than just screen passengers and their carry-on bags at screening checkpoints -- they also screen checked bags. Since it takes more screeners to operate EDS machines in airport lobbies as opposed to EDS machines integrated into the baggage system, a key driver in the number of screeners

required will be how EDS units are installed at each airport.

There are also tremendous budgetary challenges facing TSA for this year and next, and it is increasingly clear that the cost of good security will be substantially greater than most had anticipated. The cost implications are both in terms of capital costs for equipment and operating costs for personnel. Key drivers are the sheer number of screeners that will be needed and the pace and type of EDS installation.

For fiscal year (FY) 2002, capital costs for the EDS equipment could range between \$1.9 billion and \$2.5 billion, which does not include approximately \$2.3 billion that will be needed to integrate the equipment at airports. Operating costs for personnel in FY 2002 could range between \$2.0 billion and \$2.2 billion. All of this is against a projected revenue base in FY 2002 of between \$2.0 billion and \$2.3 billion. For FY 2003, operating costs will escalate to a range of between \$3.0 billion and \$3.5 billion as TSA experiences its first full year of salary costs.

Given the pace of events since September 11<sup>th</sup>, it is understandable why there would be such substantial fluidity in the budget numbers. Now, an immediate task for TSA is to move out with dispatch in order to bring as much clarity as possible to its budgetary requirements for this

year and next. Establishing credible budgetary requirements would help Congress and the Administration resolve the questions of who will pay for what and in what amount. Much confusion exists in these areas because there are many funding sources – some of which are appropriated and some of which are not. These include revenue from fees, direct appropriations, and airline contributions, as well as changes to how airports can use grant money and passenger facility charges.

As TSA reviews and purchases new aviation security equipment, it must avoid the potential pitfalls of purchasing a significant amount of equipment that will not fit into the ultimate security structure. TSA must develop a framework that integrates all of the many possible solutions into a layered security system. Given the large budgetary requirements, it makes it imperative that TSA have good cost controls to ensure this process is free of waste, fraud, and abuse.

## **I. Screening Checked Baggage**

On January 18<sup>th</sup>, all carriers with scheduled and public charter service were required to begin screening all checked baggage at airports throughout the United States. An FAA •certified explosives detection system is the preferred method of screening, but between now and December 31<sup>st</sup>,

air carriers have several options for screening checked baggage as an alternative to EDS machines. These options include:

- using non-certified advanced technology equipment purchased by the FAA (there are currently 21 such machines in use at 9 airports by 8 air carriers);
- using explosives trace detection equipment assessed to be effective by FAA;
- physically searching bags;
- searching checked baggage using FAA-certified canine teams; or
- using a positive passenger bag match program, with a verifiable tracking system, that demonstrates that a passenger's checked baggage is not transported without the passenger.

***Positive Passenger Bag Match Increases Security, But It Is Not a Substitute for Screening Checked Baggage, and Gaps in Bag Matching at Connecting Airports Need to Be Closed***

Positive passenger bag matching is the primary method carriers will use to screen checked baggage until sufficient explosives detection equipment is available. Currently, there are only 165 operational EDS machines at 52 U.S. airports.

The positive passenger bag match programs do not "screen" checked baggage. Instead, positive passenger bag match ensures that the passenger who checked a bag or bags actually is on the flight with the baggage when the aircraft departs. If the passenger fails to board the aircraft, the air carrier must not load that passenger's checked baggage, or if already loaded, the baggage must be located and removed from the aircraft.

There are limitations to the effectiveness of the positive passenger bag match program, and one gap in the program needs to be closed. Positive passenger bag match currently applies *only at the point of origin*. It does not apply to connecting flights. In other words, if a traveler from Washington to Los Angeles has to transfer at Chicago, the bag match is only applied to the passenger for the Washington-Chicago segment. It is not applied to the passenger for the Chicago-Los Angeles segment. This gap needs to be closed, because by definition if the passenger is not on the same aircraft as his or her checked baggage then it is not a positive passenger bag match. In addition, positive passenger bag match will not prevent a suicidal terrorist from blowing up an aircraft by putting a bomb in his baggage, which is why Congress has required all checked baggage to be screened through an explosives detection system by December 31<sup>st</sup>.

The Bureau of Transportation Statistics (BTS) estimates that 15 percent of all passengers were connecting passengers.<sup>[1]</sup> While we have not verified the BTS figures, the 15 percent represents more than 75 million passengers who, under the current procedures, would not have positive passenger bag match apply to them for the second segment of their trip. In addition, the majority of these passengers would be connecting through hub airports. These connecting passengers would not have their checked baggage subject to any screening (not even positive passenger bag match) when departing the hub airport. This creates a higher risk for flights departing hub airports, which are the largest airports in the country.

**OIG Observations on Positive Passenger Bag Match Found the Air Carriers Met the New Requirement.** In order to gauge how air carriers are meeting the new requirement, we observed 78 flights at 12 airports involving 18 different air carriers on January 18<sup>th</sup>. Our tests found that the air carriers we observed are using positive passenger bag matching to meet the new 100 percent screening requirement, and that air carriers' operations have not been adversely affected. During our tests, we determined if all passengers were on the aircraft with their checked baggage, or waited at a baggage carousel to determine if any checked baggage arrived at the

airport without a passenger. The air carriers we observed predominantly used positive passenger bag match as the option to screen their passengers' checked baggage, with some checked bags also being screened using one of the other options (i.e. EDS, physical search, canine, etc.).

While we found some exceptions, given this was the first day the requirement was in effect, we think the air carriers did a good job. In addition, we only recorded five noticeable delays, meaning on the first day, 94 percent of the flights we observed were not delayed. Furthermore, we cannot say for a fact that any of the five delays we observed were directly caused by the new positive passenger bag match procedures.

We all agree that positive passenger bag match will not stop the terrorist willing to commit suicide, but it does represent a clear and significant improvement in checked baggage security over what was conducted on September 11<sup>th</sup>. TSA must move quickly to assess the effect that the positive bag match program has on air carrier operations and expand the program as early as possible to cover all flight segments, until all checked baggage is screened by EDS.

***EDS Screening of All Checked Bags by December 31<sup>st</sup>  
Will Be Challenging***

TSA faces significant challenges in meeting the requirement to screen 100 percent of checked baggage using explosives detection systems by the end of 2002. Production capability numbers have increased since December from an estimated 587 EDS machines to 1,200 EDS machines, but this still leaves a gap of about 500 machines. Additionally, it is important to place orders now. Both manufacturers need time to ramp up their production, and delays in ordering could increase the gap between production capacity and the number of machines needed. Finally, TSA must get airport operators involved in determining the installation plan for their airport – what type of equipment is needed, when is it needed, and where it will be installed.

There is a fundamental concern with the approach being taken on the installation of EDS machines – that is whether it will work to put the majority of EDS machines in airport lobbies. No other country in the world is using EDS machines installed in the lobby of a large airport to screen 100 percent of checked baggage. Preliminary plans at Dulles International Airport show that if the EDS machines (around 50) required to screen all checked baggage are placed in the lobby, there will be limited room for passengers to wait in line for processing. TSA must work with airports, air carriers, and manufacturers to get a better handle on the needs of each airport and factor these data

into production needs.

**Producing the Equipment.** Currently, there is a gap between the number of certified EDS needed and what manufacturers can produce. However, the size of the gap changes based on various scenarios.

FAA estimates that airline passengers check between 900 million and 1 billion bags each year. As of January 17<sup>th</sup>, only 180 FAA•certified explosives detection systems were installed at 53 airports. Of these systems, 165 were operational at 52 airports. Deployment of these systems began in 1997, and DOT has spent more than \$300 million, including the costs of installing them. To meet the 100 percent screening requirement, FAA<sup>[2]</sup> estimates over 2,000 additional EDS machines will need to be installed in 453 airports nationwide over the next year.

Currently there are only two vendors that make FAA•certified explosives detection systems, L-3 Communications and InVision Technologies. We have seen substantial swings in the estimated production capabilities of these two manufacturers. During our visits in December, they showed production plans for a capacity of only 587 machines by December 2002, leaving a gap of 1,400 machines. The Department hired a consulting firm to review how TSA could meet the 100 percent baggage

screening requirement by December 2002. The consultant recently estimated that manufacturers could produce as many as 1,200 CTX 5500 or equivalent EDS units by year end, leaving a shortage of about 500 EDS machines.

Using a combination of EDS and trace units to screen the checked baggage, the consultant determined that approximately 1,700 EDS would be required. They believe manufacturers could produce sufficient numbers of trace explosives detection units, so no shortage in trace machines is expected. The consultant looked at multiple implementation schemes, including integrating the equipment into the check-in process, integrating equipment into the baggage system, and screening bags in remote locations such as parking lots.

At the Department's request, both companies are working now to determine their ability to support even higher production rates. Their calendar year 2002 production rates are, however, dependent upon receiving orders. But both vendors need time to ramp-up their production, and since the Act was passed, no new contracts have been awarded to purchase this equipment. As the weeks pass without firm orders for EDS machines, the capability of these two companies to produce the required units by the end of 2002 decreases.

The Department and TSA are continuing to work to identify ways to fill the gap between EDS units required and production capabilities. We caution, however, that if TSA decides to make up the shortfall using non-certified equipment, then the cost, effectiveness, and efficiency of the options must be evaluated. A significant investment in non-certified systems may well enable TSA to screen all checked bags through an explosives detection system by the end of December, but non-certified bulk explosives detection systems are not certified for a reason: in some cases they cannot detect all of the threat explosive types. If non-certified equipment is used as a way to meet the requirement, it will eventually have to be replaced, probably at a considerable additional cost and sooner rather than later, by more capable, certified equipment as those systems become available.

**Installing the Equipment.** Purchasing the equipment, especially EDS, is only half the battle. The equipment must also be installed, and this can take months to accomplish. Installing EDS machines in airport lobbies usually takes less time than integration into the baggage system, but requires more machines and more screeners.

EDS machines are big and heavy, requiring moderate to extensive reengineering, including floor strengthening. At many of our busiest airports, i.e. Dallas•Fort Worth, San

Francisco, and Dulles, check-in areas are long and narrow with very little room between the lobby entrances and the ticket counters. As TSA begins using these machines continuously or using trace units to screen checked baggage, additional lines will form in the airport terminal.

Currently, numbers as to how much equipment will be needed, where it will be installed, and how long it will take, are all estimates. We have the largest aviation system in the world, and screening 100 percent of the checked baggage (approximately 1 billion bags a year) will be a real challenge. The question that must be answered is can this equipment be installed in airport lobbies, as opposed to integrating the EDS into the baggage system, and at the same time keep the aviation system running with a reasonable degree of efficiency.

Several airports around the world have explosives detection systems integrated into the baggage system, so that all baggage is screened. However, no country is screening 100 percent of checked baggage, at an airport the size of our large hub airports, with explosives detection systems in the terminal lobby. At Dulles, preliminary designs show that if you place all the EDS required to screen the checked baggage in the main terminal area, there is very little room left for passenger queuing. In addition, since it has never been done, no one knows for sure if TSA and air carriers

could move passengers through the check-in and screening process without significant adverse effects on air carrier operations.

We have serious reservations as to whether 100 percent screening can be achieved using the current approach of installing EDS in the airport lobby, rather than integrated into the baggage handling system, given the rate that checked bags pass through an EDS machine, the alarm rate experienced by current technology, and the amount of bags checked during peak times at the large airports.

At Dulles International Airport, it is estimated that about 47 EDS machines will be needed to screen 100 percent of the checked baggage. During a recent observation at JFK International Airport, an air carrier used 8 to 10 screeners for the EDS machine in order to keep up with the bag flow, which we estimated at 200 bags per hour during our observations. The 8 to 10 screeners operated the equipment, resolved alarms and controlled the baggage until the passengers checked in at the air carrier's ticket counter. In our opinion, it is reasonable to expect at peak periods at least 400 screeners would be needed at Dulles to handle the checked baggage.

Given the success at airports around the world, EDS will most likely need to be integrated into the airport/air carrier

baggage systems in order to screen 100 percent of checked baggage efficiently at the largest U.S. airports. It takes significantly more time to reconfigure an airport baggage system to accommodate one or more in-line EDS machines than to place one EDS into an airport lobby. However, once installed into the baggage system, these machines can screen more bags per hour with less screening staff than a machine installed in an airport lobby.

Due to the differences in air carrier operations and airport configuration, one should expect TSA to use a variety of options throughout the country. Neither TSA nor FAA has determined how to reconfigure the over 400 U.S. airports so that 100 percent of the checked baggage will be screened effectively and efficiently by the end of the year.

TSA needs a plan, for at least the top 81 airports (Category X and I), detailing what equipment they will need, where the equipment will be installed, a timeline for accomplishing the installation, how passengers will be processed through the system, and potential effects on air carrier operation. It is critical that TSA work closely with manufacturers, airports, and air carriers to develop a plan for screening checked baggage at each airport. TSA should have teams working at each of the airports now, so that if manufacturers identify a way to close the production gap, TSA will know what type of equipment is needed for each

airport and when it needs to be delivered.

### ***EDS Equipment Must Be Fully Utilized***

TSA must ensure that the equipment that is deployed is used to the maximum extent possible. We have repeatedly testified since 1998 about the underutilization of deployed EDS equipment. FAA has calculated that significantly less than 10 percent of bags checked during 2000 were screened by an EDS machine. Although the machines are far from being used continuously, we have seen a steady increase in utilization since our last testimony in November, when we reported that only 27 percent of the machines we observed were in continuous use. As part of the Secretary's zero tolerance policy, we have been observing the use of certified EDS machines nationwide. Since November 13<sup>th</sup>, we have made 167 observations at 19 airports nationwide and found that now 51 percent of the machines we observed were in continuous use as required. However, some machines are still underutilized. For example, on January 18<sup>th</sup> during a 1-hour observation, 110 bags were checked by passengers, but only 15 of these bags were screened through the available EDS machine. TSA must make maximum use of these valuable and expensive assets.

At each screening location, TSA officials will need to work

with air carriers to ensure that a continuous stream of checked baggage is sent to the machines for screening. Until TSA screeners are in place, TSA will also need to monitor screening contractors to ensure they have sufficient trained staff available to properly operate the equipment. On more than one occasion we observed understaffed equipment with only one employee responsible for operating the EDS machine as well as resolving any alarms. This resulted in the machine sitting idle, while the operator manually searched or used trace units to resolve an alarm.

## **II. Hiring and Training the Workforce**

A major challenge facing TSA is the hiring and training of a qualified workforce. Recent estimates indicate that TSA will need to hire over 40,000 employees, including over 30,000 screeners, an executive team, law enforcement officers, Federal air marshals, and support personnel. The number of screeners needed will depend on how EDS is installed at each airport.

TSA has hired an executive recruiting firm to assist it in hiring the initial 81 Federal Security Directors. These individuals will play a key role in hiring and training the screeners and law enforcement officers for their particular airport. TSA has issued new airport screener qualifications,

which require employees to be U.S. citizens and to speak and write English. They also require screeners to have a high school diploma, a general equivalency diploma, or one year of any type of work experience that demonstrates the applicant's ability to perform the work of the position.

TSA does not expect to begin taking screener applications until March or April, with the heavy emphasis for hiring starting in May and working through the summer.

Assuming TSA does not begin hiring and training until May, TSA would need to hire and train approximately 5,000 screeners per month from May through October in order to have 30,000 screeners hired, trained and on the job by the November 19<sup>th</sup> deadline.

Before TSA establishes a workforce, it must assume the current screening company contracts from the air carriers by February 17<sup>th</sup>. TSA will then have to oversee these contractors until TSA screeners are hired and trained. Since airport screeners must now be U.S citizens, and able to speak and write English, a significant number of the current screening workforce will not qualify for screening positions with TSA. During the transition, it will be a challenge for TSA to motivate the contractors and screeners who will not be picked up by TSA. For example, it is estimated that at Dulles International Airport up to 80 percent of the current screeners will not qualify for

employment with TSA. It is clear that TSA is trying to address this by setting employment requirements that will allow it to hire as many current screeners as possible. However, as the Secretary's zero tolerance initiative has shown, dangerous items continue to get through screening checkpoints and onto aircraft, so even current screeners that remain will need additional training to bring their performance up to an acceptable level.

TSA used private industry and academia as well as individuals from other Federal agencies to develop its Training Plan for Airport Security Screeners, issued January 18th. This training plan envisions airport screeners receiving 40 hours of classroom training, followed by 60 hours of on-the-job training. TSA intends to measure screener performance throughout the training process with examinations to track performance. Once a screener has worked in the airport environment for at least 6 months and demonstrated his or her skills through achievement examinations and/or skills tests, TSA plans to issue the screener a TSA certification.

Once a screener is certified, TSA plans to provide recurrent training and testing to ensure screener performance remains at an acceptable level. TSA will use a learning management system to track the progress and performance of all airport screeners. TSA can employ, appoint,

discipline, terminate and fix the compensation, terms and conditions of Federal service for individuals carrying out the screening functions. In addition, the Act does not require TSA to give airport screeners normal job protections afforded to regular Federal employees, and a screener could be fired almost summarily for not doing their job. We do not know at this time how TSA intends to implement or use this authority, as it has not established the performance standards that screeners must meet as a condition of employment.

TSA is reaching out to industry, but must also reach out to other countries that have extensive experience hiring, training and evaluating a screener workforce. The key to TSA's success will be in the people and systems it puts in place in the next several months.

### **III. Immediate Budgetary Challenges Facing TSA**

Mr. Chairman, there are tremendous budgetary challenges facing TSA for this year and next, and it is increasingly clear that the cost of good security will be substantially greater than most had anticipated. The cost implications are both in terms of capital costs for equipment and operating costs for personnel, which will be driven by the sheer number of security screeners that will be needed.

In terms of capital costs, the requirement that all checked bags undergo EDS screening by December 31, 2002, carries a large price tag. However, the estimates vary widely depending on the mix of equipment and personnel used. FAA estimated that approximately 2,000 certified EDS machines at a cost of around \$2.5 billion would be needed in order to screen 100 percent of checked bags with certified EDS equipment. This estimate does not include the additional costs to integrate the equipment at the airports, which could exceed \$2.3 billion depending on the nature and type of structural changes required to install EDS.

Other options are being considered, however. For example, TSA is looking into using a higher percentage of trace units in airport lobbies in lieu of using all 2,000 EDS machines. This option would have lower estimated equipment costs (about \$1.9 billion) but would require a much higher number of screeners to operate.

Regardless of the mix TSA uses, it is clear that the agency will need additional funding to purchase the necessary security equipment – so far only \$294 million has been appropriated in FY 2002 for EDS equipment. However, the ultimate funding needs of TSA will be most impacted by who assumes the costs of integrating the equipment – airports or TSA, and how it will be paid for. This is

especially relevant for determining who will pay the costs of integrating certified EDS equipment into airport baggage systems.

In terms of operating costs, the costs of salaries, benefits, training, and overhead of an organization that will exceed 40,000 employees are significant. However, determining the cost is dependent, in part, on the mix that TSA uses to meet the December deadline. We have seen estimates that TSA's operating costs in FY 2002 will range between \$2.0 billion and \$2.2 billion based on a screener workforce of between 31,000 and 40,000 employees.

However, these costs are only for part of the year, assuming that hiring of screeners would begin in May. Costs will be substantially higher when TSA must pay salaries for a full year. For FY 2003, operating costs for TSA's workforce could range between \$3.0 billion and \$3.5 billion. *Given the wide range in possible costs, TSA needs to bring clarity to its financial needs for FY 2002 and 2003.*

The Aviation and Transportation Security Act set out a myriad of sources for funding security needs. These include revenue from fees, appropriations, and airline contributions, as well as changes to how airports can use grant money and passenger facility charges. However, it is unclear who will pay for what and in what amount.

Congress created a new passenger security fee of \$2.50 per flight segment with a maximum of \$5.00 per one-way trip or \$10.00 per round trip. Based on the latest projected enplanements for FY 2002, this fee could generate about \$1.0 billion this year and as much as \$1.7 billion in 2003.

Congress also provided the Under Secretary with the authority to impose a fee on air carriers in case revenues from the new security fee are insufficient to meet the needs mandated by the Act. Congress capped that fee at the total amount spent by air carriers for screening passengers and property in calendar year 2000.

As shown on the chart below, we estimate that TSA currently has funding of about \$2.0 billion to \$2.3 billion for operating and capital costs in FY 2002. That funding consists of revenue generated by the new security fee and FY 2002 initial and supplemental appropriations. The differences in the revenue estimates are based on whether a fee is imposed on air carriers and, if so, how much. The Department has estimated that the airlines spent upwards of \$700 million for screening in calendar year 2000. Our estimates assume no contribution from the airlines to as much as \$300 million, assuming that collections begin in May and are apportioned as required by the Act (\$700 million x 5/12).

## TSA Funding Sources for FY 2002<sup>[3]</sup>

(\$ in millions)

FY 2002	Low	High
Security Fee	\$1,038	\$1,038
Airline Contribution	\$0	\$300
FY 2002 Appropriations for Civil Aviation Security	\$150	\$150
FY 2002 First Supplemental	\$452	\$452
FY 2002 Second Supplemental	\$100	\$100
<b>Subtotal: Operations Funding</b>	<b>\$1,740</b>	<b>\$2,041</b>
FY 2002 Appropriations for EDS	\$97	\$97
FY 2002 Supplemental EDS	\$196	\$196
<b>Subtotal: EDS Funding</b>	<b>\$293</b>	<b>\$293</b>
<b>Total Funding</b>	<b>\$2,033</b>	<b>\$2,334</b>

Mr. Chairman, clearly it is a case of TSA's costs substantially exceeding revenues. For TSA's part, the agency needs to develop its plan for meeting the December deadline and establish credible cost estimates for both operating and capital costs, so that Congress and the Administration can determine how these additional costs can be funded. Clearly, the ways and means of bridging this gap need to be clarified – whether it be through airline contributions, additional fees, Grants-in-Aid to Airports,

Passenger Facility Charges, and/or appropriations. There is significant confusion over who will pay for what, in what amount, and from what funding source.

Given the need to control costs, it is important that, as TSA reviews and purchases new aviation security technology, it avoid a shotgun approach. TSA must avoid the potential pitfalls of purchasing a significant amount of equipment that will not fit into the ultimate security structure, but rather develop a framework that integrates all of the many possible solutions into a layered security system. When purchasing and deploying equipment, TSA needs to evaluate the cost, effectiveness, maturity, and efficiency of each type of equipment to ensure it gets the highest pay-off in improved security for the funds spent. Given the large budgetary requirements, it makes it imperative that TSA have good cost controls to ensure that this process is free of fraud, waste, and abuse.

This concludes my statement. I would be pleased to answer any questions.

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[1] For the 12 months ending June 2001.

[2] FAA continues to work with TSA in meeting the requirements of the Act, until February 17<sup>th</sup>, when TSA takes over responsibility for all aviation

security functions.

[3] In the FY 2002 Appropriations for the Department of Transportation, Congress provided \$1.25 billion from the General Fund for the TSA. However, Congress stipulated that the amount is to be offset by any collections from the new security fee and, as a result, cannot result in any actual expenditures from the General Fund.

**Statement of Carol B. Hallett  
President & CEO  
Air Transport Association of America, Inc.  
Before the House Transportation and Infrastructure  
Committee  
Aviation Subcommittee  
January 23, 2002**

Good afternoon, I am Carol Hallett, President and CEO of the Air Transport Association of America. On behalf of our member airlines, let me begin my statement with a heartfelt thank you, Mr. Chairman, to you and your colleagues for the vision and leadership you and this Committee have provided over these last, difficult months.

What you have done and are doing, along with the rest of the Congress and the Administration, is deeply appreciated.

Since the terrorist attacks of September 11, 2001 tremendous strides have been made in totally revamping our aviation security system to respond to what was previously the unthinkable. The industry has responded with unprecedented vigor. Strengthened cockpit doors were in place within just weeks; vastly modified passenger and baggage screening measures have been deployed; cargo security has been tightened; and training programs are being developed and deployed.

The list of ongoing and new security initiatives is virtually endless.

Enactment of the Aviation and Transportation Security Act

(ATSA) was, of course, a pivotal event in this new security era. It has set the course and has marked the milestones - and I am pleased to report to you today that we have successfully accomplished one of the early key requirements established by the Act. This past Friday, the airlines began screening all checked baggage in accordance with the standards established in the law.

In order to meet this challenge, both industry and government officials responsible for aviation security worked together in what can be described as an unprecedented manner. In fact, I would be remiss in not noting the "hands on" effort put forward by Secretary Mineta, Deputy Secretary Jackson, Undersecretary Magaw, Administrator Garvey and Deputy Administrator Belger in working with our team and theirs to get the job done.

One point that has become absolutely clear over the past several months - and particularly so over the past several days as the media has focused so intently on our security program, - is that it is incumbent upon all of us to stop discussing security policies, practices and procedures in public. Just as the Secret Service has not and will not discuss in public its security procedures for protecting the President, so too must we safeguard our aviation security measures.

To do otherwise - to publicly discuss how bag match works, how bags or passengers are selected for other screening, what other techniques and technologies we are deploying - simply provides a roadmap to those who would do us harm.

We, the ATA member carriers, have committed to Undersecretary Magaw that we will defer to him and his agency to respond to specific questions about security. We believe this is best left to the experts.

Moving forward, the next key milestone comes on February 17<sup>th</sup> when the Transportation Security Administration is to "assume all aviation security functions" in accordance with the provisions of the ATSA. This will involve the establishment of contractual relationships between the TSA and both security contractors at airports and, we expect, with the airlines themselves. In this area, once again, we have been in regular, close communication with the Department of Transportation leadership group.

Recognizing the magnitude of this undertaking, our airlines have pledged to work with the government on a seamless transition as the TSA moves forward to take over security operations, even in those situations where contracts and details remain to be resolved. Our mutual goal is to provide both the security and safety as well as a level of customer service and convenience the public expects.

Beyond this next milestone there are dozens more to come before the end of the year. I expect that we may have the opportunity to discuss many of those with you as the year unfolds, but for now there are three matters of vital interest, which I would like to draw to your attention.

- The first is the imperative to quickly establish a coordinated, intelligence-based system of aviation security,

which would provide increased levels of screening based upon passenger information and criteria.

We envision working with sophisticated information technology, government intelligence and law enforcement experts to develop a "trusted traveler," biometrically encoded, voluntary, access card.

This system would enable enhanced intelligence collection and data sharing, and permit much more focused and effective screening for those few passengers who actually bring credible risk.

A comprehensive security product with man and machine, and good intelligence from our Federal agencies, along with passenger convenience, is where we should be focused.

- The second vital matter is the question of war risk insurance. The airline industry financial stabilization legislation contained a provision—section 201(b)—that authorized the Secretary of Transportation to limit an airline's liability to \$100-million if an act of terrorism were committed against it. That provision of the law expires on March 20<sup>th</sup>.

If that occurs, U.S. airlines will lose an essential shield against liability created by situations far beyond their control with no realistic alternatives available.

Acts of terrorism are brutal acts ultimately directed against the

United States and this provision recognizes that reality. Continuing this limitation will aid us in our ongoing efforts to find an alternative to provide war-risk insurance to U.S. airlines.

Any self-help effort must enable airlines to obtain war-risk insurance on commercially realistic terms than are being offered in the market today. We consequently are urging Congress to extend the \$100-million liability limitation indefinitely and we hope you will take the lead once again to assure this critically important program is continued.

- Third and finally, as we have discussed with you before, it is our view that the events of September 11, 2001 must mark a sea change in how we think about and fund the aviation security program in the United States. This can no longer be viewed narrowly, as something to be addressed just in the context of aviation and funded by the airlines and their customers.

Aviation security is national security -and it must be treated and funded as a national security priority. Just as we do not turn to subgroups of taxpayers to support the Defense Department or the Capitol Police, we should not expect aviation system users to shoulder the full cost of the nation's protection from aviation terrorism.

This committee has paved the way to find the support and funding for the ongoing deployment of the security equipment

and programs required by the Act, and we look forward to working with you to identify additional resources in this regard. This effort will help ensure that our nation never again faces the trauma of that awful day.

Thank you and I would be pleased to respond to your questions.

**Testimony of David Z. Plavin,  
President, Airports Council International – North America**

**On Behalf Of  
Airports Council International – North America  
And  
The American Association of Airport Executives**

**House Aviation Subcommittee Hearing  
Implementation of the Aviation and Transportation Security Act  
With a Focus on the 60-Day Deadline for Screening and Checked  
Baggage  
January 23, 2002**

Chairman Mica, Ranking Member Lipinski, members of the subcommittee, thank you for the opportunity to offer the views of Airports Council International-North America (ACI-NA) and the American Association of Airport Executives (AAAE) today on a number of issues regarding implementation of the recently enacted Aviation and Transportation Security Act. As you know, ACI-NA represents local, regional and state governing bodies that own and operate commercial airports in the United States and Canada. AA AE is the world's largest professional organization representing the men and women who manage primary, commercial service, reliever, and general aviation airports.

On behalf of airports across the country, we appreciate the work of the subcommittee in passing airport security legislation late last year and, especially, for calling this important hearing on the very first day that Congress reconvenes for the year. Implementation of the Aviation and Transportation Security Act is a major challenge for the federal government, airports, and the aviation industry and one that will

require constant oversight during this session of Congress.

Before addressing the specific concerns of airports on a host of implementation-related issues, I would like to note the importance of ensuring that as we work on the outstanding security issues in the new law we not sacrifice the very valuable role the nation's aviation system plays in our economic vitality and in bringing people together. The steps that the aviation community is taking on security are important to ensuring that passengers are safer and that they feel comfortable to fly. These will go a long way in supporting the economic vitality of the industry.

We are also pleased with the signals we have received from Secretary Mineta and others that efficiency and customer service will be key goals as the Transportation Security Administration (TSA) moves forward to implement the law. The 10-minute performance goal that Secretary Mineta set reassures the airport community that the federal government wants to provide a high-performing workforce at sufficient staffing levels to get the job done right.

Whether considering implementation of passenger or baggage screening or the other mandates of the legislation, it is imperative that the government use cooperative and collaborative approaches to make system improvements. The recently enacted airport security law dramatically alters the role of airports, the airlines, and the federal government with regard to airport security. And, while the federal government has assumed a greatly expanded role, it is clear that airports and other segments of the aviation industry must be involved in shaping the implementation of new programs and procedures to meet ongoing security challenges.

Airports are uniquely positioned to help in that regard. In addition to

maintaining significant security responsibilities under the new law, airport operators have an intimate knowledge of the characteristics of their individual facilities – characteristics that vary significantly from airport to airport. This fact means that national standards and a “one-size-fits-all strategy” are themselves insufficient to improve security. Airports are well equipped to take a leadership role because of their community ties, professional leadership, and their public interest orientation and accountability to the communities they serve. One need look no further than the example airports across the country have set since the tragic events of September 11 to get a clear understanding of the positive and active role airports can and should play in addressing ongoing security challenges.

ACI-NA, AAAE and a number of individual airports have repeatedly reached out to DOT and the TSA over the past several months to offer assistance and to partner in the process. To this point, however, the focus of the TSA has been largely internal and on airline issues. While we understand the numerous challenges the Administration faces in pulling together a huge organization and meeting important deadlines, we firmly believe that the task would be made easier with airport involvement. We hope the subcommittee will agree and encourage the federal government to work collaboratively with airports and the aviation industry.

### **The 60-Day Baggage Screening Requirement**

While I am happy to comment on the requirement that all checked baggage at airports be screened and offer my assessment of some of the lessons learned with the arrival of one of the most anticipated and publicized deadlines of the new law, I want to remind members of the subcommittee that airports have limited responsibility for screening passenger baggage. As you know, airlines have traditionally held this

responsibility. With the passage of the new law, the responsibility shifts to the federal government effective mid-February.

Having said that, it is clear that airports have an interest in ensuring the smooth transition to 100 percent baggage screening as the guardian of the traveling public in the communities they serve. And, as members of the subcommittee know, airports are more often than not the party passengers seek out when there are problems.

Many airports anticipated potential problems with this transition and immediately set out to work with the federal government and the airlines serving their facilities to develop a plan to meet these new requirements. If there is one lesson to be learned from the airport perspective with the arrival of this first important deadline, it is that we have a long way to go in achieving the collaborative and cooperative approach that I mentioned earlier. Rather than being allowed to play an active role in finding ways to meet the deadline, the airport community was generally kept out of the process and left holding their collective breaths hoping that everything would work out. Unlike the Year 2000 challenges, meeting this requirement will require daily vigilance and continued consultation.

That fact has so frustrated some airports that they have indicated to us an interest in taking over the responsibility for all baggage and passenger screening themselves. While not contemplated under the Aviation and Transportation Security Act, we would hope that the Congress would consider giving airports this option – at least on a limited basis – should you look at making future modifications to the law. Airports have existing law enforcement and security infrastructure already in place that can be immediately modified and expanded to undertake this task.

## **Explosive Detection Systems Installation – A Bigger Challenge**

A more daunting challenge on the horizon for the federal government is the requirement that Explosive Detection Systems be in place at all 429 commercial service airports by December 31, 2002. Given the time available and efforts so far, we see little possibility that the deadline will be achieved.

With the upcoming release of the President's FY 2003 budget in early February, we will soon have at least one indicator of the federal government's commitment to meeting this ambitious deadline. In order to comply with the December 2002 deadline for all EDS screening, billions of additional dollars must be appropriated by the Congress to pay for the necessary equipment. The first step in that process should be the Administration requesting those funds, either in early February or at the latest in yet another FY 2002 supplemental appropriations request this spring.

But, that is not the only challenge. In addition to serious questions as to whether or not the estimated 1,500 to 2,000 machines necessary to meet the requirement will be off assembly lines by the end of the year, even bigger challenges exist in making the necessary infrastructure changes at airports to accommodate these huge machines.

Even if all of the machines were magically made available today, it would be difficult to meet the requirement given the massive amounts of planning and airport infrastructure work required to strengthen floors and expand terminal areas, for example. The task is even further complicated by the fact that there can be no cookie-cutter approach to installation. Each airport facility is unique, requiring individual attention and planning. Looking at the aviation system as a whole from a risk-management perspective, it also makes sense to

place the machines in airports where they can do the most good. At this point, it is unclear whether or not such a process exists.

In addition, questions remain as to who will fund these massive changes. Will airports be forced to put other critical capital projects on hold in order to meet this requirement? Will the federal government be responsible for these changes since they are being made in the interest of national security? Will the Administration's budget request include funds not only for the machines, but also for costly terminal changes? There are also questions about the technology itself and whether at this point it makes sense to reconstruct the entire baggage screening process at airports in the same way. Make no mistake, this is an investment of billions of dollars.

Having said that, we will continue to do everything we can to help meet the December 31 date. To fulfill our part, however, requires guidance from the Department of Transportation to meet this fast-approaching requirement. Many airports are in the middle of capital improvement programs that may need to be altered in order to comply with the need for additional EDS equipment. Getting accurate guidance quickly from the TSA on the requirements, acceptable alternative approaches, and assurances that needed funding is in place is critical.

At Seattle-Tacoma Airport, for example, construction is under way for a new concourse with 14 gates. The baggage system design originally included one CTX machine. To comply with the new law, SEATAC will likely have to install at least 10 EDS machines. If SEATAC stops construction now to wait for guidance, the cost of delay could easily reach \$80 million. However, if the airport moves forward with construction and is later informed that changes will have to be made to

meet TSA requirements for EDS deployment the costs could rise even higher and the opening of the new concourse could be seriously delayed. This problem is separate from the problems the airport faces with adding 15 to 20 machines for the remainder of the airport baggage system and integrating that equipment into the existing baggage conveyor system. Unfortunately, many other airports face similar challenges.

Other airports may seek different strategies to integrate the machines into their operations. Large origin and destination airports may require more than 100 machines, which may be impossible to physically place in the airport terminal. Will airports have the ability to use these in parking garages and other off-site locations in order to better integrate them? If so, will guidance be offered that provides realistic and secure procedures for moving bags?

Beyond the space required for EDS machines, TSA will likely require additional space for screening and other functions. Traditionally, the FAA and the airlines have paid airports rent for the use of airport facilities for these tasks. Given the significant burden that would be placed on the airports if they were required to provide such space without reimbursement, especially at smaller facilities that rely heavily on rent income, it is our expectation that the TSA will pay airports for the use of any space they require.

The myriad of issues I raise here are only a fraction of the challenges that the federal government will likely face in meeting the year-end EDS requirement. In light of the difficulties, it is our hope that the TSA will begin working immediately with airports to address these issues and to develop contingency plans.

### **Other Implementation Issues:**

**Reimbursement for Security-Related Expenses:** Beyond upcoming deadlines, the serious issue of reimbursing airports for the costs associated with meeting FAA mandated security requirements in the wake of the September 11 attacks needs to be further addressed. As we have repeatedly stated, airports will spend at least \$1 billion over the next year meeting mandates for a significantly increased law enforcement presence at airports, enhanced access control measures, and other key changes. The problem is exacerbated by significant reductions in airport revenues – estimated at \$2 billion to \$3 billion industry-wide – due to decreased traffic levels and reduced concessions, parking and other passenger-related revenue.

The situation has resulted in a downgrading of some airport bonds and placed airports in a precarious position just as new security requirements come into place. Having airports on strong financial footing is important to meet security challenges and to continue with capital expansion plans as traffic returns. An estimate compiled late last year by ACI-NA showed that airports had between \$16 billion and \$20 billion of capital projects on hold awaiting more security guidance and information about future traffic levels. We hope the subcommittee will work to find additional funding for airports.

As you know, the airport security bill provided a \$1.5 billion general fund authorization to assist airports in meeting these mandates and to compensate airport vendors. To date, however, only \$175 million in additional AIP funds has been appropriated for reimbursement of airport expenses. While important and helpful, those funds fall far short of meeting the overwhelming needs that exist at airports across the country in complying with the important security directives issued after the attack.

We also appreciate the flexibility given to airports in the current fiscal year to use Airport Improvement Program (AIP) funds and Passenger Facility Charge (PFC) revenues to pay for security-related operational expenses. While this flexibility is important in the short-term to help airports meet immediate needs and keep them in operation, we remain very concerned about the effect on funding for long-term capital expansion. Diverting key capital funds from AIP and PFCs in this manner is not an approach that serves the nation in the long-term.

**Security Resources:** On a related funding issue, we would like to urge Congress and the TSA to pay close attention to the amount of revenues raised via the new security fee and from air carrier payments to fund the operations of the TSA and other security functions. Any shortfall in funding from these two sources would have to be appropriated under the new law. We are very concerned about the effect this could have on AIP and other FAA accounts. We simply cannot afford to find ourselves in a situation where airport expansion, air traffic control modernization and other important programs become squeezed because of a shortfall in funding from security fees and airline payments. Again, we look forward to the Administration's budget request with the hope that there will be sufficient funds to meet all of the new requirements as well as for important capital programs.

**Federal Screener Workforce:** Another key implementation item that airports are closely following and have concerns with is the transition to the federal screening workforce. Given the overwhelming number of workers needed and the higher standards and proficiency requirements, we question whether or not enough qualified personnel will be available by the mid-November deadline for a fully federalized workforce. We look forward to learning about and participating in development of possible contingency plans.

**Airport Pilot Program and Opt-Out Provisions:** The law establishes a pilot program for five airports to eventually opt out of the federal screening workforce requirements in favor of private screening companies that would be held to the same high standards as the federal government. We believe that these provisions are extremely important in building accountability from the federal workforce. Again, we urge the subcommittee to also consider allowing some number of airports to take over passenger and baggage screening responsibilities themselves if they so choose. Such a step would complement the myriad of security responsibilities airports have and provide yet another model to analyze as we move forward.

**Federal Law Enforcement:** In addition to requiring screeners and screener supervisors at all passenger screening checkpoints, the Aviation and Transportation Security Act requires at least one law enforcement official (LEO) to be present and even more than one LEO at the 100 largest airports. The law also requires additional federal law enforcement resources to help secure airport perimeter areas.

While airports have been informed that federal law enforcement officials will likely play a major role at both passenger screening checkpoints and perimeter areas, a number of questions remain as to the specifics of implementation. Airports are eagerly awaiting much needed guidance as to how many federal law enforcement officials we should expect, what their specific role will be, and how they will interact and coordinate with local law enforcement officials already in place at airports. What will the role of a federal law enforcement official be at a passenger-screening checkpoint, for example, if he finds drugs on a passenger, a non-federal crime? We also have questions as to how the National Guard will be used in the transition since the law allows for their continued use in the short-term.

**Federal Security Directors:** One of the most important issues that many airports have pertains to the role of Federal Security Directors, which will soon be in place at every commercial service airport to coordinate passenger and baggage screening and to oversee all other aspects of airport security on behalf of the TSA. As has been described by Secretary Mineta publicly on several occasions, these officials will have a great deal of authority at airports across the country. We are encouraged that these individuals will have the power to make important decisions. However, it is critical that these officials in particular work closely with airport operators and airlines to ensure airport security and continued system efficiency. Without doubt, coordination and collaboration at this level will be key.

**Access Control:** In addition to continued vigilance from airport operators and a greater law enforcement presence at access control points, technology offers great promise in better policing access to key points throughout an airport. We are pleased that Congress created a pilot program for at least 20 airports to test and evaluate new and emerging technologies for providing access control and other security protections for closed or secure areas of the airport. We also applaud provisions in the new law that provide technical and financial assistance to small- and medium-hub airports to improve access control at smaller facilities. We look forward to working with the TSA to implement these important provisions.

**“Smart Card” Technology:** In addition to helping maintain better access control, technology offers great promise in better targeting passengers for closer scrutiny. One piece of technology that airports have already begun to proactively tackle with our airline partners is the use of “Smart Credentials” to identify passengers. We cannot run an efficient public transportation system if we try to treat all 700 million passengers a year like potential terrorists. We need a voluntary

system that allows frequent travelers to provide enough information on themselves, so government and industry can agree they belong in a "low-risk" pool.

In return, a so-called "smart card" with biometrics can confirm identity and provide access to an expedited screening process. The system can then concentrate its resources for rigorous screening on passengers who do not qualify to be listed as "low-risk," or passengers we do not know anything about, including those individuals simply uncomfortable with providing information on themselves. Such a voluntary database of passengers can reside either in or out of government control, but the federal government must be involved in validating the criteria for information used in this process. Smart credentials are key to identifying those who may be potential threats to aviation security. It is important to point out that we know the technology works, the key is having federal agencies share information with each other so the system can quantify risk in real-time.

**300-Foot Rule:** As you will recall from your work on the security bill, one of the big problems for airports across the country in the wake of the September 11 attack were rules that prohibited parking within 300 feet of an airport terminal. This blanket requirement caused a number of problems with passenger inconvenience and lost airport revenue, among others. While no one questions the wisdom of protecting airport facilities and other public buildings from potential threats, there are clearly alternative safeguards that can be put in place to achieve the goal.

Recognizing that fact, Congress as part of the airport security bill included language that allows for the removal of the 300-foot restriction if an airport operator after consultation with appropriate

state and local law enforcement authorities determines that safeguards are in place to sufficiently protect public safety and certifies those findings in writing with the TSA. The Under Secretary of Transportation has the authority to keep the rule in place if a determination is made that the local safeguards are inadequate.

Unfortunately, implementation of this provision has not gone as smoothly as we would have hoped, and in many instances airport applications are being routinely rejected by the FAA (acting for the TSA) without regard for the intent of Congress. In simple terms, the FAA has raised the bar so high in terms of what an airport must show in its blast and local threat analysis that it has become virtually impossible to have the restriction relaxed. In most cases, the answer is no before the documentation is ever submitted.

A recent survey of the ACI-NA membership on this issue showed that a majority of all requests had been denied. In most cases, the FAA has made it virtually impossible to prove that adequate safeguards are in place. Perhaps more maddening to many airport operators is the fact that the parking restrictions remain in place while traffic is allowed to circle just a few feet from terminal buildings.

For airport operators, the issue boils down to local control. Local authorities maintain responsibility for protecting public places such as shopping malls, sports stadiums and certain utility operations, for example. Yet, they are being told in this instance that they are incapable of determining on their own whether or not they have adequate safeguards in place to protect the community they serve at the airport. We urge the subcommittee to push the FAA and TSA to interpret the law as was intended by Congress.

**Expediting Security-Related Airport Projects:** While virtually

everyone agrees with the wisdom of quickly working to install access control equipment, fencing and other items aimed at enhancing security, there will inevitably be instances in which important security projects are delayed because of cumbersome environmental regulations. As airport operators have learned all too well over the past decade in trying to proceed with important capacity-related projects, environmental rules often run contrary to the need for timely completion. For that reason, we hope the TSA will work administratively to expedite environmental work for security-related projects. We also ask the subcommittee to consider legislative changes along these lines if you have the opportunity to revisit the security law this year. Flexibility will be key to bringing important projects on-line as quickly as possible.

**General Aviation/Cargo Security:** While the airport security bill did touch on important issues relating to general aviation and cargo security, it is clear that the TSA will soon be taking an active role in these areas. Again, it is our hope that the Administration will draw upon the expertise of airports and general aviation and cargo interests to improve security at general aviation and cargo facilities. On the general aviation side, AA AE has established a General Aviation Security Task Force comprised of airport operators, private pilots, general aviation and business aviation interests among others to develop a comprehensive approach to general aviation security. We look forward to submitting that report to the TSA.

### **Conclusion:**

In contemplating the difficult task of implementing the Aviation and Transportation Security law, it is clear that many more questions exist than answers. As we move forward toward the goal of making the nation's air transportation system more safe, secure and efficient, it is

clear that we must work together to tackle ongoing security challenges. Decisions must be made collaboratively, quickly, and correctly.

Airports have been on the forefront of offering their assistance to the TSA and others, and we stand ready to serve as a partner to the federal government as the process moves forward. We appreciate the continued oversight of the subcommittee in addressing many of the concerns we have raised here, and we look forward to working together on behalf of the travelling public.

# Bag Match—At Last

Testimony to the:

Aviation Subcommittee,  
Committee on Transportation and  
Infrastructure  
US House of Representatives

January 23, 2002

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## Introduction

It is an honor to testify before the House Aviation Subcommittee about positive passenger bag match (PPBM). My interest in the subject dates back to 1996, when I was appointed Chair of the FAA Technical Team asked to investigate the feasibility of domestic PPBM. The centerpiece

of our efforts was a 1997 experiment, in which PPBM as applied internationally was performed on domestic flights. The test was two weeks long, and involved eleven airlines, 50 city-pairs, 8000 flights, and 750,000 passengers. We described it as “the largest bag-match experiment in the history of aviation,” in part because—so far as we knew—it was the only such experiment.

Domestic PPBM began last Friday, because of provisions in the 2001 Aviation and Transportation Security Act. I am elated by this development, and believe that it arrived not a moment too soon. Intelligent terrorists know that they are now unlikely to reach the cockpit, and that growing vigilance by travelers and crews makes sabotage less likely in the passenger cabin. Thus, had Congress not acted decisively with its 60-day screening requirement, the luggage compartment could well have become the most promising venue for destroying an aircraft.

It would be the understatement of the millennium to say that US airlines are not enthusiastic about PPBM. The CEO of one major airline warned in November 2001 that PPBM would force his carrier to reduce operations by 25%. That same month, an industry official estimated that bag match would add “zero” security benefit. These assessments, however, do not hold up well under scrutiny.

### Criticisms of PPBM

It has been asserted that bag match would greatly disrupt airline operations. This charge, however, is not only

unsupported by empirical evidence, but is strongly contradicted by such evidence. Our 1997 experiment indicated that, under usual conditions, US domestic PPBM would cause departure delays averaging one minute. More specifically, 1/7 of flights would suffer delays, which would average seven minutes apiece. PPBM would cost about 40 cents per passenger enplanement, and would require *no* reduction in flight schedules. The test fully considered connecting as well as originating flights.

More recent evidence about PPBM operations has consistently confirmed our findings. Ryanair, a low-cost European carrier with 25-minute airport turnaround times, maintains a superb on-time record despite the often-dreadful weather of Northwestern Europe. JetBlue and Frontier Airlines--which both implemented bag match recently--have reported short delays on perhaps 3% of their flights. PPBM is now required on all flights involving Washington's Reagan Airport, but we hear nothing about operational difficulties arising from the practice. Under PPBM, US domestic overwater flights to Honolulu and San Juan experienced bag-match departure delays averaging less than one minute. That outcome was striking because these routes are "hostile" to bag match: They are usually flown with widebody jets, and their passengers generally check bags and often connect from other flights.

It has also been asserted that PPBM offers no protection in itself against suicidal terrorists. That statement is absolutely

true. But, historically, very few terrorists who have attacked airplanes have been suicidal. Those who sabotaged Pan Am 103, Air India 182, and UTA 772 were not present when these planes blew up; nor were those whose bombs brought down planes from Thailand to Colombia. The terrorists who plotted in the mid-1990's to destroy a dozen US jets coming home from Asia—a plot which apparently involved Al Qaeda—were not suicidal. (Neither was Timothy McVeigh.) Unless we view all acts of sabotage before September 11 as irrelevant, we should not discount the value of measures that deter nonsuicidal terrorists.

And, paradoxically, bag-match might help deter some terrorists willing to die. If such a terrorist checks a bag laden with explosives, PPBM forces him to proceed to the gate ready to board his plane. But, now and increasingly in the future, his checked luggage could also be inspected at the airport by other means. If such an inspection revealed his bomb, PPBM's restriction on his mobility might mean that he could quickly be located and arrested.

That circumstance is important because even someone willing to die in a successful explosion might be averse to life imprisonment for a failed one. Moreover, a group thinking of dispatching such a terrorist might be unnerved by the prospect that he might soon be under interrogation. The crucial point is that--*in combination with other forms of baggage screening*--bag match could be useful against some suicidal terrorists. It cannot in its own right prevent their success, but it can greatly increase the price of failure.

## Limitations of Baggage Screening

Of course, if other screening methods always worked and were always applied, PPBM would be superfluous. But they are not, and we should acknowledge their limitations in any discussion of baggage security.

One widely-used screening approach is hand searches of luggage. Clearly, such searches are better than nothing, but they are not foolproof. Explosive devices are not simply orange cubes that tick loudly; they can be concealed in all kinds of ways and be very difficult to detect. For example, one bomb intended for a jetliner was built into the frame of a suitcase, and had the thickness of wax paper. The plot was foiled by the extraordinarily skills of El Al, but one wonders whether a similar success could be expected at a US airport.

I have no doubt that the explosives detection (EDS) machines headed for all US airports are very good. But no one has suggested that they are perfect. Chairman Mica has noted that terrorists may be devising new explosives that EDS machines would not detect. And there is always the chance of human error in interpreting inspection results, a problem that could be exacerbated by a high false-alarm rate.

## Some Recommendations

With these considerations in mind, I would make two recommendations to the subcommittee:

***(1) Even when EDS machines are fully deployed, PPBM should be continued.***

Absent bag-match, a terrorist could check a bag with explosives (probably having shown a fake ID), and then race from the airport. If his luggage eludes the EDS machine, his mission would succeed. More likely, the machine will detect his bomb; by the time it does so, however, he could already be in hiding. His mission has failed, but he has lived to kill another day.

Without PPBM to raise the consequences of failure, terrorists could view the EDS machine as a huge roulette wheel. They could continue to play the odds based on its error rate. And, if they persist, we can expect that, eventually, they will win. Especially because PPBM costs so little, it seems imprudent to give it up when the explosives detectors arrive.

***(2) No checked bag should be exempted from PPBM because it has passed a screening test like a hand search.***

The argument about EDS machines is even more potent for other screening methods, which are presumably less effective at detecting bombs. If he believes that his bomb will elude a hand search, the nonsuicidal terrorist has no desire to board the plane. PPBM, therefore, is sometimes a backup system that can save the day when physical

screening would not.

### PPBM for Connecting Passengers

Beyond these general issues is a controversy that has flared in recent days. As introduced last week, PPBM is required for originating passengers but not connecting ones. This distinction has some unintended geographic consequences. It means that, while nearly everyone boarding at Providence, Austin, or Sacramento will have full PPBM on the flight, virtually no one boarding at Atlanta, St. Louis, or Charlotte will do so. The last three cities, after all, are hubs that handle lots of connecting traffic.

More ominously, an “originating only” policy could allow a terrorist to travel with a suitcase bomb on the first leg of the flight, but to absent himself when it explodes on the second leg. Such a grim scenario may have historical precedent. In 1989, a French DC-10 from Zaire to Paris on a French DC-10 (UTA 772) exploded over North Africa. While the exact circumstances of the crash are not known, the official inquiry pointedly raised the possibility that a passenger checked a luggage bomb from Zaire to Paris and deboarded at an intermediate stop before the explosion.

The airlines strongly oppose connecting-PPBM, contending that it could bring chaos to hub operations. But an

important distinction must be made. During extreme weather conditions that cancellations, delays, diversions and reroutings, a rigid application of bag-match could make a terrible situation even worse. But during normal conditions, connecting PPBM is not terribly onerous. The 1997 domestic test showed that, of every 2000 connecting passengers, only one with a checked bag was missing at departure time for his outbound flight. In those rare instances when a bag-pull was required, it delayed the flight seven minutes on average. Indeed, most observed delays during the experiment were tied to *originating* passengers.

Some numbers offer us some perspective. About 75% of the passengers boarding US jets are originating passengers. (Even travelers making connections are originating passengers on their first flights.) Thus, the present PPBM regime already covers 3/4 of jet passengers. If PPBM were extended to connecting passengers during normal conditions, the coverage rate would approach 95%. For difficult situations at hubs, PPBM might well have to be modified. If performed skillfully, however such modifications could go a long way towards avoiding undue delays without compromising passenger safety.

I therefore reach a third recommendation to the subcommittee:

***(3) PPBM should be extended as rapidly as possible to domestic connecting passengers.***

Especially because the “originating only” policy has been so

widely publicized, its continuation poses an unknown degree of danger. The policy is based on the dubious premise that, if we can't readily do connecting bag-match in all conditions, we shouldn't do it in any. We could easily extend bag match to the heavy majority of on-line connecting passengers, whose inbound and outbound flights are essentially on time. Harder case--involving irregular hub operations or interline bags—could be accommodated by an imaginative policy that allows some flexibility.

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### Final Comment

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There is every reason to fear that terrorists are still fascinated by aviation, and that their further success against airplanes would horrify the American people, devastate the airline industry, and gravely harm the national economy. As with earthquakes, an aftershock to September 11 could cause more damage than the original event itself. But that calamity is less likely now because bold decisions by Congress have yielded positive bag match. After a British victory early in the Falklands War, Margaret Thatcher admonished journalists to “just rejoice at that news.” All Americans can rejoice that, at long last, unaccompanied checked bags with their attendant dangers are disappearing from the skies over our country.

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