

## Featured Lunch Speaker

### Representative James Oberstar

*In his speech, Representative James Oberstar (D-MN) compared the congressional and industry response after the September 11th attacks with those of the 1988 bombing of Pan Am Flight 103 over Lockerbie, Scotland.*

\*\*\*

Representative Oberstar began with an anecdote about the French resolve to develop the TGV high-speed rail technology and compared it with our current resolve to improve aviation security. Oberstar lamented that in the 12 years since the bombing of Pan Am Flight 103, the United States has not been able to sustain a similar level of resolve to improve aviation security. As the chair of the President's Commission on Aviation Security and Terrorism, he worked to develop recommendations that included criminal background checks for security screeners, improved training, increased pay rates, rotation of duties, and positive bag matching.

In contrast to the specificity of the recent Transportation Security Act, the House Aviation Subcommittee had been confident that that the “world had changed” enough after Pan Am 103 that they could delegate much of the rulemaking details to the Federal Aviation Administration. Yet twelve years later, the resistance to implement the costly security measures remains.

Airlines used legal loopholes, lengthy benefit-cost analyses, and other objections to prevent many of the Commission’s key recommendations from being implemented. It took ten years to impose background checks on security personnel, and another year to make them mandatory by law. The airlines had even hired the former director of the FBI to lobby against criminal background checks for security screeners. While cost-benefit analyses routinely show that security is expensive, the fundamental question remains: “how can we attribute a cost to human life?” But history repeated itself on September 11<sup>th</sup> and the same security concerns resurfaced.

In response to the skyjackings of the late 1960s, the FAA implemented airport checkpoint security and virtually eliminated the problem of skyjackings. Yet passengers’ willingness to accept the intrusiveness and delays associated with airport security diminished as air travel doubled from 275 million boardings in 1978 to 650 million last year. Oberstar noted that we have a tendency to back off over time. September 11, however, taught us that we have to do it all over again and do it better. Despite our desire to maintain the spirit and freedom of mobility in this country, Oberstar pointed out that, “Terrorists never rest.” He also noted that we must remain vigilant and use state-of-the-art tools to stay ahead of the terrorists.

Oberstar also gave a lot of credit to Transportation Secretary Mineta for shutting down the national air transportation system on September 11<sup>th</sup>. Immediately afterwards, the airlines were losing \$365 million dollars a day and another \$2.5 billion dollars worth of general aviation aircraft—about 41,000 airplanes—were also affected. In total, about \$65 billion dollars worth of general aviation economic activity was also affected drastically. And all but two of the major airlines (Delta and Northwest) were unable to draw upon their lines of credit in the aftermath of the attacks.

Congress moved to quickly restore the financial stability of the aviation system and upgrade the level of security in the system. An assistant secretary of transportation was created to facilitate

flows of information from the CIA and FBI. Because of the magnitude of the problem, people were willing to embrace new ideas—such as a new federal bureaucracy—that would otherwise be unthinkable. Oberstar noted that that key focus of the Transportation Security Act was to recreate the key provisions from the 1990 bill while raising the bar of security for all transportation modes, plugging the loopholes, and to build redundancies to achieve the same type of performance in security as is currently done for safety. Security is all about looking for “the needle in the haystack,” commented Oberstar.

Key provisions of the Transportation Security Act include the following:

- New consolidated federal-level security (Transportation Security Administration)
- Higher levels of training (40 or more hours), retraining, advancement and pay
- Creation of a “culture of compliance” for the TSA
- Provisions for the TSA director to suspend cost-benefit analyses and thus eliminate the difficult and subjective comparison between the cost of human life with that of a proposed rule
- Enhanced testing of the security system
- Implement new systems such as trace detection systems – these systems were studied back in the 1970’s, but the market was never able to support them. Now, the Transportation Security Act specifically called for the use of process management teams to deploy the explosive detection technology as soon as possible by the end of the year.
- Positive bag matching—on average, it adds only 7 minutes to an average flight that must be delayed for passenger/bag reconciliation.

Oberstar also expressed his desire to improve human intelligence-gathering and information dissemination to prevent terrorism in the first place. The tragedies of September 11<sup>th</sup> were born outside of the US, Oberstar noted, and thus he urged that we need more academic programs in Islamic studies to prepare our future leaders to understand the nature of the terrorist threat. Oberstar pointed out that of 3,000 universities in the United States, only 45 have programs in Middle East studies, 9 have Arabic language programs, and only 3 have programs in Islamic Studies.

He concluded by saying that although we cannot enact national will through legislation, it takes decisive political leadership and resolve to undertake efforts like building the TGV. The US needs to do this for security.

#### Q&A Session

- Oberstar clarified his reasons for supporting the decision to give the TSA director the authority to suspend the cost-benefit analyses. He noted that while costs should not be ignored, rulemaking process and lengthy analyses shouldn’t become the reason why legislation isn’t implemented—for example, 14 years to enact the maximum flight duty time regulations was far too long.
- In response to a question about arming airline pilots, Oberstar voiced his opinion that the first job of pilots is to fly the aircraft, and they shouldn’t necessarily be concerned with defending themselves; there are other measures such as sky marshals, secured cockpit doors, and improved cabin crew training that will be more effective than arming the pilots.