

FINDINGS AND RECOMMENDATIONS OF THE COMMISSION ON AVIATION SECURITY AND TERRORISM

(Senate - May 15, 1990)

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Mr. LAUTENBERG. Mr. President, today the Commission on Aviation [Security](#) and Terrorism, of which I was proud to have been a member, submitted its findings and recommendations to the President of the United States.

Before summarizing the Commission's report, I first would like to recount for my colleagues the events leading up to the creation of this Commission, and the work done by the Commission.

I would also like to thank those with whom I worked on the Commission. Chairperson Ann McLaughlin guided the Commission in a thorough, tough, and professional manner. All of my fellow Commissioners put in hard work and long hours to learn the truth and supply the answers. The other Commissioners--Senator **Alfonse D'Amato**, Congressman **James Oberstar**, Congressman **John Paul Hammerschmidt**, Mr. Edward Hidalgo, and Gen. Thomas C. Richards, USAF (retired), deserve much credit for their dedication to our mission. I would also like to pay tribute to the staff for their outstanding work over the last 8 months.

BACKGROUND

The bombing of Pan Am flight 103 took place almost a year and a half ago. But, the memory is still fresh for the families and friends of the 2 innocent victims of that bombing. And the painful lesson that we, as a nation, learned must never be forgotten. With the bombing of Pan Am 103, we learned that innocent people, simply because most were Americans, can be ruthlessly murdered by cowardly terrorist attacks, no matter where they are, no matter how detached they are from [government](#) and its policies.

Let me say at this point that Americans are not alone in this. Nor are U.S. carriers alone in being targeted by terrorists. I do not believe that there is any basis for assertions that our carriers may be less safe than foreign carriers. In fact, the regulations and requirements U.S. carriers must comply with are often more stringent than those required of foreign carriers by their governments.

That has to change. Terrorism exists throughout the world. Its efforts are targeted at innocent people of almost every race, creed, and color. A civilized world must protect its law-abiding citizens from such vile attacks. Our Government has a clear responsibility for protecting Americans. And it was on that responsibility that our work focused.

Following the bombing, the families and friends of the victims of Pan Am 103 pressed for action, and pressed for answers. They wanted to know who was responsible for the deaths of their loved ones. They wanted to know how it could have been allowed to happen. And they wanted to know how it could be prevented from happening again.

FORMATION OF THE COMMISSION

I shared their frustrations, and their desire to protect others from suffering the same grief they were enduring. On March 17, 1989, I submitted Senate Resolution 86, calling on the President to appoint a special commission to investigate the events surrounding the bombing, and aviation security generally.

Unfortunately, the administration resisted. But, I firmly believe that, after reading the Commission's report, the administration will recognize that it will be an important tool in the efforts to better protect American travelers.

Under continuing pressure from the families and friends of the victims, the President finally agreed, and a Commission was named in October 1989. I would like to commend the President for taking this action, and for giving the Commission the mandate to a job that needed to be done. I would also like to note the efforts of the majority leader, Senator **Mitchell**, in seeing this Commission created. His help and leadership were instrumental.

The Commission's hearing began in November, and continued through April of this year. Additionally, the Commission and its staff conducted extensive research, taking them to airports, research facilities, and meetings with persons involved in aviation security throughout the United States and abroad.

The Commission was charged with assessing aviation security policies and practices, those in place now and at the time of the Pan Am 103 bombing, and to make recommendations for improving aviation security. The result of those efforts is embodied in the report presented to the President today.

MAJOR FINDINGS AND RECOMMENDATIONS

Perhaps the greatest tragedy in all of this is that the bombing may well have been prevented. While we can never provide an ironclad guarantee against terrorism, we can make it more difficult for terrorism to win. That is what our security system is supposed to do.

However, that is not what it did in Frankfurt and Heathrow with Pan Am. There were gaping holes throughout the system. Through one of these holes slipped the bomb that killed 270 innocent people.

The Commission found an aviation security system that was sorely lacking. As implemented, principally by the [Federal](#) Aviation Administration, it

had failed to keep pace with the changing times. At a time when bombings already had become the preferred method for terrorists, the security program was still aimed largely at preventing hijackings.

There were shortcomings in virtually all areas: The gathering, assessment, and dissemination of intelligence; the Federal Government's oversight of airline and airport activities; counterterrorism research and development; our Government's response to tragedies; and in the area of negotiations and agreements with foreign governments, a responsibility shared by the Departments of State and Transportation.

All in all, the Commission has made 64 recommendations to improve our aviation security system. I will not try to recount them all for my colleagues. Instead, I will touch on a few key recommendations illustrating the range of issues covered.

Broadly, the Commission calls for a strengthened response to terrorism. The United States must make it clear to terrorists that their acts will not go unpunished. We should not negotiate on equal terms with terrorists, or nations that sponsor terrorism. And, our Government must work with others to isolate and cut off terrorists from their support.

As long as the civilized nations of the world look the other way, they condone terrorism, and will continue to be victimized by it.

Within the U.S. Government, the Commission found that aviation security has not been given the priority it deserves. The security function is buried deep within the FAA, isolated from the Administrator, and even more so from the Secretary of Transportation.

The Commission has recommended that the intelligence and policy functions of the FAA security office be elevated, and placed under a new Assistant Secretary of Transportation for Security and Intelligence. This new assistant secretariat would oversee those operations not just for aviation, but also for other modes of transportation, such as maritime.

A major weakness exists in FAA's oversight of the airlines' security efforts. Minimum standards for security personnel do not exist. There is no regular onsite presence to ensure that the carriers are complying with requirements, or that the requirements are adequate or appropriate.

The Commission has recommended that the FAA develop minimum standards for hiring, training, and employing people to perform security functions. Additionally, the FAA should place Federal security managers at high-risk airports here and abroad. Those managers would be charged with overseeing the airlines' compliance with security mandates. They would be ultimately responsible for ensuring adequate safety for those traveling on U.S. carriers.

The Commission also found major flaws in the FAA's research and development efforts. Too much of those efforts was focused on a technology known as thermal neutron analysis, or TNA. This technology is able to detect some plastic explosives in baggage. However, in addition to operational problems, it has a major limitation--it cannot detect plastic explosives in small quantities; quantities that are still large enough to destroy an airliner. Part of the fault for this lies with FAA's approach to developing bomb detection technology--they tried to match a solution with a then-unclear problem.

TNA, as it exists, is a beginning technology. Its presence implies safety, but the level of assurance is slim, at best. The Commission has recommended an intensive, accelerated R&D program, with a short-term goal of providing travelers with more than just a sense of security.

The Commission also found major flaws in the way our Government responds to terrorist incidents. The State Department was unprepared to deal in a sensitive and efficient manner with the surviving family members of the victims of Pan Am 103. The Commission has made a number of recommendations to rectify this situation. It has also recommended that survivors of civilians killed by terrorists receive compensation to help them through a difficult period of adjustment. We now provide such assistance to Government workers and contractors. Further, the Commission has recommended that the Montreal protocols amending the Warsaw Convention be ratified, to raise the level of compensation provided in the event of disasters like the Pan Am 103 bombing.

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IMPLEMENTING THE COMMISSION'S RECOMMENDATIONS

The Commission's report is a step in the process of making air travel more secure for Americans. Many of the Commission's 64 recommendations can be accomplished through administrative action. We have discussed the recommendations with Secretary Skinner, and I know that he committed to making the system better, and Americans more secure in the process. I urge the administration to move ahead quickly to make those needed changes.

But a number of the recommendations call on the Congress to act. Senator **D'Amato** and I are working on comprehensive legislation to carry through on those recommendations. The legislation will encompass virtually all of the areas covered by the Commission.

We plan to introduce that legislation in the very near future. I look forward to working with my colleagues to see the Commission's recommendations put into place.

In closing, I would like to assure the families and friends of those killed on Pan Am 103 that my efforts will continue. Many of the gaps in our aviation security have been identified, and recommendations have been made to close those holes.

Unfortunately, no one can guarantee that there will never be another bombing of a commercial airliner. But our job will not be over until we have done all we can to reduce the chances of it ever happening again.

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