

# RECOMMENDATIONS OF THE PRESIDENT'S COMMISSION ON AVIATION SECURITY AND TERRORISM

"Act" references are to relevant Sections of the "Aviation Security Improvement Act of 1990"  
Public Law 101-604 enacted November 16, 1990.

( # ) denotes no major DOT action

(\*) denotes all DOT actions completed

<u>Act</u>	<u>DOT</u>	<u>Rec</u>	<u>Commission Recommendation</u>
<u>Sect</u>	<u>Lead</u>	<u>No.</u>	

## International Security

201	OST	1.*	The lead negotiating role in aviation security should be shifted from U.S. carriers to the Department of State.
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**ACTION:** Eighteen FAA Civil Aviation Security Liaison Officers have been assigned throughout the world.

214	FAA	2.*	The United States should continue to press vigorously for security improvements through the Foreign Airport Security Act and the Foreign Airport Assessment Program.
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**ACTION:** Foreign Airport Assessment Program established by 1985 Act has successfully implemented by FAA. In January 1992, the FAA implemented an improved training program for its inspectors conducting foreign airport assessments and foreign air carrier inspections.

201	FAA	3.	The United States should rely on bilateral agreements to achieve aviation security objectives with foreign governments.
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**ACTION:** Emphasis on continued commitments of the Secretary of State and Secretary of Transportation to apply both multinational and bilateral negotiations to raise security standards. Security articles are included in aviation economic bilaterals and a number of R&D bilateral information exchange agreements have been established.

202	#	4.	The State Department should create the position of Coordinator for International Aviation Security and the President should nominate that office holder for the rank of Ambassador.
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**ACTION:** Department of State

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215 FAA 5. The U.S. should continue to work through ICAO to improve aviation security internationally.

**ACTION:** January 1990, first of two FAA aviation security specialists assigned to ICAO reported for duty, second arrived in March 1990. FAA incorporated ICAO Standard 4.3.1 (passenger/ baggage matching) into ACSSP effective December 1991. During March 1991, as a result of strong support of the FAA, ICAO approved a convention to require taggants in plastic explosives worldwide. In April 1996, the ICAO convention to require taggants was ratified by the U.S. (P.L. 104-132). In the month of October 1992, with strong support from the FAA and the Department of State, ICAO adopted Amendment 8 to Annex 17 which strengthened international security standards and recommended practices.

213 FAA 6.\* The FAA should create an active formal technical assistance program to provide aviation security help to countries upon request and concentrate its efforts wherever the threat is greatest.

**ACTION:** Many initiatives by FAA. For example, during May 1991, the FAA trained aviation security personnel from Barcelona, Spain, site of the 1992 Summer Olympics.

--- # 7. The Summit Seven should amend the Bonn Declaration to extend sanctions for all terrorist acts, including attacks against airports and airline ticket offices.

**ACTION:** Department of State

#### *Domestic Security*

106 FAA 8.\* The FAA should seek the assistance of the FBI in making a thorough assessment of the current and potential threat to the domestic air transportation system.

**ACTION:** December 1991, FAA and FBI held a one day conference to improve communications and coordination of information relating to domestic threats to civil aviation. During the period 1991 to 1993, numerous joint FAA-FBI assessments of domestic air transport systems were accomplished. (18 Category X airports, 10 Category I airports, and 29 major airports respectively)

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--- FAA 9. The FAA should initiate immediately the planning and analysis necessary to phase additional security measures into the domestic system over time.

**ACTION:** Successful implementation is noted by the ability of Security Directives to ramp security smoothly up or down as necessary commensurate with the threat, as for example during the Gulf War.

--- FAA 10.\* The FAA should take the necessary action to clearly define responsibilities under exclusive area agreements and contingency plans to ensure that existing problems are corrected and the contingent security system is capable of meeting the specified threat levels.

**ACTION:** FAA has required Contingency Plans since 1987. The Aviation Security Contingency Plan was tested using table top exercises from March 1994 through July 1995. Similar exercises will be conducted annually hereafter. The increases in security that took place in the Asia-Pacific region in January 1995 and within the U.S. in June, August and October 1995, provided a real world exercise of the plan.

105 FAA 11.\* The Congress should require criminal record checks for all airport employees. The legislation should identify certain criminal records that indicate a potential security risk and enable airport operators to deny employment on that basis.

**ACTION:** An NPRM was published February 13, 1992; a supplemental NPRM was published on September 18, 1992. Public meetings were held in April and May of 1992. Final rule published on October 3, 1995, effective January 31, 1996.

110 FAA 12.\* The FAA should determine the security features necessary for new airport facilities and ensure that such features are included in airport facility design and construction.

**ACTION:** Joint FAA-Industry review conducted and guidelines published and distributed during September 1993.

--- FAA 13.\* The Commission endorses the recommendations of the Office of the Secretary of Transportation Office of Safety Review Task Force and recommends full implementation expeditiously.

**ACTION:** The FAA has implemented, or resolved to the satisfaction of OST, all of the 107 recommendations of the OST Task Force.

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109	OST	14.*	The FAA should eliminate the discretion afforded private carriers for reporting bomb threats and searches of aircraft and facilities, and require the immediate reporting of all threats to FAA, airport and public safety authorities, and recognize that public safety authorities have the responsibility for deciding whether and how searches should be conducted.
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**ACTION:** : In June 1990, the security programs for passenger air carriers were amended to establish threat reporting guidelines for employees. In 1991, procedures were established to minimize access to threat information, agreements were reached with the Department of State on public notification of foreign threats and Department of Justice on domestic threats, and the final rule went in force establishing guidelines for crew notification of threats.

105	FAA	15.*	The FAA should change the minimum training requirements for ground security coordinators so that minimum training periods are in line with the amount of material that has to be covered.
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**ACTION:** Final rule published on August 20, 1991. Final amendment to ACSSP issued on October 25, 1993, effective February 1, 1994

105	FAA	16.*	The FAA should establish and apply standardized testing requirements for ground security coordinators and expedite the development of standards for actions to be taken prior to each flight.
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**ACTION:** During February 1992, the FAA issued a policy statement on requirements for "Recurrent security training for air carrier GSC and crew members." The FAA collaborated with Air Transport Association in publishing new material on improvised explosive recognition during November 1994.

---	FAA	17.*	The FAA should require carriers to assure that all baggage associated with passengers who meet FAA's criteria as possibly having explosive devices in checked baggage are subject to security controls and then are not carried unless the passenger is on board the aircraft.
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**ACTION:** The FAA issued a final amendment to the ACSSP incorporating ICAO Standard 4.3.1 (passenger/baggage matching) and requiring the x-ray inspection of international baggage at designated U.S. airports effective December 8, 1990.

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**Mail and Cargo**

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| 112 | #   | 18.* | The USPS should effect a regulatory change redefining the category of mail "sealed against inspection" to include written materials and those parcels below a specific weight. |
| 112 | FAA | 19.* | The air carriers must be initially responsible for any screening of air mail.  |
| 112 | FAA | 20.* | Any screening of mail should be instituted first at "extraordinary security measures" airports and then phased in at other airports as the threat warrants.                    |

**ACTION:** In June 1992, an MOA with DoD called for DoD to apply appropriate security controls to its military mail prior to tendering it to US carriers abroad. In August 1992, the FAA forwarded the report on air cargo and airmail security to Congress. During July 1993, a change to the ACSSP was issued requiring new, more stringent measures for the carriage of mail and cargo aboard passenger aircraft. In 1994, the MoA with the USPS was revised to implement new domestic airmail security procedures.

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| 112 | FAA | 21.* | The FAA Part 109 program should be replaced. Instead, responsibility for screening of cargo should rest with the air carriers and procedures should correspond closely with those measures pertaining to checked baggage. |
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**ACTION:** In 1990, the Aviation Security Advisory Committee recommended to the FAA to strengthen, rather than eliminate, the FAR Part 109 applies to indirect air carriers (air freight forwarders). In 1991, the FAA completed a study of the security requirements for mail and cargo which, among other things, agreed with the Advisory Committee recommendation. The final report of this study was transmitted to Congress in 1992. In July 1993, the security programs of the passenger air carriers and the indirect air carriers were revised to strengthen the "known shipper" concept. Currently, FAA has approved the security programs of over 2,200 indirect air carriers.

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107 FAA 22. The FAA should foster research and development of a technology designed to screen cargo for explosives; until this system is developed, interim screening measures must be instituted.

**ACTION:** The security R&D lab opened at the FAA Tech Center during 1993. By 1994, FAA Tech Center expanded from 8 personnel in 1988 to 40 people and budget grew from \$8M to \$35 Million which included research for screening of cargo.

*The FAA*

--- FAA 23. The FAA must begin to develop stronger security measures for controls over checked baggage, controls over persons with access to aircraft, testing of security systems, the use of modern X-ray equipment, and the pre-screening of passengers.

**ACTION:** The FAA issued a final amendment to the ACSSP incorporating ICAO Standard 4.3.1 (passenger/baggage matching) and requiring the X-ray inspection of international baggage at designated U.S. airports effective December 8, 1990. The unescorted access privilege rule became effective January 1996.

105 FAA 24. The FAA must take the lead in stressing the role of human factors in the security equation; training must be improved.

**ACTION:** R&D initiatives developed and a separate human factors program was initiated in the FY-93 FAA R&D budget. During 1994, revised guidance on screening procedures and a study on X-ray effectiveness was completed. In 1995, training and testing of the screening proficiency evaluation and reporting system (SPEARS) was completed. During the period September 1996 - March 1997, SPEARS field testing will occur in all CAT-X airports.

103 FAA 25.\* The FAA Administrator should establish an office of security reporting directly to him.

**ACTION:** Assistant Administrator for Civil Aviation Security reporting to the Administrator was established July 1990.

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**101 OST 26.\*** The Secretary of Transportation should appoint, on an interim basis, a Secretarial Assistant Secretary for Aviation Security and Intelligence. The Secretary should obtain legislative authorization to appoint an Assistant Secretary of Transportation for Security and Intelligence and authorize this official to develop an aviation transportation security policy and long-term strategy for dealing with a potential increase in the threat.

**ACTION:** In July 1990, the Secretary of Transportation established the Office of Intelligence and Security reporting directly to the Secretary.

**--- OST 27.** The Secretary of Transportation and the Administrator of FAA should ensure that the necessary resources are provided to fully staff the respective security offices, both at the headquarters and field levels.

**ACTION:** Major budgetary and staffing resources were provided for the Civil Aviation Security program in the Operations appropriation beginning with an increase from 684 positions in FY-90 to 848 positions in FY-91.

**104 FAA 28.\*** The FAA resources currently in place at the major domestic airports, as well as overseas, should become the accountable entity for security-the federal security managers.

**ACTION:** Established the federal security manager program in February 1991. FSM's in place at CAT-X airports by October 1991. Orlando Airport FSM position created July 1993. FSM's continue to be in place at all 19 CAT-X airports.

#### **Research and Development**

**107 FAA 29.\*** FAA should undertake a vigorous effort to marshal the necessary expertise to develop and test effective explosives detection systems.

**ACTION:** See item #31 below.

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**107 FAA 30.\* The FAA should establish an expert panel of persons from the national laboratories, other government agencies, academia and industry to oversee the design and development of this high priority initiative.**

**ACTION: See item #31 below.**

**107 FAA 31.\* The FAA should undertake an intensive program of research and experimentation with the structure of aircraft to determine the kind and the minimum weight of explosives which must be detected by any technology.**

**ACTION: In 1990 the security R&D program was elevated from a branch level to a full service directorate level. In June 1992, the Scientific Advisory Panel published its first report with an assessment of the Security R,E&D program and specific recommendations. A separate aviation security aircraft hardening R&D program (which included cargo container hardening) began in FY-92 and a separate human factors R&D program began in FY-93. The security R&D lab opened at the FAA Tech Center during 1993. In 1994, FAA Tech Center expanded from 8 personnel in 1988 to 40 people and budget grew from \$8M to \$35 Million. In 1994, first explosive detection system was certified in accordance with published protocols and standards.**

**108 FAA 32.\* In the interim, the requirement for widespread use of present TNA equipment should be deferred while the technology is developed further.**

**ACTION: Deployment of TNA was deferred, with the issuance of the EDS standard in 1993, it was determined that TNA could no longer meet the performance requirements.**

**107 FAA 33. The FAA should conduct research to develop the means of minimizing airframe damage that may be caused by small amounts of explosives.**

**ACTION: See item #31 above.**



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--- FAA 34. To avoid the undesirable reliance on any single commercial source for TNA equipment, the FAA must make every possible effort to encourage the development of additional sources.

**ACTION:** In September 1993, after extensive analysis and coordination with the scientific and intelligence communities, the FAA established a strict national performance standard for explosives detection systems which is totally independent of the bulk detection technology used by the vendor. Extensive explosives detection research has been conducted using a broad range of nuclear, x-ray, computed tomography, electromagnetic and other technologies. In December 1994, the first explosives detection system (which uses computed tomography technology) was certified as meeting the FAA performance standards.

107 FAA 35. FAA must think ahead and anticipate how to counter the next generation of terrorist weapons before they are used to kill innocent people.

**ACTION:** In May 1991, the Administrator approved the FAA Review of Threats to Civil Aviation as a basis for the FAA security R&D. This review has been updated twice since 1991 to assure it remains current. Threat assessments are considered when assigning R&D program priorities. In June 1992, the Scientific Advisory Panel published its first report with an assessment of the Security R,E&D program and specific recommendations. This assessment has been updated once since 1992, and a third review is currently underway. Further, the FAA has employed a special panel of the National Academy of Sciences to periodically review the FAA R&D program. The panel published its first report in 1994 and an update of that analysis began in the spring of 1996.

### Intelligence

111 OST 36.\* Policies and procedures should be put in place to ensure that international terrorism reporting received by U.S. law enforcement officials abroad will be shared with other members of the U.S. intelligence community, as well as the FAA where appropriate.

**ACTION:** By the end of 1990, Memos of Understanding and/or formal agreements were completed with the intelligence community, the Department of State and the Department of Justice. A high level CIA official was detailed to OST in September 1990 to perform liaison duties with the agency.

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106	FAA	37.	The FAA and the FBI should work together, as is now planned, to assess the vulnerability of U.S. airports to the threat of terrorist violence. Additionally, the level of terrorist threat in the United States must be analyzed and monitored on a continuing basis to ensure the proper level of security at domestic airports, and the FAA and FBI should work together to arrive at the most effective method for this to be done.
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**ACTION:** December 1991, FAA and FBI held a one day conference to improve communications and coordination of information relating to domestic threats to civil aviation. During the period 1991 to 1993, numerous joint FAA-FBI assessments of domestic air transport systems were accomplished. (18 Cat X, 10 Cat I, and 29 major airports respectively).

111	OST	38.*	Consideration should be given to placing greater emphasis within the intelligence community on strategic (as opposed to operational) efforts, by developing a specific unit with limited day-to-day responsibility, whose principal function would be long-term strategic thinking concerning terrorism.
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**ACTION:** In July 1990, the Secretary of Transportation established the Office of Intelligence and Security responsible for strategic security planning for all modes of transportation and fostering strategic planning within the intelligence community. Also, a Strategic Intelligence Division was created in the FAA Office of Intelligence.

---	FAA	39.*	The function of the FAA's Intelligence Division, now located within the Office of Civil Aviation Security, should be moved to the Department of Transportation, where it will report directly to the Secretary through a newly created post of Assistant Secretary of Transportation for Security and Intelligence. This move should accompany the move of the security function.
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**ACTION:** The Secretary of Transportation did not concur with this recommendation.

111	OST	40.*	The Director of Central Intelligence should promptly designate one or more intelligence officers, from the Central Intelligence Agency or other appropriate intelligence agency, to serve in a senior capacity at the Office of the Secretary of the Department of Transportation. In doing so, the Director should consult closely with the Secretary of Transportation.
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**ACTION:** CIA Official detailed to OST in November 1990.

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**111 OST 41.\* All MOU's and written working agreements between FAA and the intelligence and law enforcement community members should be reviewed and updated where appropriate.**

**ACTION: By the end of 1990, all Memos of Understanding and/or formal agreements with the intelligence community, the Department of State and the Department of Justice were reviewed and revised as necessary.**

**Threat Notification**

**109 OST 42.\* The intelligence and law enforcement communities, and those that receive information collected or analyzed by those communities, should review their procedures to reduce to the minimum the number of persons with access to information on civil aviation threats.**

**ACTION: In June 1990, the security programs for passenger air carriers were amended to establish threat reporting guidelines for employees. In 1991, procedures were established to minimize access to threat information. Also, in 1991 the final rule went in force establishing guidelines for crew notification of threats.**

**212 # 43. The State Department Bureau of Diplomatic Security should daily transfer a copy of the content of the OSAC EBB to the Bureau of Consular Affairs, and that Bureau should establish a system of public access to that information.**

**ACTION: Department of State**

**109 OST 44. The U.S. Government should, as a matter of course and policy, consciously consider the question of notification and carefully review the factors outlined. The Department of State, and the Department of Justice, in close cooperation with the Department of Transportation, should establish a process and a mechanism by which clearly identifiable officials will consider when and how to provide notification to the traveling public.**

**ACTION: Public notification guidelines have been prepared by the Office of Intelligence and Security in OST. Agreement reached with DOS on foreign threats and DOJ on domestic threats.**

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**Treatment of the Families of Victims of Terrorism**

**203 OST 45.** The State Department must quickly obtain from the airline in an aviation disaster a manifest with sufficient detail to permit the prompt identification of passengers. A regulatory or legislative solution is likely to be required. In the interim, the State Department should pursue agreements with individual carriers.

**ACTION:** Primary action office is the Department of State.

**204 # 46.** The State Department should always contact the families of victims, even when the airline has made a prior notification of the deaths. In addition, it is essential for the Department promptly to provide a personal written notification.

**ACTION:** Primary action office is the Department of State.

**205 # 47.** The State Department should, wherever possible, assign to each family one person, and an alternate, to act as designated liaison. Two separate 800 numbers should also be established, one just for the families.

**ACTION:** Primary action office is the Department of State.

**206 # 48.** The State Department is encouraged to consult further with death and bereavement counselors to assure that the entire consular services corps is sensitized to the demands posed by tragedies such as Pan Am Flight 103. The Department should consider supplementing its training programs by either (1) providing specialized training to create a team of "disaster specialists" to deploy immediately in a crisis or (2) securing outside experts to be brought in during the initial phases to assist consular personnel.

**ACTION:** Primary action office is the Department of State.

**207 # 49.** The State Department should dispatch at least one senior official from the Bureau of Consular Affairs to the scene of each and every terrorist disaster.

**ACTION:** Primary action office is the Department of State.

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207	#	50.	The State Department should promulgate criteria for staffing disaster scenes that also define responsibility for these decisions. In the event of a disaster, the resources of individual posts must be monitored under these new criteria, and supplemented if necessary.  <b>ACTION:</b> Primary action office is the Department of State.
207	#	51.	The State Department should require that in any disaster at least one person be assigned the sole function of providing onsite assistance to families who may visit, and be the ombudsman in matters involving local government authorities and social service agencies.  <b>ACTION:</b> Primary action office is the Department of State.
207	#	52.	The State Department should establish "crisis teams" to handle all aspects of a major disaster, to join in-country staff familiar with the local language, laws, customs, and personalities.  <b>ACTION:</b> Primary action office is the Department of State.
209	#	53.	The State Department should share with its embassy and consular posts any assessment of the Flight 103 experience and new guidance on response to terrorist disasters. This action needs to be complemented with clear direction, training and equipment support.  <b>ACTION:</b> Primary action office is the Department of State.
208	#	54.	The State Department's Bureau of Consular Affairs should assign personnel qualified in terrorism cases to assist families in the recovery and disposition of remains and personal effects, and to act as their ombudsman with foreign authorities and agencies.  <b>ACTION:</b> Primary action office is the Department of State.

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210	#	55.	The State Department should provide some ceremony appropriate to recognize the families' sacrifice. The Department should have discretion, in consultation with our Armed Services, to adopt appropriate ceremonial procedures compatible with the families' own preferences. Whatever the procedures, the Department must institutionally recognize the special status of U.S. citizens who are victims of acts of terrorism against this Nation.
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**ACTION:** Primary action office is the Department of State.

211	OST	56.	The United States should ratify Montreal Protocol 3 together with a supplemental compensation plan that would provide all U.S. citizens and permanent residents, for any international flight, full recovery of all economic and non-economic damages. Following ratification, the United States should commence a diplomatic initiative to increase the \$130,000 limit on carrier liability.
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**ACTION:** Primary action office is the Department of State.

---	FAA	57.*	The Congress should enact legislation to require the FAA to commence a civil penalty proceeding whenever there is reason to believe that a carrier's violation of FAA requirements may have contributed to loss of life or serious injury. If the FAA so finds, it should be required to levy fines.
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**ACTION:** The FAA did not concur with this recommendation.

211	#	58.	The President should seek legislation to authorize and permanently appropriate funds to provide monetary benefits and tax relief for any American victim of an act of terrorism. The President may wish to consider a board to develop criteria for compensation in terrorist cases. One question at the outset should be whether benefits should be made available retroactively for the victims of Flight 103.
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***The National Will***

- # 59. The United States must heighten emphasis on the second element of U.S. counter-terrorism policy; that state sponsors should be made to pay a price for their actions.
- # 60. The United States must refuse to allow terrorist attacks to alter U.S. political and economic policies.
- # 61. The United States must improve human intelligence-gathering on terrorism, in cooperation with other nations.
- # 62. The United States should work with other nations to treat as outlaws state sponsors of terrorism, isolating them politically, economically, and militarily.
- # 63. The United States must develop a clear understanding that state sponsored terrorism threatens U.S. values and interests, and that active measures are needed to counter more effectively the terrorist threat.
- # 64. The United States should ensure that all government resources are prepared for active measures--preemptive or retaliatory, direct or covert--against a series of targets in countries well-known to have engaged in state-sponsored terrorism.

**31 FAA actions, 11 OST and 15 State**

**NOTE: The recommendations listed were taken from pages 121-125 of the Report of the President's Commission on Aviation Security and Terrorism.**

**August 30, 1996**