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# *Public Hearing*

before

## SENATE LAW AND PUBLIC SAFETY COMMITTEE

*“Airport security”*

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**LOCATION:** Committee Room 4  
State House Annex  
Trenton, New Jersey

**DATE:** February 10, 1997  
2:00 p.m.

**MEMBERS OF COMMITTEE PRESENT:**

Senator Louis F. Kosco, Chairman  
Senator John A. Girgenti  
Senator Edward T. O’Connor Jr.

**ALSO PRESENT:**

Anne M. Stefane  
Office of Legislative Services  
Aide, Senate Law and Public  
Safety Committee



*Hearing Recorded and Transcribed by*  
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Hearing Unit, State House Annex, CN 068, Trenton, New Jersey

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dmt: 1-58 (Internet edition 1997)

**SENATOR LOUIS F. KOSCO (Chairman):** I think we're going to call this hearing to order and have a roll call.

MS. STEFANE: Senator O'Connor.

SENATOR O'CONNOR: Yes.

MS. STEFANE: Senator Girgenti.

SENATOR GIRGENTI: Here.

MS. STEFANE: Senator Kosco.

SENATOR KOSCO: Here.

MS. STEFANE: We have a quorum.

SENATOR KOSCO: As you know there will be no legislation taken up at this hearing. This is strictly a hearing on airport security. Recent reports on *NBC Dateline* and several newspaper stories have raised very serious questions about the degree of security being provided at the nation's major airports. Most specifically to our concern is the Newark Airport.

The primary purpose of this hearing is to explore what more can be done to improve the security at Newark Airport and other airports around our State. The Committee wants to ensure that every precaution is being taken to protect the safety of the thousands of people who use Newark and our other airports throughout the State of New Jersey.

News stories have painted a most disturbing picture of security in Newark and, more specifically, a lack of security. Hopefully the testimony that will be given today will directly address the questions that have been raised by these reports.

We hope to hear what steps or actions have been taken to correct the obvious shortcomings in this system that were uncovered by these stories.

Also, we would like those testifying from the Port Authority, the airlines, and service companies to discuss what they are doing on a continuing basis to improve and upgrade the security.

Because of international terrorism, security is obviously a national problem; however, airport security is also a local concern for those areas being served by major airports. Newark International Airport is one of the busiest airports in the world. It is of vital importance to the State. On that average, there are more than 70,000 passengers that pass through Newark Airport each day. The majority of them are New Jersey citizens. Thus, if the safety of the passengers of Newark Airport is being compromised by inadequate security, clearly the Legislature has responsibility to seek out the reasons and to determine what corrective steps need to be taken.

In light of the *NBC Dateline* report, members of the New Jersey Legislature, and specifically this Law and Public Safety Committee, are concerned and understand that we have felt the responsibility to have this public hearing.

The objective of this hearing is to encourage the implementation of far better and greater security measures at Newark Airport and other airports in the State. It is my hope that if a television network or newspaper decides to do a story on security in Newark Airport, in the future, that the conclusions reached will be the opposite of what they have been, namely that rather than the lack of security there will be an extremely tight security. The public needs to be assured that everything possible is being done to make air travel safe. If anyone questions this, I would point to the ongoing investigation of the tragic end of TWA Flight 800. While investigators appear to be leaning

towards a mechanical failure theory, most of the general public remains highly skeptical.

News stories of lack security at airports, such as Newark, only adds to the public's scepticism. It is recognized that the Gore Commission on Aviation Safety and Security, which was performed after the crash of the TWA flight, is expected to make recommendations very soon, but news stories say the Commission is deeply divided on important safety issues. All the more reason why public hearings, such as this today, are necessary if meaningful changes and improvements in airport security are ever to be made. I would urge the Federal Aviation Administration, the Port Authority, the airlines, and the company servicing the airlines to do a better job of communicating and demonstrating to the public that security is one of the highest priorities and is taken most seriously.

To start with, one of the things that I would like to hear addressed is what the Port Authority, the airlines, and the servicing companies consider their respective areas of responsibility for security. I would like to hear any suggestions or ideas anyone might have for more clearly defining the centralization and the centralizing and responsibility for security.

Another area which needs to be addressed is training for airport security personnel which appears to be totally inadequate. In fact, this appears to be the most glaring deficiency in the present security system.

For the record it should be noted that the FAA administration and every major airline was sent a personal letter by this Committee advising them of this Public Hearing, requesting that they send a representative to testify. Follow-up calls were made so that there would be no question that they were

aware of this hearing. Regrettably only a few airlines responded. I find that difficult to understand and it doesn't really make any sense. They have missed a golden opportunity to publicly reassure the travelers in the State of New Jersey that everything possible is being done to insure their safety.

At this time a videotape of the *NBC Dateline* report on November 26, 1996, which raised many serious questions regarding the security of the Newark International Airport and was a genesis of this Public Hearing, will be shown.

As I have said, I am hopeful that the questions raised in this report will be specifically addressed. After the showing of the tape, we will then have comments and questions and answers from the whole Committee, as well as from any people in the audience.

Now, I would respectfully ask that everyone be quiet so we can hear. We were only able to get one set, so we are going to play it as loud as we can so it can be heard. For those of you who may not have seen this entire tape, I believe it takes about 10 minutes or 15 minutes.

If there are any commercials that are being shown, you will fast-forward them.

(video presentation shown)

Thank you very much. That was quite an eye-opener to many people and a big concern to those of us who feel a certain responsibility to try to correct things when we find out that there are errors. Before I go any further, what I'd like to do is to have Anne read in a letter from the FAA who we had asked to come here to testify. As you saw on that tape, they consistently said that a strong action has to be taken. They were very upset

about it; however, they chose not to be here, and if you would just read that letter into the record, Anne, I'd appreciate it.

MS. STEFANE: "Dear Senator Kosco, thank you for your letter of January 27, 1997 requesting representation at a public hearing on airport security scheduled for February 10, 1997.

"We are currently involved in a large number of initiatives targeting the critical area of civil aviation security, including those resulting from the White House Commission on Aviation Security, Safety, and ATC Modernization, and the FAA Aviation Security Advisory Committee. We recognize our responsibility to communicate with our customers in support of FAA's overall safety mission and make every effort to provide skilled and reliable information to Congress, aviation industry groups, other governmental entities, the media, and the public. This includes conducting and/or participating in many meetings. We are not able, however, to respond to all requests. Regrettably, we will not participate in this hearing.

"Again, we apologize.

"Sincerely, Mary Weiss for Arlene B. Feldman, Regional Administrator."

SENATOR KOSCO: Thank you.

I think the first person that we'll hear from will be the -- Al Graser, General Manager of Operations, from the Port Authority, and whoever you would like to bring up there with you.

**ALFRED J. GRASER:** I'll do it myself, sir.

Is this okay -- this chair?

SENATOR KOSCO: That's fine.



MR. GRASER: Good afternoon, Mr. Chairman and members of the Committee. My name is Al Graser, and I am the General Manager for Operations and Security for the Aviation Department of the Port Authority of New York and New Jersey. On behalf of Chairman Lewis Eisenberg, the Board of Commissioners, and our Executive Director, George Marlin, we commend the Committee for holding this hearing. I also want to acknowledge the strong support we have received from Governor Whitman and her administration for our efforts to enhance security at Newark Airport.

I would like to share some information with you about the successful implementation of security measures we have adopted to protect the traveling public.

It was five months ago that the Port Authority of New York and New Jersey announced a 10-point program to enhance security at Newark Airport, Kennedy, and LaGuardia. While some interested parties felt that we jumped the gun, in doing so, we, as the airport operator, were exercising our role as a steward of the security partnership at our airports and as a leader in developing new standards and procedures. Even as there is a partnership between the FAA, airports, and airlines relative to aviation security, there are clear roles for each. As you are aware, the FAA is the designated regulator for aviation security and provides oversight through the Associate Administrator for Civil Aviation Security and its field personnel assigned to our airports. The airport has a key role in protecting the airport perimeter, access control, and law enforcement response to airline screening points. The airline's prime responsibility is to protect its passengers and aircraft through security measures applied at screening points for passengers, carry-on, check baggage, and then

screening of all goods and cargo placed on the aircraft. Our action has also been reaffirmed by the passage of the Federal Aviation Authorization Act of 1996 by Congress, which the President signed into law.

Title III of that Act addresses aviation security and directs the FAA to undertake, or arrange, for a number of studies and to report to Congress on such key security issues as the division of responsibility among the parties I outlined above, also to work on new explosive detection technology and air cargo shipments. It also directs the FAA to certify screening companies and develop minimum uniform performance measures and standards and requires background checks, including criminal history checks, if triggered by unexplained gaps in the individual employment record of screeners and security-related baggage and cargo personnel.

The FAA is authorized to enter into agreements with airports and airlines for the purchase and installation of security equipment. The FAA recently announced the award of a contract for 54 Invision Technology CTX5000 explosive detection devices. A number of these units will be deployed at Port Authority facilities, to include Newark Airport. The FAA will also be conducting threat assessments in cooperation with the FBI, as well as requiring airports to conduct periodic vulnerability assessments in cooperation with their tenants' airlines and vendors. These congressional mandates only reinforce the appropriateness of our initiating our 10-point plan.

I am proud to report, in the time since we unveiled the program, we have made great progress in implementing it. I would like to share our accomplishments to date, to the extent that security permits me.

On October 1, we initiated a program to use the services of a top flight security firm to conduct security audits at the three airports. Hundreds of individual assessments of all areas of the airport have been completed and, for the most part, have found that security procedures are being fully complied with. Any concerns are immediately brought to the attention of the involved parties for quick action, and follow-up visits are made. We have now contracted, on an annual basis, for this function and will work to highlight problem areas for immediate corrective action on a continuing basis.

We now have explosive detection dog teams available at all of our airports seven days a week. Through our mutual aid agreements, we will also continue to draw upon the expertise of Essex and Union County bomb squads for any incident at Newark International Airport.

We officially implemented our three-strikes-you're-out program on October 1, also. Blatant violations such as bringing unauthorized personnel onto the air operations area or leaving an AOA access point open and unattended will result in the immediate removal of access privileges. We have already imposed this penalty in a case at one of the New York airports for a whole company. Minor violations require corrective retraining. Such violations will only be removed from an individual's record after a two-year period. If an individual accumulates three violations, their access privileges will be terminated for the remainder of the two-year period.

Our proactive efforts for changes in applicable FAA regulations are to stress the need for individual accountability. The imposition of personal civil penalties, by the FAA, for violations have finally met with success as the FAA, through their emergency amendment authority, has established

procedures and civil penalties for individuals who provide false information in order to obtain access credentials.

We have upgraded our perimeter fencing and will continue to improve this fencing and vehicular access points. We are also working with the FAA for the utilization of intrusion detection equipment in especially high threat areas.

We have instituted a requirement that all newly hired airline-contracted security personnel possess a Port Authority ID card, which is only issued after a 10-year employment background check. We have completed the issuance of this ID card to all existing airline-contracted security staff. We have also implemented a program to issue time sensitive ID cards to better control construction personnel working on the air side. We are pleased that Congress has directed the FAA to establish standards for airline security personnel, which we have been advocating. We have also made available the standards we adopted in 1987 for our security personnel that we employ and are working with the FAA through an industry task force to establish certification standards for screeners and screening companies.

Immediately upon issuing our 10-point program, we held meetings at each of our airports to review these points and to emphasize our commitment to them. We also chaired the Consortia Groups, as recommended by the Gore Commission and mandated by the FAA, which were composed of more than 400 volunteers from all aspects of the airport community. This effort resulted in the preparation and the filing with the FAA by December 2 of a confidential security action plan, which is in Washington, D.C., for approval. This effort has been well received by the airlines and other

tenants. Some positive suggestions have already been implemented. We are getting the message across that security is everybody's business. It is felt that the partnership for security, as advocated by the Gore Commission, has and will have a permanent role in energizing the airport security environment.

We are also in concurrence with the Gore Commission's recommendation to research and development efforts. We are enthusiastically cooperating with the FAA and their security enhancement efforts. We have representation on the FAA's Security Equipment Integrated Product Development Team and will be among the first in the country to place this equipment in operation. We will continue to progress these efforts, which we are certain will bear fruit in the form of even better security at Newark, Kennedy, and LaGuardia.

In closing, I would like to emphasize the dynamic nature of this process and reaffirm, or resolve, to continue to provide a safe and secure operating environment at our airports as the threat level changes and the baseline of security is modified. We understand that security is a continuing process, which requires active daily reinforcement. Now and in the future our emphasis is and will be to focus on the human element and to strive for the involvement and commitment of our employees, our tenants, and the traveling public to guarantee the continuing security of our transportation facilities.

Thank you for the opportunity to address the Committee. I am available to answer any question that you may have.

SENATOR KOSCO: Thank you very much.

I would like to just touch a little bit more on the area of responsibilities. Walk us through the airport. I'm driving in and I see the big

signs that say *A, B, C*, and I'm following my way into the airport. Tell me where the Port Authority responsibility for security begins, where your responsibility ends, if it does.

MR. GRASER: (no microphone) If I could use the photo -- I'll speak loud.

As you can see, we have a photograph here of Newark Airport. This is the perimeter of the airport. Again, one of the responsibilities of the Port Authority is to protect that perimeter by fencing and especially by vehicular access points where any vehicle comes onto the air operations area. At those vehicle access points there is a Port Authority guard. There is a system there that requires any vehicle to have a Port Authority plate and any individual who comes on to have a Port Authority ID card, which is a mag-stripped card, with also an individual PIN code before the individual can enter. So that's the perimeter of the airport.

Now, as a passenger would drive up to any one of the terminals, *A, B*, or *C*, those roadways are controlled for traffic by Port Authority Police Officers. They will come up to a terminal, they would unload, they will take their baggage into the terminal, and within the terminal up to the checkpoints. There Port Authority Police will be patrolling, and that is where we have the explosive detection canine teams, at that point.

Now, at the check-in point, you then go to the responsibility of the airline. That is their responsibility. When you get to the screening checkpoint--

SENATOR KOSCO: I go in-- I pull up and I take my bags out of the car and I do a baggage check-in outside at the curb.

MR. GRASER: At the curb. That is with -- and it's only for domestic bags at this point in time. That is with an employee of either a service company or the airline. The service company working for an airline or the airline itself.

SENATOR KOSCO: What security check is done on that baggage?

MR. GRASER: The only way, at that point in time -- and it would be better go into full details with the airline -- the person who is checking in the bag, who is a skycap, has been trained that he has to check for the ticket. He has to make sure that the bag tags and everything are secure for issuance. When the bag is tagged, there has to be a chain of custody until that bag gets down to the bag room or the airline.

SENATOR KOSCO: Okay. Is there a security check on that bag with the contents of that bag?

MR. GRASER: It depends what kind. There is a positive bag match on international flights, first off, that if the individual does not get on the flight, his bag cannot go with that flight. The airlines have internal procedures for checking the contents of that bag inside, through screening and profiling, but a specific point on the airlines' responsibility for the bags would be better addressed to them.

SENATOR KOSCO: So Port Authority has absolutely no responsibility for the bag?

MR. GRASER: For checking the bag itself, no.

SENATOR KOSCO: The bag is not x-rayed, nothing?

MR. GRASER: On international bags, the bags are x-rayed.

SENATOR KOSCO: On domestic flights they are not x-rayed by anyone?

MR. GRASER: If an airline should decide to do so, and I don't know which ones might, they do so on a voluntary basis.

SENATOR KOSCO: But there are no regulations that say they must?

MR. GRASER: For domestic bags, no. That is one of the subjects that the Gore Commission is reviewing.

SENATOR KOSCO: Okay.

MR. GRASER: Now, after you've checked in, as you go to a screening checkpoint, those screening checkpoints are the responsibility of the airlines, and they are maintained and manned by contract personnel of the airline. The FAA regulates that and has designated the airlines as responsible for the screening checkpoints. That's where the passenger is screened and his carry-on baggage is screened.

SENATOR KOSCO: So the Port Authority really doesn't have any authority here to do anything, or they don't do it, or they don't have the authority to do it?

MR. GRASER: No, it doesn't have authority. The responsibility the Port Authority has--

SENATOR KOSCO: No, I didn't say responsibility. I said the authority. Do you have the authority to tell the airlines what type of security they should have?

MR. GRASER: Not in the area of the screening points, x-raying, and the carry-on bags. The authority and the responsibility the Port Authority



has-- We are required to have a law enforcement officer available to respond to a screening checkpoint if there is a problem at that screening checkpoint. We uphold that responsibility.

SENATOR KOSCO: So if the Port Authority decided that they wished to have a complete x-ray system for all bags that come in at the curb, or anywhere else, you could not direct the airlines to do that?

MR. GRASER: No. We could not.

SENATOR KOSCO: But the FAA could?

MR. GRASER: The FAA would have to, yes, under one of their Federal Aviation Regulations, and that is not required at present.

Okay, when you get past the screening point, you are usually in one of the concourses to the loading bridge. At that point in time you are considered a screened passenger. You will then go up to the boarding gate and wait at the lounge, and then the ticket pull for going on the aircraft will be done there. At that point in time you will then go on the aircraft. The aircraft security, as far as closing the aircraft and protecting the aircraft and the cargo that's going in it, is the airlines' responsibility.

Now, the Port Authority responsibility on the AOA is-- We have roaming patrols of police officers out there, and anybody who is on the air operations area who is authorized to be there is supposed to be wearing or should be wearing an AOA ID card from the Port Authority.

SENATOR KOSCO: Except the guy that was able to walk around with the wrong ID card wasn't detected.

MR. GRASER: One of the pictures that he had down there-- When he was sent downstairs, he said, "You have the wrong ID card, and

you'll get in trouble if you went out there." Now, that person in the building should not have let him go out. That was an error.

Now, if he walked out there -- if he did not have a card that looks exactly like the one in my pocket--

SENATOR KOSCO: What has been done since that happened to correct that so that would not happen again?

MR. GRASER: At the point in time when that program went out, all of the airlines and tenants were brought in and all of these procedures were reviewed with them. That's one of the main things the security auditing company that we have hired-- His responsibility is to go out and make sure that people are wearing their ID cards and that they are challenging people who don't have their ID cards.

SENATOR KOSCO: How about proper ID cards? Does the Port Authority have any responsibility to be sure that someone could not get a phoney ID or get an ID on the spot like this particular individual did?

MR. GRASER: At that point in time, no, the Port Authority did not, but as one of our 10 points, we required any individual who is now involved in security for the--

SENATOR KOSCO: You had the authority to do it, but you didn't do it is what you're telling me. Who established these 10 points?

MR. GRASER: The Port Authority did, on September 16.

SENATOR KOSCO: So you establish your own rules after the fact.

MR. GRASER: September 16, was before that, sir.

SENATOR KOSCO: So these rules were in effect when-- They broke the rules anyway.

MR. GRASER: We established the rules on September 16, to phase in the personnel who would be getting an ID card. As of October 1 -- I'm not sure the exact date it is -- as of October 1, we required all new contract personnel to go through and have a 10-year background check and all existing contract personnel to have a Port Authority ID card by the beginning of 1997. I think these were before sometime September.

SENATOR KOSCO: It was November, wasn't it? November 26?

MR. GRASER: I think it was a three- or four-month investigation they said they did.

SENATOR KOSCO: So, in other words, right now what happened here could not happen again. If *Dateline* decided that they wanted to do this same thing again tomorrow, they would have been headed off at the pass?

MR. GRASER: They would not have been able to have the person go without a Port Authority card.

SENATOR KOSCO: They would have to have a 10-year check.

MR. GRASER: They would have to have a 10-year check. One of the things we have to say, a system like this counts on the human being doing their job, and that's why constant education on a daily basis has to be done. If I wear my ID card, if nobody challenges me and looks at it, the system would fail.

SENATOR KOSCO: How about the person who's issuing -- who's interviewing the person for the job? Didn't that person have to have a complete background check?

MR. GRASER: Yes. They should have a complete background -- and they are a certifying officer if they apply for an ID card. Since this program went out, the FAA has come forward with now civil penalties for any individual who is falsifying a document. Before their amendment in December, there was no civil penalty for any individual who falsified a document.

SENATOR KOSCO: Isn't it sad that we have to have a television exposé of a situation before rules and regulations are issued that are just common sense and should have been there in the first place?

MR. GRASER: The Port Authority has been advocating changes in the standards for screeners and security personnel since 1987.

SENATOR KOSCO: Why can't you just do it? Why couldn't you do it without somebody telling you to do it?

MR. GRASER: Because there are certain areas, again, under the shared responsibility where the FAA is the regulator and it's a federal program as far as what the requirements were.

SENATOR KOSCO: Has the Port Authority, maybe over the past five years, ever gone to the Legislature or to Congress and said, "This is what we should" -- or made a recommendation to the FAA saying, "Why don't you go to Congress"?

MR. GRASER: To the FAA repeatedly. Not only the Port Authority, but a number of the airport associations such as the--

SENATOR KOSCO: The Port Authority has done that?

MR. GRASER: Yes. Through what is called the Baseline Working Group which is--

SENATOR KOSCO: Would you be able to get this Committee any of that information--

MR. GRASER: Yes, sir.

SENATOR KOSCO: --that I could back up and say, "Go to the Congress or to the FAA and say the Port Authority of New York and New Jersey has been asking for this for six months, six years, whatever the situation may be and you haven't acted, why"?

Can you get that for us, please?

MR. GRASER: We will get that for you. Yes, sir.

SENATOR KOSCO: Thank you.

Does anyone have any questions? (no response)

Mr. Graser, one more question. Al-- I have one more question that I would really like to ask you.

MR. GRASER: Sure.

SENATOR KOSCO: We have a concern about how the security would be coordinated among the various agencies. For example, what would be the procedure if someone discovered a bomb in a suitcase that was being x-rayed on the terminal, under the plane, or in a plane on a runway. What would be the procedure that we follow if that happened?

MR. GRASER: Situations like this happen. They have happened already. The first, it depends on how the information is given. There are bomb threats that are received at reservation centers by the airlines, and they

review them through their control centers, and they decide if it's a verifiable threat. Or there may be a suspicious package that is seen or determined. What is usually the procedure, if it is considered a credible threat by the airline, they will notify the Port Authority Police.

SENATOR KOSCO: The airline makes that decision?

MR. GRASER: The airline knows about it, and they decide whether or not it's a credible threat depending on what--

SENATOR KOSCO: So, at this point, they don't report every threat to you, only the ones they consider credible.

MR. GRASER: That's right. But many times they have staff at their headquarters who are trained in this, such as Delta in Atlanta and American in Dallas, who are trained in what should be done based on a threat that they received.

If it is a package, or something that they see, they will treat it differently rather than with a telephone threat. If it is considered a credible threat, they will notify the Port Authority. The Port Authority Police will respond, and they will call for the assistance of a Union County or Essex County bomb squad to help clear that until the bomb squad gets there. They will isolate and evacuate the area around it until it can be determined exactly what is in the package or suitcase.

SENATOR KOSCO: Okay, thank you.

Dennis Blair from Ogden.

Thank you for being here, gentlemen.

**DENNIS BLAIR:** Thank you, Senator.

Mr. Chairman, I have a statement I'd like to read to the Committee.

SENATOR KOSCO: Certainly.

MR. BLAIR: Thank you for allowing me the opportunity to appear before you and the Committee today. Ogden Aviation Services is a division of Ogden Corporation, which is a global company focused on three fundamental businesses--

SENATOR KOSCO: Is your button -- is your red light on there?

MR. BLAIR: Yes, it is.

--entertainment, aviation, and energy. Aviation services is a business of providing airport services including: ground and cargo handling, passenger services, catering, fueling for airlines and airport authorities of many of the major airports across the country and abroad.

It's a pleasure to be here this afternoon to talk, in particular, about Ogden's commitment to airport security and our recent experience that was the object of media attention. The Committee's interest in this matter is to be commended.

Ogden Aviation has a long standard of hiring, training, and supervisory procedures for employees which are designed to maximize airport security. These practices are consenting with the rules and regulations established by the Federal Aviation Administration, global airport authorities, and the airlines.

Before I talk about our recent experience at Newark, let me offer a brief personal overview regarding aviation security in this country. Security at airports is a relatively new discipline. While U.S. airport security is not

perfect, the FAA, working with airlines, airports, and companies like mine, has developed a system that usually works. There are arbitrations, but it is in our best judgement that the aviation industry, in general, and Ogden, specifically, are constantly working to enhance its performance.

In recent years, the FAA, working with airlines, airports, and airport contractors, has developed a set of regulations and nonpublic directives that are designed to deter terroristic activities. The resulting FAA rules have produced the most comprehensive, technical, and sophisticated government system in the world. The agency's program incorporates airlines, their contractors, and the operators of airports at a redundant approach to keep threats out of U.S. aviation.

It defines procedures that must be used at every airport. It allows airlines to fly in and out of hundreds of U.S. airports, in which our air carriers operate. A national standard assures all passengers get equal treatment and that they can travel to their destination with minimum disruption. Because of these constant changes there is a need for clarification. Congress and the Gore Commission have recognized this phenomenon and are preparing recommendations on how the FAA can provide better and easier to follow guidance.

It is my understanding that these concerns have to do, primarily, with some of the regulatory compliance issues, paperwork requirements, interpretation of technical rules, etc. There is no doubt, however, that the FAA, airports, airlines, and contractors are committed to security. Against this backdrop, let me review some of the events surrounding a recent *NBC Dateline* story about Newark Airport.



For obvious reasons, I cannot provide details about how the NBC reporter was able to gain access to certain areas. I am confident that this excuse does not reflect just the efforts of an enterprising reporter. There is no reason to believe that some of the actions which he demonstrated at Newark were guided by experts who had an inside knowledge of how this system worked.

Ogden responded to this event without regard to the malfunctions of the system. Like other companies in our industry, Ogden conducts periodic audits of its facilities to ensure, as best we can, compliance with FAA regulations. However, one of the problems our company has faced and which others in the aviation service industry have shared is finding out exactly what the FAA regulations mean or, to pose a more telling question, what the FAA currently thinks those regulations mean.

After the FAA's new regulations on airport security were implemented in January of 1996, Ogden management distributed all available information about those rules to our field offices. Our normal company practices did not detect that our directors and managers were having any problems implementing the FAA rules. Over the next 10 or 11 months, we heard that several FAA audits, airport security personnel, and airline contract people had visited one or more of our field offices. There were no reports that we had any problems with this compliance and these procedures.

Our company mandated a memorandum that suggested that some of our records have been reviewed by the FAA and that their quality was not what the FAA wanted. The Agency's message was informal and orally transmitted to us. There was no subsequent FAA reprimand or formal

enforcement letter. Our senior management believed that appropriate remedial steps were being taken at a rate acceptable to the local civil aviation security office.

The next significant event was information we received that an NBC reporter had obtained employment with our company and was preparing a derogatory report.

Senior Ogden management immediately commissioned a field audit of our major stations' records. We also initiated contact with the FAA headquarters, regional and local security staff, as well as security managers of several airports. These efforts provide a preliminary indication that the field implementation of a FAR were not as careful as we had believed. The company's response was immediate and thorough. We ordered audits of all Ogden facilities. We instructed all field managers to pull security badges of any unauthorized personnel at airports, and we told all field directors and managers to come to a security conference meeting to discuss apparent discrepancies.

During this process we learned an important lesson. Through our meetings with Ogden field management, we learned that there was considerable evidence -- I'm sorry -- variance in the guidance that they had received at local stations from FAA staff and authorized sources as to what specific section of the FAR and what they meant.

We then asked our Washington counsel to forward to the FAA headquarters the resulting discrepancies and the interpretations of these FARs. Although the agency received our questions, they have not provided the answers. We did not feel that was enough. We contacted our trade

association and the FAA in an effort to seek effective solutions to the problem identified, not just with Ogden, but the whole system. Our efforts were instrumental calling upon the industry and meeting to explore the issue and also resulting in the National Air Transportation Association's effort to define some specific process solutions.

Intended to specifically address problems in the employment verification process, the industry proposals constitute a five-point industry program to provide airline security. They include:

- an awareness program to make airlines, airport operators, and contractors more aware of the responsibility of background checks consistent with FAA regulations;

- creation of a standard background check form for contractors, airlines, and airports to use in compiling investigative material;

- standardized guidance on compliance with background check rules and procedures regarding FAR107.31. This guidance, which we hope to develop with the FAA, would address discrepancies that currently exist in following FAA regulations;

- a new program of industry self-auditing developed with the FAA, contractors, airlines, and airports;

- the implementation of the best business practice program, of which all parties involved in security and the airport security industry would regularly meet to discuss current issues and make sure that each company is benefiting from the latest information and knowledge.

With that, I want to thank you once again for allowing me to make a statement to the Committee, and I'm available for any questions.

SENATOR KOSCO: Thank you.

When you review your programs and your hiring practices, did you find many people that had not gone through the proper background check?

MR. BLAIR: In the case of Newark, sir, the individual that was hired -- the *Dateline* reporter that was hired -- was hired for a position, at the time, didn't require a complete background check.

SENATOR KOSCO: What position was that?

MR. BLAIR: He was hired as an electric card operator, which did not give that individual--

SENATOR KOSCO: Okay, so then he got promoted to the--

MR. BLAIR: Well, obviously he was a very smart individual, and he befriended some of our people and wound up in a position that he wasn't hired.

SENATOR KOSCO: What happened to those people that he befriended?

MR. BLAIR: They have been terminated from the company.

SENATOR KOSCO: Do you have any questions, John?

SENATOR GIRGENTI: I don't know. I don't think he covered it all.

SENATOR KOSCO: Do you want to add anything to this?  
(affirmative response)

Your name is?

**B. KENT BURTON:** My name is Kent Burton. I'm with Ogden Corporation in the area of policy. Let me just say that we are appreciative of

the Committee's interest in this area. We've learned some lessons at Ogden, and we are anxiously engaged in working with the FAA and our trade association to seek a further remediation and clarification of these issues.

But thank you for having us.

SENATOR KOSCO: Specifically, what services does Ogden provide?

MR. BLAIR: At Newark Airport we provide catering services, fueling services, skycap services, and preboard screening services.

SENATOR KOSCO: Preboard training?

MR. BLAIR: Preboard screening.

SENATOR KOSCO: Senator Girgenti.

SENATOR GIRGENTI: Thank you, Mr. Chairman.

Sorry for running in and out. I had a couple of bills up in different Committees and we were trying--

SENATOR KOSCO: Did we get it out of Committee?

SENATOR GIRGENTI: Yes. We had to fight but we got it.

Were there any sanctions imposed on your company or employees after the story was aired? What agencies imposed them?

MR. BLAIR: There were no sanctions imposed on the company, but there were sanctions imposed on employees by the company, those being termination from the company.

SENATOR GIRGENTI: Was there a number of individuals?

MR. BLAIR: Four at Newark Airport.

SENATOR GIRGENTI: One thing that-- I have been reading a little bit of the background we had, and what is your company's position on

the issue of baggage matching for domestic flights? I understand that's done for international flights but not domestic flights.

MR. BLAIR: That you would have to ask of an airline. We are only the contractor.

SENATOR GIRGENTI: Okay. All right, I'll have to ask the airlines then.

Thank you.

SENATOR KOSCO: So what answer did we receive when you asked the question as to how come they weren't doing the proper background check in the first place? I mean what's--

MR. BLAIR: From what we were able to determine, the individual, when he was hired, worked a few days in the position that he was hired for, which didn't require him to have special clearances. During his stay there, apparently, as I said earlier, he befriended some of our people and wound up working in an area that he wasn't supposed to be working in. Those people, again, were given or were in positions that were to prevent that from happening. Obviously, they didn't prevent that from happening.

SENATOR KOSCO: Wouldn't someone who is trying to infiltrate, in this particular situation, use that sort of as an MO? Wouldn't they come into a low-entry job and then try to make friends with someone and get moved up, then work in conjunction with someone else? Wouldn't a terrorist have these expertise and this way of handling something?

MR. BLAIR: I would believe he would. Yes.

SENATOR KOSCO: Do you have any questions, Joe?

MR. SCARPA (Majority Staff): No.

SENATOR KOSCO: So the line of security, of which you don't specifically handle the security in the airport-- You handle baggage handling, you said? The skycaps, isn't that a form of security?

MR. BLAIR: Yes.

SENATOR KOSCO: So they would have to have a complete background check?

MR. BLAIR: Yes.

SENATOR KOSCO: What type of check is done on the baggage as it comes in off the curb? From your side now-- Port Authority says it's up to the airlines once you take your bags out of your car and you put them there. Port Authority doesn't have any control over anyone. Now, do you, your people?

MR. BLAIR: The requirement from the skycap side is to ensure that the passenger has a ticket and also to ensure that they have a form of identification -- a picture identification -- that that's the individual checking the baggage.

SENATOR KOSCO: The bag itself, what happens to that? Is there any--

MR. BLAIR: The bag itself is then -- would be either brought to the ticket counter or checked in and sent onto the baggage claim.

SENATOR KOSCO: That's not checked in any way?

MR. BLAIR: As far as a physical search, no, sir, not by us.

SENATOR KOSCO: There is no type of x-ray program that's done?

MR. BLAIR: Not by us, no, sir.

SENATOR KOSCO: Would it be done by anybody, to your knowledge?

MR. BLAIR: It would depend on the airline.

SENATOR KOSCO: That would be up to the airline.

MR. BLAIR: Yes.

SENATOR KOSCO: The airline security itself?

MR. BLAIR: Yes.

SENATOR KOSCO: Okay.

Joe.

MR. SCARPA: Sir, do you think, with regard to the course you give on security, that it goes beyond one person infiltrating? Because it was seen your instructors were giving out the answers to everybody, not just this one particular person.

What has been done with regard to the courses?

MR. BLAIR: I don't know what answers they were making reference to. As far as the part of the film that indicated-- If I go for the test and I don't know the answer, I believe that the comment back was, "If you don't know the answer, ask a question and you will find out an answer." Whether that's related to the individual taking the test, I have no idea--

SENATOR KOSCO: Well, they specifically--

MR. BLAIR: --because that particular part of the film was in reference to an individual going for an ID card or going to a testing process at the airport. That's where the--

SENATOR KOSCO: I don't understand. It was very clear that the one person said, "If you don't know the answers, let us know--



MR. BLAIR: Yes.

SENATOR KOSCO: --and we'll give them to you." I mean, it's not very hard to figure out what they are talking about. They are talking about the answers to the test that they were taking.

Mr. BLAIR: But that was in reference to an airport test. Whether that was a process that the airport agreed to, I could not determine that. The airport issues that test for certain security elements. That was in reference to that test with the airport authority.

MR. SCARPA: So you do not issue your own security test for security personnel?

MR. BLAIR: Not for that. Not related to that ID badge.

SENATOR KOSCO: So your baggage handlers from your company are not given a security test?

MR. BLAIR: They go through a background check.

SENATOR KOSCO: But they're not given any kind of a test to--

MR. BLAIR: There is a test issued by the airport.

SENATOR KOSCO: The airport issues your people a test?

MR. BLAIR: Yes.

SENATOR KOSCO: So you do a background check--

MR. BLAIR: Yes.

SENATOR KOSCO: --and then you hire the person, or do you hire the person and then do a background check?

MR. BLAIR: No, No. The individual has to go through a series of searches to verify employment, and then an application is put forward to the airport to issue a security badge for that individual to work in a secured area.

SENATOR KOSCO: So that test that they were referring to in that tape was Port Authority people talking about, "We'll give you the answers to the test."

MR. BLAIR: No, that tape was in reference to Atlanta Airport.

SENATOR KOSCO: In reference to what?

MR. BLAIR: Atlanta Airport.

SENATOR KOSCO: What type of suggestions would you make to improve the situation at Newark Airport? We're talking strictly in Newark Airport right now. You're there, your company is handling baggage. Your company is handling -- what else there? -- the--

MR. BLAIR: Fueling.

SENATOR KOSCO: --skycap service.

MR. BLAIR: Yes, sir.

SENATOR KOSCO: Okay. Now, is it going to be necessary to pass legislation, or are the companies themselves going to identify the problem and solve it or have you, or are you working on it?

MR. BLAIR: I think since--

SENATOR KOSCO: Constantly we hear people say, "We don't need more legislation," and we don't want to pass legislation. I don't want to pass legislation. This Committee would like to not have to pass legislation if people would just do things that they know have to be done instead of waiting to be told and then coming back and saying to us, "Well, you didn't know what you were talking about." Well, there's a problem out there and we know about it, so if you're not going to come up with a solution, then we're going to

have to come up with a solution. We would like to get it done without legislation.

MR. BLAIR: I think it's important that since this incident did occur that there has been a tremendous effort between contract companies, FAA, airlines, and airport authorities to ensure that it doesn't happen again. There have been procedures put in place by certain companies. There is an effort that I'm aware of that is being put forth to various airline groups to standardize the system so that there is less documentation in order to streamline the process of hiring people. I think that is a great benefit to help the process.

MR. BURTON: Mr. Chairman, if I might add, in the wake of this incident, our people in Washington worked rather aggressively with the FAA in ways which led them to call for an industry meeting in which we met with not only other contractors like ourselves, but aviation companies and FAA people.

In the case of the contractors industry, a reference was made earlier to the National Air Transport Association group, which is the contractors, people like Ogden. We have developed our own five-point program which is intended to very much address these sorts of issues in ways that would lead to a greater awareness program on the part of the contractors, the aviation community, etc., with respect to responsibilities for background checks, self-audit programs, in some ways similar to the audit program Ogden has, and other steps that have already taken route, which we think will greatly alleviate this problem going in the future.

SENATOR KOSCO: Thank you.

SENATOR GIRGENTI: Just one more question, if I may. As I said, you may have answered this already. I'm sorry that I'm late. Why wasn't your company checking references of perspective employees as required at the time of the *Dateline* investigation?

MR. BLAIR: The references that were supplied by the individual were impeccable. Again, the individual was hired for a position that didn't require additional checks and balances for the position he was hired for. He provided reference letters, which were adequate for the position that he was being hired for. Since then that has changed. Now there is verification of employment, five-year background and ten-year verification of employment. So it has changed since then.

SENATOR GIRGENTI: So your policy is definitely, as a result--

MR. BLAIR: Yes, sir.

SENATOR KOSCO: One last question, for me anyway. What, if anything, has the FAA-- What action have they taken towards Ogden since the report came out? Have they come down on you? Have they made recommendations? Have they issued any sanctions? Have they-- What have they done?

MR. BLAIR: No, sir. We have worked very closely with the FAA on trying to come to an understanding of the problems that we have incurred and have been working with them on streamlining the process of background checks and standardization of forms, but there has been no sanctions or anything to that effect.

SENATOR KOSCO: Okay. Thank you.

MR. BLAIR: Thank you.

SENATOR KOSCO: Is Louis Dell'Ermo here yet? (affirmative response) From Gateway Security in the Newark Airport.

Your responsibility is the runway and that type of thing of security.

**LOUIS R. DELL'ERMO:** Yes, the aeronautical section. I have a written statement here I would like to read you.

Good afternoon. My name is Louis Dell'Ermo. I am President of Gateway Security Inc., which was incorporated in 1979 in the State of New Jersey. Previously, I held a position in law enforcement which provided me with the opportunity to bring together many police agencies, Federal, State, and local, in a cooperative effort to accomplish common goals. This experience has set the tone for our company to play a primary or secondary role in protecting life and property as imposed by our clients and by State law. Gateway Security is a full-service security company and our focus has been centered in northern New Jersey.

One of our accounts is the Port Authority of New York and New Jersey and Newark International Airport. Our contract requires our company to provide unarmed, uniformed security officers for a post that screens both vehicular and pedestrian traffic accesses to restricted aeronautical areas such as airport aprons, taxiways, runways, and etc., not the exclusive areas such as the terminals that are the responsibility of the individual airlines and other tenants.

We strongly feel that in our particular case we have a successful program for numerous reasons. The Port Authority sets very harsh standards for our airport security agents, better known as security officers, with regard

to recruitment, training, and turnover. We have less than 5 percent in turnover as compared to national security companies, which is over 150 percent.

Minimum pay rates are dictated by the Port Authority for all of our employees. These pay rates are conducive to attracting and maintaining a reliable staff. All security officers receive three days, one of which is driver training given by the Port Authority tort commander -- and I mean police commander -- and a group of specialists from the Federal Aviation Administration, as well as representatives from the Port Authority identification card access control program. At the conclusion of our training, all trainees must pass a written exam on the training material.

In-service training is administered periodically by Gateway Security Managers who are on-site 24 hours a day. We consider training a critical component of our entire program. The threat of intrusion into the highly sensitive locations, which we guard, require keen awareness not only of the ramification of unauthorized access, but also how to handle various contingencies that arise, such as police, medical emergencies and electronic distractions and the Port Authority identification card swipe systems.

All persons seeking access to the restricted areas covered by our officers must present ID cards, featuring a photo, for electronic swiping. Not only is the picture identified, but it has to be swiped. So there is two bases. There is an electronic, like the individual was saying on the TV, plus the human element. So it covers both bases.

All vehicles entering these restricted areas must have a special plate issued by the Port Authority. Vehicles without the special plates are denied

access, even if driven by an authorized personnel. As you can see, our areas' operations have strict controls, as it should be, and we are constantly exploring new methods to improve.

Recently, Vice-President Gore's Commission on Airport Security was formed, and I believe, Newark International Airport was chosen to be one of the first to participate. I, as well as members of my staff, have participated in the consortium subcommittees, and we have presented our findings on such issues as perimeter fencing, unification of access cards, and controls for all airport employees including the exclusive areas.

Presently, quality assurance audits are conducted by a third-party company, which was hired by the Port Authority -- and I still don't know the name of that company -- and FAA inspectors who periodically visit our location in an attempt to breach our security. I am happy to report that as of this date we have not experienced any difficulty at our location.

In closing, I would like to add that we at Gateway Security know our role in providing the public with a safe and secure environment and report all the temp breaches immediately to the Port Authority Police or the appropriate agencies. We work directly under the police. We report spontaneously to the Port Authority Police in any problem.

Here's an issue: We strongly support a reasonable minimum pay rate for all security and screening personnel assigned to airports throughout the country as compared with regional pay rates.

Thank you for the opportunity to present our views to the Committee. I hope that we were helpful in clarifying these issues.

Thank you.

SENATOR KOSCO: Sir, specifically your area of responsibility is the runway?

MR. DELL'ERMO: Is the aeronautical -- the perimeter of the areas, not the terminals which are known as explicit areas. Yes.

SENATOR KOSCO: Is the area where the plane comes in, while it's sitting--

MR. DELL'ERMO: Can be gave by either way, by what I thought I saw--

SENATOR KOSCO: Let me ask a question first.

When a plane comes in and it's sitting in the spot and it's got the walkway hooked up to it and they are putting fuel in it, do you have any responsibility for that area?

MR. DELL'ERMO: Only for the ways that you would get in from the perimeter, not from the walkway from the terminal.

SENATOR KOSCO: How about underneath that airplane?

MR. DELL'ERMO: No, we are at the -- we actually do sentry duty at certain locations.

SENATOR KOSCO: Who would be responsible for seeing that gentleman that we saw sliding underneath the wheels of the airplane in that tape?

MR. DELL'ERMO: I probably would not have responsibility because our people are not out under those areas.

SENATOR KOSCO: Specifically, not probably.

MR. DELL'ERMO: Specifically I don't know.

SENATOR KOSCO: Where is the Port Authority man?



UNIDENTIFIED SPEAKER FROM AUDIENCE: He went to make a call. Do you want me to get him?

SENATOR KOSCO: Would you kindly get him in here please. You don't know whether that's your responsibility or not?

MR. DELL'ERMO: No, it's not as far as I know. Mine is strictly access control at strategic points on the perimeter of the aeronautical section.

SENATOR KOSCO: While we are waiting for him to come in, let me ask you, how do you coordinate security functions? The plane is out on the runway, there is a bomb threat or some major type of a problem, it's reported. How do you coordinate? Do you coordinate that through the Port Authority? Do you coordinate that through the other security?

MR. DELL'ERMO: We immediately call the police department -- the Port Authority Police Department. We are the eyes and ears for the Port Authority Police Department.

SENATOR KOSCO: You don't physically do anything except report it.

MR. DELL'ERMO: We will probably corner off an area while we are waiting for the police to respond, but we're not bomb technicians.

SENATOR KOSCO: What type of extrasensitive programming do you have in schooling for your people?

MR. DELL'ERMO: We have, besides the training that's provided by the Port Authority -- by the way we were just trained recently by the Port Authority Police -- we do in-service training where we take part in the PTSN, which is a security training, basic security office tape and testing program, that

we do basic security prior to them getting involved and being trained by the Port Authority and the FAA.

SENATOR KOSCO: So the Port Authority actually trains your people?

MR. DELL'ERMO: For the site specific. We are private detectives. Under the Private Detective Act, I have to do everything that the State Police and you by legislation demand. I am under a sense of duty to provide many of the questions that you're asking now. They are governed by the State. Fingerprints, photographs are all sent into the State Police. We are strictly a security company contracted to the Port Authority.

SENATOR KOSCO: Okay, but that's checking. I'm talking about the schooling.

MR. DELL'ERMO: The schooling, we do 16 hours. I do my company no matter where my security officers go.

SENATOR KOSCO: The question that I had for the Port Authority was-- We had on the film that we saw -- we had somebody sliding underneath the wheels of an airplane, walking around out into the area where the plane was sitting, waiting for the passengers to come on. My question to this gentleman was, whose responsibility is that? We can't get an answer. Whose responsibility is that?

MR. GRASER: Well, the air operations area, the security of the perimeter, as I said before, is the Port Authority's. Now, the space directly around the aircraft and the aircraft loading gates is the responsibility--

SENATOR KOSCO: Let me ask the question again because maybe you didn't understand me. We saw a specific picture of a guy sliding

underneath a set of wheels on, what looked to me, a 747. Who should have seen him do that?

MR. GRASER: This is not--

SENATOR KOSCO: Is the Port Authority supposed to have seen that? Is his organization supposed to have seen that? Is the airline supposed to have seen it? There is a security person who is supposed to keep people out of that area.

MR. GRASER: There is not one security person that keeps somebody out there. One of the requirements of anybody who has an ID card, one of the responsibilities they get that they are trained for, anybody who sees anything on that air operations area at any place is supposed to challenge an individual. First, if they are not wearing an ID card and, secondly, if they are doing something that looks out of place.

SENATOR KOSCO: So an airline is not required or the Port Authority is not required or the security company is not required to have a person in each one of those areas, at least, looking for something specific.

MR. GRASER: No, the Port Authority has roving patrols, but there is no responsibility to have somebody stationed under the aircraft while it is--

SENATOR KOSCO: I'm not saying under the aircraft. In that whole area there is probably lines for -- what? -- maybe 10 aircrafts in each one of those spots where the airplane comes in.

MR. GRASER: There are roving patrols out there, and there are many, many employees out there who are in the catering trucks, etc.

SENATOR KOSCO. In other words, the Port Authority should have seen that guy out there?

MR. GRASER: The Port Authority has roving patrols -- they do not have roving patrols-- They have two police officers that patrol aeronautically on the airport.

SENATOR KOSCO: Two?

MR. GRASER: Two, that are regularly patrolling on the air operations area in vehicles.

SENATOR KOSCO: So, if I'm an unauthorized person, all I have to do is wait until you go past and go do my thing because you're probably not going to come back for another 45 minutes to an hour.

MR. GRASER: No, but it's the key responsibility that everybody out there has to challenge anyone they see and report it to their supervisor or the Port Authority.

SENATOR KOSCO: So Joe thinks that Bill is looking, and Bill thinks that Al is looking, and Al thinks that Mary is looking, and Mary thinks that Ed is looking -- nobody is looking.

MR. GRASER: No, that's one of the reasons we hired the security auditing company. We hired them to go out there and make sure that everybody is doing their job, first off, wearing their ID cards and, secondly, challenging anybody who does not wear the ID card. That is one of the responsibilities that--

SENATOR KOSCO: The proper ID card.

MR. GRASER: The proper ID card.

SENATOR KOSCO: Here we have a case where a person did not have a proper ID card. The one that they did receive was under totally false pretenses and then was outside lying underneath a set of wheels where he could have been planting a bomb, letting the air out of the tire, putting a slash in the tire so that the next time it hit any kind of pressure it would have blown out. There is any number of reasons that that person could have been underneath there, totally undetected.

MR. GRASER: Any individual who saw him out there should have challenged him immediately.

SENATOR KOSCO: But nobody saw him which means that your program is not working.

MR. GRASER: That's why as of October 1, we have security orders now that we are constantly out there checking to see that people are doing what they were supposed to be doing all along.

SENATOR KOSCO: So if that same scenario took place tomorrow, chances are he'd get picked up?

MR. GRASER: It would be. There has been constant education and constant review with all employees and all companies at the airport to focus on their responsibility. They know that we now have security auditors out there checking on a regular basis, seven days a week, 24 hours a day, all shifts, all times, all places.

SENATOR KOSCO: Okay.

Anyone have any other questions for Gateway Security? (negative response)

Thank you.

Is Mr. Tortaro still here? (negative response)

Emmet O'Hare, from the Department of Transportation Division of Aeronautics.

**EMMET N. O'HARE:** Good afternoon, Mr. Chairman and Senators. My name is Emmet O'Hare, and I am the Deputy Director of the Division of Aeronautics for the New Jersey Department of Transportation. Executive Director John S. Penn sends his regards and regrets that he is unable to attend the hearing today on such an important matter as it is.

Our Division is responsible for the safety of operation of the majority of New Jersey's 604 aeronautical facilities. Newark International Airport, because of the Port Authority's bistate charter, is exempt from our purview. At the rest of the facilities, as part of our statewide mission, we inspect and license all of those facilities, evaluate obstructions to air navigation, and investigate aircraft incidents and accidents. At the 50 public use airports, those open and available to everyone, we conduct at least four safety and security inspections at each airport, annually, to ensure that the flying public is adequately protected and that each facility is safe for operations. When areas needing improvement are found, we support the airport through our capital funding program.

From a security specific perspective, we assist airport management and local law enforcement officials to ensure that they know and understand their duties and requirements in the area of airport security. In addition, if our physical facility inspections uncover any areas needing improved security measures, for example, fencing, lights, or access gates, we assist those airports in compliance through our airport safety fund grant program. At the present

time, we have two projects under way for such improvements at Trenton Airport and Teterboro Airport. Tomorrow we will announce a grant for access control measures at Morristown Airport.

Senator, earlier you asked about legislation that you thought may need to be passed. As an important note, the FAA has just announced that they are stopping all airport funding for grant projects because the excise taxes on airline tickets, aircraft fuel, and cargo bills of lading have expired. They have used up all of the money that had been available. We were notified this morning that our funding is no longer available from the FAA for any airport project, including those for improvements at airports needing security fencing. That is one area that we feel needs the push to get the Federal legislators to take action to reinstitute this tax.

In the interim, unfortunately, funding will not be available for airport security improvements.

I'm available to answer any question you may have, sir.

SENATOR KOSCO: When does that funding cease?

MR. O'HARE: Sir, the funding actually ceased at the beginning of the year. They have run out of money. There was a pot of money called the trust fund.

SENATOR KOSCO: The tax-- They stopped collecting tax as of January the first?

MR. O'HARE: I believe so. It may have been earlier than that, but they have not passed the legislation to reinstitute the tax.

SENATOR KOSCO: Well, every time that we come up with past -- that's a future situation-- We're dealing here with something that happened

in the past when you had the money, when the money was there, and that's when these problems have come up. That will have an affect on the future, but we're looking at what has already transpired in the past.

What, specifically, is your jurisdiction at the Newark Airport?

MR. O'HARE: Sir, we do not have jurisdiction over Newark Airport. It's a bistate agency, and by the bistate compact, it does not fall within the State Division of Aeronautics' jurisdiction.

SENATOR KOSCO: So you would have something to do with the smaller airports like Teterboro and Morris County?

MR. O'HARE: Yes, sir, we would. Teterboro, Trenton-Mercer and the air carrier service they have, and when Atlantic City International -- when the airport itself is turned over from the FAA to the South Jersey Transportation Authority, we will have a firm view over that.

SENATOR KOSCO: Over Atlantic City also?

MR. O'HARE: Yes, sir.

SENATOR KOSCO: Right now you have nothing to do with Atlantic City?

MR. O'HARE: We do only in the terminal complex area, which is the only part that is owned by the SJTA. The rest of it is still owned by the Federal government.

SENATOR KOSCO: What, if any, kind of security problems did the local airports have that we may not have at something like Newark or A.C. or one of the major airports?

MR. O'HARE: Near here, at the Trenton-Robbinsville Airport, we had a rash of vandalism last year that got to be fairly dangerous. The airport



was open, and we believe it was kids or teenagers who get in there and break the runway and taxiway lights. When an aircraft would come in at night, they wouldn't know where the end of the runway was because they couldn't tell the difference of the types of lights, the colored globes, that were on top of them, which I understand are used as some kind of beer steins, were the problem. So we have assisted the airport there. We work closely with the municipal police to increase patrols, and we have worked with the airport and with the township and are now constructing a security fence around the airport to prevent that from occurring.

SENATOR KOSCO: How would you handle the situation where a plane was, for some reason, diverted from Newark Airport into one of the local airports?

MR. O'HARE: We have about six airports in the State that would be capable of handling some of the air carrier airports -- some of the air carrier aircrafts. Most of them would not. The airlines normally will go to another air carrier facility where they know that they got the equipment and the passenger handling facilities available, buses or loading bridges or whatever. If one did come in, it would probably go into either Teterboro, Atlantic City, or Trenton-Mercer.

SENATOR KOSCO: What happens with security at that point? How do you handle security for those passengers in that aircraft as it comes in?

MR. O'HARE: Well, if they're coming in and only need to disembark from the aircraft, they would be taken through the terminal building and held there until they got whatever buses the carrier was going to provide them with. If it was a charter flight just coming into a smaller airport, and we

do get a number of those throughout the State, the aircraft would land and the passengers would be escorted by whoever is handling the tour to the buses and they would depart the area.

SENATOR KOSCO: Do you have background checks for the employees at the smaller airports?

MR. O'HARE: No, sir, most of the smaller airports do not. The larger ones like Teterboro, Morristown, Trenton-Mercer, and airports of that size definitely do. They meet the same requirements as do the air carrier airports.

SENATOR KOSCO: Anyone have any questions?

Thank you.

SENATOR GIRGENTI: Lou, just one thing.

MR. O'HARE: Yes, sir.

SENATOR GIRGENTI: You may have covered some of this already, but what has your office done to improve security at the local airports at the present time?

MR. O'HARE: One of the things that we do-- We have a staff of four inspectors who go out and inspect all of our public use airports, except Newark. They test the system to see if there are problems with it, meet with the airport manager, discuss those problems, and try to work out solutions to whatever problems they find. If the problem is something that requires a capital project, either an access gate, as was the case in one of the South Jersey airports-- There was a problem there and the gate was being left open. People were coming out on the runways and taxiways. We assisted the airport through a grant, and they have an automatic gate now.

SENATOR GIRGENTI: Thank you.

SENATOR KOSCO: Thank you.

Ray Kalinaikas.

**RAY KALINAIKAS:** Gentlemen, as a citizen I would just like to make one recommendation. As a salesman on the road, oftentimes--

SENATOR KOSCO: Is that button on? Is that red button on?

MR. KALINAIKAS: Can you hear me now?

SENATOR KOSCO: Yes.

MR. KALINAIKAS: Okay.

As a citizen, gentlemen, I'd only like to make one simple recommendation. As a salesman on the road, I have an opportunity to talk to many people of various occupations and walks of life. When TWA-800 occurred, a tragedy that is (indiscernible), one of my customers indicated to me that he was in Pennsylvania, picked up a daily newspaper the next day, and the daily newspaper claimed that flight originally was supposed to be a flight to Tel Aviv. He said it was not in any daily newspaper in New Jersey when he came back. I happened to be in Martha's Vineyard around the Columbus Day weekend, and we met a couple from Long Island, and I mentioned this, and the woman said to me, "Oh yes, it was on the radio that night. It was supposed to be a flight to Tel Aviv originally." Another individual, when I was talking about this issue before a local governing body -- another individual who was a reporter for a daily newspaper said to me, "It was on the AP that night. It was supposed to be a flight to Tel Aviv." I don't recall seeing this anywhere in any paper in New Jersey.

My recommendation is this. If we have flights going to any country that is subject to terrorist activity in any form or shape -- because I guess I'm thinking of the missile theory -- it would seem to me that all passengers booking on a flight to that particular company should be notified of the possibility of unforeseen terrorist activity that airline personnel and the airport have little or no control over. If, in fact, that particular flight was in the time slot of a flight going to Tel Aviv, as indicated to me, I know if I were to know that prior to flying, I probably would have canceled the flight. My own ticket I would have canceled, literally. I don't know if this is true. I don't know, for instance, what the passenger list was on the original flight to Tel Aviv, which the newspapers -- and the newspapers, to my knowledge, have not even indicated to us much or little information about if there was a flight to Tel Aviv.

I guess one of the aspects of airport security must be, it seems to me, anybody booking on a flight going to a country subject to terrorist activity, or if there is a delay in a flight and some other flight is going into its time slot, that the people on that flight must know that because there is little or no control the airport or even the airline has over what could possibly happen.

We all know that the missile theory is still up there. It's still being considered as a possible consideration. I can tell you this, one individual from the fishermen's co-op in Point Pleasant Beach indicated to an individual, who is a customer of mine, that that person was fishing in the area at a given time. It could be unusual -- perhaps it's not unusual -- that there was a troller cutting across shipping lanes with no visible markings, no lights, other than a bow and a stern light. They thought that was highly unusual.

There were a number of individuals who saw a flare light object go toward the plane.

SENATOR KOSCO: We're not going to get into that because that's not the purpose of this hearing, Ray.

MR. KALINAIKAS: I understand, but I think--

SENATOR KOSCO: We're concerned about, in the airport, security not theories that people have about what's going on. I don't want to get into that. That's not my job.

MR. KALINAIKAS: Well, I think in the long run, to have a public hearing, having all people come forward with regard--

SENATOR KOSCO: I have a specific reason for my public hearing, and I don't have all people coming forward, just people who are going to give us some insight into what we can do to better airport security, specifically, in Newark Airport. So let's stick to that instead of a theory about what happened on that flight.

MR. KALINAIKAS: Well, I think it's important that we have some sort of--

SENATOR KOSCO: It's not important to this hearing and I make that decision.

MR. KALINAIKAS: Okay, but I think it's important for people who are on a flight going to a country that is subject to terrorist activity.

SENATOR KOSCO: I understand that and you have made that point. What is your second point?

MR. KALINAIKAS: Well, that's essentially the most important point. Of course, if there is a delay in flight and some other flight is taking

that time slot, those people should be notified that that is what has occurred: You are now into a time slot that originally was going to a country subject to terrorist activity. Do you want to continue on your flight, or do you want to cancel it? I think people should be told that.

SENATOR KOSCO: Thank you.

Marcella Toomey is here from the parent company of American Airlines. Is Marcella here? (affirmative response) Also we have Joe Bonnema. Is Joe here? (affirmative response)

MR. SCARPA: His name is Bob.

SENATOR KOSCO: Why do I have Joe here?

You're from Delta?

**JOSEPH P. BONNEMA:** Yes.

SENATOR KOSCO: Sorry about that.

I'd like to know -- you sat through this thing, and I know that their thing here says just questions if we have any of you, but I wonder if you have some questions of us or something you want to add or subtract or talk to us about?

MR. BONNEMA: No, but I notice that some of the gentlemen did have questions that kept being deferred to the airlines. An airport the size of Newark, I'm honestly a little surprised I'm the only one here. Certainly, I'd love to try to help you understand any process that you still have some questions about, if I can.

SENATOR KOSCO: I probably have a question. I'll go back to the question that I had about the fellow that I saw in the tape lying underneath

the wheels of the airplane. I'm wondering, is that the airlines' responsibility to see that? As I have been told there are really--

MR. BONNEMA: In that parking area in Atlanta -- that's Delta's hometown -- that was the International *E* concourse, which during the daytime is pretty much abandoned because most of the flight activity is in the evening to Europe, but some South American flights operate there. That's the airline's area. As the gentleman from the Port Authority said, it's airline employees responsibility if they saw someone not a mechanic, not obviously servicing the airplane. Even with a proper AOA access badge, someone should have stopped and questioned him or called the police.

SENATOR KOSCO: Do you have any questions?

SENATOR GIRGENTI: Just one question. Maybe you can help me out. I asked a question that was deferred to the airlines. What is your company's position on the issue of baggage matching for the domestic flights?

MR. BONNEMA: Domestic flights, we're heavily involved right now in a pilot program with the FAA doing that. At Delta, as a matter of course, with our computer system, we, for all intents and purposes, do it anyway. When a passenger boards the airplane, their status in our computer system changes to onboard. If any departure time, there is a discrepancy between the on-board passenger count and those that had checked in and checked baggage on the flight, that person is identified and their baggage is removed, even domestically, but it is not at this time our written policy. The FAA does not require domestic flights to exercise positive bag match, except in the cases of where a passenger meets profiling procedures.

**MARCELLA TOOMEY:** There is one thing I wanted to add. One of the things that wasn't brought up was that all the domestic carriers are following a very strict profiling of passengers procedure. If a passenger does meet a profile and the FAA sends out guidelines, as well as the airlines, their baggage is treated differently than any other passenger, and there is x-raying of those baggage and, or positive bag match. That's occurring today.

**MR. BONNEMA:** Yes, in fact, in certain profile cases it has to be hand searched. The container, the baggage, the suitcase itself has to be determined not to have any false bottoms, or a two-plane x-ray has to take place if that determination can't be made.

**SENATOR KOSCO:** Has either of your companies instituted any of the programs or recommendations that were made by the Gore Commission?

**MS. TOOMEY:** Yes, as a matter of fact, I think both Joe and I have been on the Newark Airport Security Consortium.

**SENATOR KOSCO:** Now, you just called him Joe, too.

**MR. BONNEMA:** As Marcella says, part of the Gore Commission was the consortiums that were held at all airports. Marcella often--

**SENATOR KOSCO:** Wait a minute. Let me get something straight. Is your name Bob or Joe?

**MR. BONNEMA:** My name is Joe Bonnema.

**SENATOR KOSCO:** Oh, okay.

**MS. TOOMEY:** Did I call you Bob?

**SENATOR KOSCO:** Now I got it.



MR. BONNEMA: But if you want to call me Bob that will be fine.

(laughter)

MS. TOOMEY: He's been around a long time. He'll answer to anybody.

MR. BONNEMA: We basically form committees to look at all aspects of the security at our airport because it is our airport access control screening checkpoints. Many, many recommendations have come out and are being implemented. The background check requirements are now 10 years across the board for any position. As Mr. Blair said, the gentleman that was hired to drive the electric cart -- the rules, as they were written, he provided what was needed to be hired into that position, and he used that access to bring his point across. His point was well taken and that is, at this point, everyone's background that comes in contact is checked for 10 years with 5 years of verification.

SENATOR KOSCO: Does anyone have any other questions?

(negative response)

Thank you very much.

MR. BONNEMA: Thank you.

MS. TOOMEY: Thank you.

SENATOR KOSCO: Does anyone else have anything to add or to talk about? (negative response) That's the end of our list.

Would anyone like to make any kind of a statement? Do you have anything to say?

All right, I thank everyone for being here. This concludes this hearing. I think that we have some concerns and some things that we want to

be concerned about. The Gore Commission had made a number of recommendations, and to this date, very few of them have been implemented, and I would suppose that the organizations involved are waiting for legislation to demand that they do it.

The PanAm report has already come out and that hasn't been implemented. The Gore Commission report is coming out. This Committee will follow this issue, and we'll make sure that the new report that's coming out will not be ignored and that the recommendations will be implemented. We'll do whatever we need to see that the influence of this report that comes out is felt and that we do go into the programs that we have to. We have to be concerned about better training and clearly define responsibilities. I'm very sorry that the FAA was not here because there are some questions that I would have liked to have answered from the FAA; however, I see that they chose not to be here, so we're going to be in touch with them again.

It's clear from what I have gotten out of this hearing, without going back and reviewing all of the notes that we have, there is definitely a need for coordination. I think we have to have a need for coordinating not only security, but the personnel training and the way that the security checks are being done throughout the airport. I'm going to request that we receive from the Port Authority -- I think they can be the best ones to coordinate this -- chart of responsibility so that-- We would like to know specifically who's responsible for what. I still don't know who would be responsible for telling me who would find that person lying under those wheels of that airplane. I want to know whose responsibility something like that would be in the Newark Airport.

I think we have to know what the standards are. A set of standard rules for hiring personnel so that each company has a minimum requirement that they have to abide by so that we know that if you didn't meet this minimum requirement, you're not going to be working at the Newark Airport.

Our concern as a Committee and as legislators in the State of New Jersey is to be sure that everyone that travels through this State is as safe as we can possibly make it. Whether it be on roads of the State of New Jersey or whether it be in our airports, we want to make sure that the people are safe. That's the purpose of this hearing.

We would like to get that information from the Port Authority and make that available to our Committee here, and we will distribute it to our members. That way those members who are not present today, who will get transcripts of this, will be able to make some recommendations and we can follow through on it.

We're going to-- I hope that if the television station decides it wants to do another report that the next one that comes up we'll say, "We're very proud of what we did because we exposed it and now it's okay." We're not concerned about who gets the credit for making things right, we just want to make things right. That's our goal here. We'll be glad to give *Dateline* the credit for it.

SENATOR GIRGENTI: Lou, I know you're finishing up. Just one question. I read this article on the way down this morning.

SENATOR KOSCO: Yes.

SENATOR GIRGENTI: The only thing, maybe somebody can answer-- It said that *The Star-Ledger* reported last September that as President

Clinton was beefing up airport security around the nation, Newark Airport cut out a critical police patrol last-- What are they referring to?

SENATOR KOSCO: I don't know.

Can you tell us about that?

SENATOR GIRGENTI: I was just curious, because in this time and age, why would they do that?

MR. GRASER: Again, Senators, the police at Newark Airport are part of the Port Authority's Public Safety Department, and the discussion there had been that on the reallocation of posts, there was one additional area that was given to two posts to overlap and cover. There was one post change where the individual and staff member was used someplace else. The decision by the police commanding officer and the Public Safety Department -- it was felt that that reallocation of staff did not at all impact on the security of the airport.

SENATOR GIRGENTI: All right, so it was not a cutback. It was more of a reallocation is what you're saying.

MR. GRASER: It was a reallocation of staff on the aeronautical area and the individual patrol officer, and -- I don't know the specifics, where that post would have been -- the post would have been reallocated to some other part of the airport. The coverage of that area was still there. It was just placed on the responsibility of additional posts.

SENATOR GIRGENTI: Okay. Because the way it's read it sounded like it was a cutback

MR. GRASER: It was not intended to be said that way.

SENATOR GIRGENTI: All right.



SENATOR KOSCO: Thank you very much.

That concludes our hearing. Thank you, everyone, for participating.

**(HEARING CONCLUDED)**