

known for their sophistication, dedication to their faith and their nation, and hospitality to visitors.

During the Armenian genocide, hundreds of thousands of Armenians were forced by the Ottoman Turks into the deserts of the Middle East. In the midst of their suffering, some Armenians were taken in and given protection by many people in the Middle East, and Armenian communities still exist in that part of the world.

Israel and Armenia continue to work on expanding and improving their bilateral relations. While there have admittedly been some differences, Armenian Foreign Minister Vartan Oskanian visited Israel late last year, at which time the governments of both countries emphasized their commitment to increased cooperation.

But, Mr. Speaker, while government-to-government initiatives continue, some of the most important advances come from the person-to-person relationships. Tuesday night's event at the Armenian Embassy is a testimony to that effort.

I want to pay particular tribute to two individuals who have done so much to further these important contacts, Annie Totah and Aris Mardirossian, the co-chairs of the 30th Anniversary Celebration. I also salute all of the Armenian and American Friends of the Hebrew University and all of the leaders in the Armenian and Jewish communities who have worked so hard for this very worthy cause.

Tuesday's reception will be followed by several noteworthy events in Jerusalem, including the International Conference on the Armenians in Jerusalem on May 24 through 26, a symposium for the Israeli public on June 6, and a symposium on the Armenian Pilgrimage to the Holy Land with guest of honor His Beatitude Mesrop II, Armenian Patriarch of Constantinople, and an alumnus of the Armenian Studies Program.

Finally, Mr. Speaker, I want to express my appreciation to one of the leading figures in the media, ABC news anchor Peter Jennings. On last Friday's broadcast, Mr. Jennings presented as part of his series on the century a poignant and powerful report on the Armenian genocide. In a century in which genocide has been a recurring horror, from the Nazis to Cambodia to Rwanda to the Balkans, it is important that all of us, in politics, in the media, in the field of education, and in other walks of life, be aware of what happened to the Armenian people 84 years ago.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. GOSS) is recognized for 5 minutes.

(Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

## THE FAA, DOT IG, NTSB AND AVIATION SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, on March 10, 1999, the House Appropriations subcommittee on Transportation held a hearing on the topic of aviation safety. At that hearing, Jane Garvey, administrator of the Federal Aviation Administration (FAA) testified, as did Ken Mead, Department of Transportation inspector general (IG), and Jim Hall, chairman of the National Transportation Safety Board (NTSB).

Last year, domestic air carriers had an excellent safety record: no passengers died on U.S. commercial flights. Many worked diligently to make safety a priority, and in the transportation appropriations subcommittee we have focused our efforts on aviation safety as well as all transportation modes.

In listening to the testimony prepared by each agency, it appeared that there was a difference of opinion in some areas with regard to the progress being made in aviation safety. Therefore, I requested that the IG and NTSB review the FAA's testimony and the FAA review the testimony of the IG and NTSB. In addition, I asked each to respond to the comments made by the others. I have provided this information for the FEDERAL REGISTER.

In general, the oversight agencies (NTSB and IG) believe that the FAA could be moving more aggressively in the referenced areas of aviation safety. For example, the NTSB noted that the FAA should be moving more quickly to ensure that aircraft registered in the United States have new flight data recorders. Similarly, the IG points out that draft regulations seeking to reduce the number of runway incursions have not yet been published while the number of runway incursions continues to rise.

Both oversight agencies suggest that the FAA should use more realistic measures of aviation safety. For example, the IG notes that a good measure of airport security is not the number of new explosive detection machines purchased and distributed, but the number of bags screened by the machines. After all, it's one thing to purchase and place explosive detection machines and it is quite another to put them into service and screen bags.

For its part, the FAA agrees that more should be done in the areas of runway incursions, airport security and project oversight.

Mr. Speaker, it is my hope that the FAA will continue to work with the IG, NTSB and the aviation industry to fund and implement additional safety initiatives. The safety record of the industry last year was good, but we must remain vigilant in our efforts to improve the safety of the traveling public. As chairman of the House Appropriations subcommittee, I am committed, as I know all members of the subcommittee are, to do what we can to make sure that transportation safety remains a priority.

### OIG COMMENTS ON FAA'S STATEMENT

We have the following comments on FAA's statement before the Subcommittee on Transportation, Committee on Appropriations.

#### I. AIR TRAFFIC CONTROL MODERNIZATION

FAA's statement gives the impression that final deployment of the HOST and Oceanic Computer System Replacement for Phase 1 hardware has been completed. However, final

deployment has not yet occurred and is currently planned to be complete by October 1999.

#### II. SECURITY

FAA's testimony on deploying explosives detection systems state that FAA has been very effective in getting advance explosives detection systems up and running. FAA's statement cites the fact that security equipment for checked baggage has been installed at over 30 airports, and that trace explosive detection devices for carry-on bags are being used at more than 50 airports.

The issue is not whether security equipment has been installed at more than 30 airports or whether the equipment has been "procured", "installed" or is "operational." In our opinion, the true measure of effectiveness is the number of fully operational, FAA-certified bulk explosives detection machines in use at Category X and I airports that are screening at or near the demonstrated mean capacity of 125 bags per hour per machine. In our opinion, this usage rate is reasonable as it includes time to resolve alarms and is just more than half of the certified rate of 225 bags per hour.

Accordingly, our message to Congress in the past 2 years has focused on the underutilization of explosives detection equipment at this country's largest airports. In our opinion, it is ultimately the number of bags screened that makes the difference in aviation security, not the number of explosives detection machines installed.

FAA also stated that it continues to expand the use of realistic operational testing of the aviation security system. While FAA may be expanding the use of realistic operational testing, much of the testing to date has not been "realistic."

In our recently completed audit of Secretary of Checked Baggage, we found that checked baggage security testing by over 300 FAA security field agents assigned to FAA regions was limited to air carrier compliance with manual profiling and positive passenger bag marching requirements. Also, at the time of our audit, only a few "red team"<sup>1</sup> security agents assigned to FAA Headquarters were testing the new automated passenger profiling systems, explosives detection equipment, and equipment operators. Therefore, red team testing of the new checked baggage security requirements has been infrequent, limited to specific testing criteria, and applied to only a few air carriers.

In prior audits, we found similar conditions. For example, in 1993 and 1996, we reported that FAA testing of airport access control was ineffective (not realistic or aggressive) and, in 1998, we reported that FAA testing of air carrier compliance with cargo security requirements was not comprehensive. We noted certain compliance requirements were omitted from the test plans.

Current OIG efforts indicate little improvement. For example, in our current audit of airport Access Control, we found FAA's airport access control assessments were limited in scope, included little testing of controls, and were conducted without using a standard testing protocol.

Our test results confirm the importance of a standard test protocol that includes realistic and aggressive testing procedures. In a majority of our tests involving airport access control, we successfully penetrated secure areas and boarded a large number of passenger and cargo aircraft. The majority of individuals we encountered failed to challenge us for unauthorized access. FAA recognizes that improvements are needed and, on

<sup>1</sup> Red team refers to a group of security agents assigned to FAA's Civil Aviation Security Special Activities Office.

March 3, 1999, issued a letter to Airport Security Consortia to take immediate action to fix the problems.

### III. SAFETY

FAA's testimony states that Runway Incursion Action Teams have helped Cleveland-Hopkins International Airport reduce its incursion rate to an all-time low. However, data provided by FAA staff in the Runway Safety Office indicate that the incursion rate at the airport is not at its all time low. In 1995, the runway incursion rate at the Cleveland airport was 0.375 per 100,000 operations. The rate climbed in 1996 and has remained steady over the last three years at just over 1.9 per 100,000 operations. The number of runway incursions (six occurrences) has also remained steady in the past 3 years.

### IV FINANCING

FAA's statement suggests that the proposed performance-based organization (PBO) for air traffic control will be funded in FY 2000, in part, by \$1.5 billion in new, cost-based user fees. This estimate is highly optimistic because the proposed user fee system will require FAA's cost accounting system to be in place and operating. Although FAA plans to be implementing its cost accounting system this summer in the oceanic and enroute environment to support overflight fees, other types of air traffic under fees will require further deployment of the cost accounting system and concurrence of both Congress and users.

FAA's statement also suggests that the proposed PBO will make air traffic control more accountable for good performance. Accountability for performance was also a main tenet of personnel reform and part of the impetus behind exempting the agency from most Federal personnel rules in 1996. In our September 30, 1998, report on the status of FAA's personnel reform, we found that even with the new flexibilities provided by reform, accountability for performance had not been uniformly instilled throughout the agency. Accordingly, in our opinion, there is no guarantee that reorganizing air traffic control into a PBO will provide the necessary catalyst to ensure greater accountability for performance within that organization.

### FAA'S RESPONSE TO THE INSPECTOR GENERAL'S COMMENTS ON FAA'S TESTIMONY NAS MODERNIZATION

#### *HOST and Oceanic System Replacement (HOCSR):*

The FAA did not mean to imply that final deployment of the HOCSR hardware is complete. We are on schedule and anticipate final deployment to be complete by October, 1999.

### AVIATION SECURITY

#### *Explosive Detection Equipment:*

We agree with the IG that the utilization rates should be significantly higher and we are working with air carriers to do that. Recent data indicates an upward trend.

#### *Airport Access Control:*

We agree that airport access control needs improvement in many areas. We have initiated an aggressive plan with our industry partners at 78 of the Nation's largest airports. Over the next 6 weeks, we will conduct inspections and tests to identify vulnerabilities systematically. We will use the information to direct appropriate corrective action. The FAA issued a letter, on March 3, 1999, to Airport Security Consortia to take immediate action to fix the problems.

### AVIATION SAFETY

#### *Runway Incursions:*

Specific reference by FAA that Cleveland runway incursions "dropped to an all-time low" is, regrettably, incorrect information.

### FINANCING

We agree with the IG that the estimated \$1.5 billion in new, cost based user fees for FY 2000 is optimistic. However, we believe that ultimately moving to a cost based system is essential to the development of a more independent, more businesslike and more efficient air traffic service.

### FAA'S RESPONSE TO THE INSPECTOR GENERAL'S TESTIMONY

At the FY 2000 House Appropriation hearing on March 10, Chairman Wolf asked the FAA to respond to testimony from the Department of Transportation's Inspector General (IG) and the Chairman of the National Transportation Safety Board (NTSB). This is the FAA's response to the IG testimony on NAS Modernization, Security, Safety and Financing.

### NAS MODERNIZATION

#### *Standard Terminal Automation Replacement System (STARS):*

The Inspector General recommends that FAA defer decisions on the full range of software development needed for human factors on full STARS until testing on the DOD system is completed.

Although we understand the IG's concern about software development, we disagree with their recommendation. We have worked very closely with NATCA to identify and find mutually agreeable solutions to the human factors issues for the Early Display Configuration. These changes will be incorporated into the Initial System Capability (ISC), or full STARS. We believe that NATCA is fully committed to STARS as the system for the future and wants to work with FAA to successfully field a STARS product with minimally agreed to human factors additions as soon as possible.

#### *Wide Area Augmentation System (WAAS):*

The Inspector General indicates that the program continues to experience schedule slippage.

The FAA was under pressure several years ago to accelerate the WAAS schedule. Considering the many uncertainties and unknowns with this type of cutting edge technology, we knew there was a great deal of risk with such a compressed, aggressive schedule. We would like to point out that even with the 14-month schedule slip that we now project, the WAAS program is well within the initial (pre-accelerated) schedule. What caused the 14-month delay was a greater than expected challenge in developing a critical software package that monitors the performance and safety of the WAAS. All the other major software modules have been completed, the ground-based master and reference stations are in place, and the two leased geostationary satellites are in orbit providing service.

With regard to the Hopkins risk assessment study, the Inspector General discusses several issues that are unresolved and that considerable work remains to be done.

The Inspector General may have left the impression that nothing is being done by way of follow-up to the Hopkins study. In fact, the FAA is addressing the various items in the Hopkins study and will have a plan completed by this summer. The FAA is working on a "Satellite Navigation Investment Analysis Plan," also due out this summer. This will include an analysis of the alternatives of backups to WAAS. The FAA discussed these alternatives in a public Satellite Navigation User Forum here in Washington, the first of three such forums to get user input in the investment/alternatives analysis process.

### *HOST and Oceanic System Replacement (HOCSR):*

The Inspector General's comments suggest that meeting the HOCSR deadline was a relatively modest accomplishment.

The Inspector General testimony from a year ago before the House Committee on Transportation and Infrastructure, said with regard to HOCSR, "the FAA faces significant challenges and risks." The testimony also said "Rehosting in less than 2 years at all centers is extremely optimistic. It is unlikely that FAA can completely replace the HOST hardware at all 20 enroute centers in less than 2 years."

HOCSR phase 1, while being a hardware replacement only, is not simple. Host is connected to almost everything else in the NAS and the transition strategy [akin to changing a tire on a moving car] is fairly involved. Complex networks of cables and switches were installed, tested and connected to the existing NAS with no disruption of service. Centers were able to switch back and forth between old and new systems seamlessly. This was a major accomplishment, and we are within cost and on schedule.

#### *Display System Replacement (DSR):*

The Inspector General's testimony minimizes the DSR accomplishment because it did not involve large-scale development of software.

DSR should fit the definition of a software-intensive system. DSR required development, integration and test of almost 800,000 lines of operational software and also required integration of over 70 commercial, off-the-shelf software packages as part of the support system.

#### *Data Link:*

The Inspector General raised concerns about a prolonged transition and the associated impact on cost, schedule, and human factors.

We believe that our current plans adequately address the Inspector General's concerns. Rather than a transition to data link, the FAA will be conducting an insertion of data link technology into the NAS. Benefits will be realized immediately, both by data link and non-data link users, because of a reduction of frequency congestion on conventional voice frequencies. Data link will never completely replace voice communications especially in conditions of aircraft or system emergencies, rapidly changing severe weather, and similar high communications workload environments. From the standpoint of cost, only those users who derive a supportive cost/benefit analysis will equip; those that don't will derive the operational benefit of greater access to conventional communications frequencies. FAA costs are offset as data link provides a solution for current and future bandwidth problems. Those users that will equip will do so as the business case dictates. Human factors suggests that data link be used for routine messages; voice messages will still be available for time critical communications, and, because of the use of data link in routine traffic, a higher level of safety and efficiency will be maintained through reduced frequency congestion.

### AVIATION SECURITY

#### *Explosive Detection Equipment:*

The Inspector General raises concerns about the underutilization of explosive detection equipment and recommends that the machines be used more aggressively. The Inspector General indicates that FAA's goal is to have air carriers ultimately screen all checked baggage.

We want to emphasize that the long-term goal to screen all checked baggage is very long term. With the technology that exists

today, we have more confidence in the process of screening CAPS selectee bags rather than trying to screen as many bags as possible.

#### AVIATION SAFETY

##### *Runway Incursions:*

The Inspector General stated that the FAA has made limited progress in implementing the Runway Incursion Plan.

The FAA has made significant progress but we realize there is much more to do. We are finalizing the program implementation plan, which establishes tasks, schedules and funding required to accomplish prevention strategies. We expect to publish this plan in April, 1999. We are well aware that we must provide appropriate funds for these priority initiatives.

We have on-site evaluations underway. Runway incursion action teams are focusing on airports experiencing an unusually high rate of incidents. We have completed 6 and plan to complete at least 14 additional evaluations by September 30, 1999.

The FAA is currently in the final stages of investment analysis that is addressing the validity of a wide range of technical and non-technical solutions, such as: improved controller, pilot, vehicle operator education and training; procedural changes; and improvements in airport signs, lighting, surface marking and other equipment (such as low cost ASDE, loop technology).

The FAA is focusing on immediate initiatives to reduce runway incursions and prevent surface accidents. We are in the process of implementing 18 separate actions, which are all funded. Some examples follow:

"Awareness blitz" targeted for operators and users.

Monthly Air Traffic/Airport Operator/User meetings at top 20 runway incursion airports.

Develop and distribute videos to address controller and pilot awareness.

Develop and safety related brochures and materials to aviation organizations.

The FAA's Safer Skies also identifies runway incursions as one of the focus areas for commercial and general aviation. A commercial and general aviation analysis team that includes FAA, NASA, industry and aviation union representatives [the Joint Safety Analysis Team (JSAT)] was chartered and met on February 11-12, 1998. A schedule over the next 6-month period was established to analyze commercial and general aviation runway incursions and develop intervention strategies based on this data analysis. This effort is fully coordinated with and complements the efforts in the Runway Incursion Program plan.

The Inspector General indicates that FAA has completed only two of the eight recommendations included in the February, 1998 OIG report.

We continue to work towards completion of all of the 1998 recommendations from the IG. With regard to the IG's emphasis on completing the AA/AOPA education project, we would like to point out that the final part of the project is underway—the distribution of educational materials (videos, posters and brochures).

Clarification on Runway Incursion Data included in the Inspector General's Statement:

With regard to the chart on page 5 of the Inspector General's statement, the data is accurate. This data was obtained from FAA through the National Airspace Information Monitoring System.

Specific reference by FAA that Cleveland runway incursions "dropped to an all-time low" is, regrettably, incorrect information.

##### *Flight Operations Quality Assurance:*

The Inspector General raised concerns about the status of rulemaking to obtain air

carrier safety data that would be used to proactively identify risks. The statement discusses the protection of safety data and the ability of FAA to move forward with FOQA.

The FAA is addressing the safety data protection concerns in a separate notice of proposed rulemaking which we hope to release for public comment in the near future.

The Inspector General suggests that an option for gaining industry and Government acceptance of FOQA would be to include a "sunset provision" in the final rule.

The FAA disagrees. The FAA has already gathered ample documentation of the value-added safety benefits that FOQA will provide, including improvements to air traffic procedures, pilot training, and airport equipment. The FAA wants accelerated industry-wide implementation of FOQA in the interest of public safety. Given the investment required by both the airlines and the FAA to achieve that goal, a "sunset provision," which automatically terminates the program by a set date seems inappropriate.

##### *Air Transportation Oversight System (ATOS):*

The Inspector General raises concerns about budget reduction and the impact on ATOS.

The FAA has made difficult choices this year in order to manage within a very constrained budget. We have deferred hiring ATOS data analysts this year. However, in order to keep the program on track with Phase I, we have reprioritized work plans to support ATOS until additional analysts can be hired.

We have fully funded the ATOS baseline training. This includes initial indoctrination training and travel for air carrier specific training needed by the certificate management team (CMT). Some of the flight training and air carrier systems training needed by team members has been deferred.

Regardless of the budget situation, we believe that a slower approach to ATOS is prudent. It is important to note that we will evaluate ATOS Phase I before a decision is made to expand the program.

The IG indicates that the FAA will complete an evaluation of ATOS implementation by June 30, 1999. FAA will begin an evaluation of ATOS Phase I implementation by June 30, 1999, and we expect to complete this activity September 30, 1999.

##### *Air Tour Operations:*

The Inspector General urges the FAA to issue rulemaking to extend more stringent safety and oversight of air tour operators.

FAA has developed a notice of proposed rule making (NPRM) that will establish a set of national safety standards for those operators. The rule will require that each operator obtain an air carrier certificate and associated operations specifications. The rule would also make operational information on air tour operators more readily available.

Both the IG and NTSB have insisted on the need for a data base on air tour operators. They have provided no rationale as to how a data base will improve safety. The FAA disagrees and believes establishment of such a data base is costly and unnecessary and would provide no safety benefit. Once all air operators are certificated, FAA will have sufficient information in its operation specifications data base to provide safety oversight.

#### FINANCING AND COST CONTROL

##### *Rising Operations Costs:*

The Inspector General indicates that FAA will need to contain increases in Operations costs in order to fund other critical functions.

FAA is also concerned about rising Operations costs because our ability to actually

control payroll-related increases is extremely limited. Approximately 75% of the Operations account is payroll related. Payroll cost increases are based on mandatory pay raises as well as increases in government contribution rates for retirement, social security, health insurance and medicare.

The recent NATCA agreement does cost more than we budgeted for but represents less than 25% of our total mandatory increases this year.

The best way the FAA can control payroll costs is through staffing reductions. We have made significant staffing reductions since 1993. Even though the safety workforce has grown in recent years, the staffing levels in Operations are 4,500 lower than in 1993. These reductions have resulted in annual cost avoidance of \$250 million and cumulative cost avoidance of over \$2 billion. We have also reduced our costs by contracting out low level air traffic control facilities and realigning the Airway Facilities field organizations.

In the context of rising Operations costs, the Inspector General questions an FAA funding policy that has been in place for over six years.

We do not consider first year maintenance costs of a new system to be a "mask" for rising Operations costs. The use of F&E funds to pay for maintenance for up to one year following commissioning new systems can be compared to a service contract for a newly acquired product, or a warranty period. These are appropriately considered part of the cost of fielding new systems. This policy was coordinated with and approved by the House and Senate Appropriation Committees.

##### *Cost Accounting:*

The Inspector General points out schedule slippages in implementation of cost accounting.

While the IG is correct in noting there have been schedule slippages, we have made significant changes in how the agency approaches this critical initiative. The revised plan calls for an incremental approach to cost accounting that allows us to build on success as each piece is implemented.

For example, in the first phase, FAA will have the initial cost information available this summer for the Oceanic and En Route portions of Air Traffic Services. Once this is completed, other parts of Air Traffic Services and then other Lines of Business will be brought into the System.

We anticipate having the entire agency covered by the cost accounting system by the end of FY 2001.

When compared to private sector entities that have built similar cost accounting systems, FAA's new time schedule and cost estimates compare favorably with best business practices.

#### [Enclosure 2]

##### RESPONSE TO FAA'S COMMENTS ON OUR STATEMENTS

We have the following response to FAA's comments on our statements.

##### I. AIR TRAFFIC CONTROL MODERNIZATION

FAA disagrees with our recommendation that FAA defer decisions on the full range of software development needed for human factors on full STARS until the testing on the Department of Defense system is completed. FAA states that it has worked closely with the National Air Traffic Controllers Association to resolve the human factors issues with the Early Display Configuration. These human factors changes will be incorporated in full STARS.

We agree that the human factors issues identified for the Early Display Configuration should be incorporated in full STARS.

Our recommendation was intended to address the remaining human factors work that will be needed beyond those identified for the Early Display Configuration. Full STARS will completely replace ARTS with independent primary and back-up systems and includes functions not contained in the Early Display Configuration.

FAA argues that we minimize the accomplishments to date with the Display System Replacement (DSR), and the agency points out that DSR was a software intensive acquisition. DSR was indeed a software intensive acquisition. However, it is important to recognize that considerable software development for DSR was done as part of the Advanced Automation System, which was contracted for in 1988 and dramatically restructured in 1994. Therefore the success with DSR is directly related to software development work done during that six-year period.

FAA notes that current agency plans adequately address our concerns about Data Link. However, we issued a report on February 24, 1999, that made a number of recommendations aimed at improving planning for Data Link systems. We continue to believe that a comprehensive plan is needed to guide industry and government efforts to transition to Data Link over the next decade.

## II. SECURITY

FAA said that the goal to screen all checked baggage is very long-term (not obtainable in the near future).

We agree that screening all checked bags is a long-term goal. However, FAA needs to begin to move forward in achieving that goal. Utilization can be increased for several reasons. First, the machines currently deployed at the nation's busiest airports are clearly capable of screening significantly more bags than the bags of selectees only. This is currently being demonstrated by a few machines deployed at some airports. Second, it offers a high potential for improving aviation security. The equipment's ability to detect explosive material does not depend exclusively on human skill, vigilance, or judgment. Third, it represents a significant outlay of funds. FAA estimates average costs of \$1.3 million to purchase and install each CTX 5000 SP. Fourth, based on an FAA study, continued low use may affect operator proficiency and prevent FAA from effectively measuring how dependable the equipment is in actual operations.

## III. SAFETY

### Runway Incursions

FAA stated that it has made significant progress in implementing the Runway Incursion Plan. We acknowledge that FAA has made some progress in implementing the Runway Incursion Plan, which is a very sound foundation for effectively reducing runway incursions. However, only 18 of the 51 actions indicated in their plan have been initiated. Additionally, we found that some deadlines have slipped and may slip further unless funding is set aside to implement all actions in the plan. While FAA plans to identify all funding requirements for its Runway Incursion Plan through an investment analysis, it does not expect to complete this process before September 1999. Further, this analysis only pertains to future funding beginning in FY 2001 and does not address current funding requirements.

Runway incursions include operational errors, pilot deviations, and vehicle/pedestrian deviations. FAA states that surface operational error were down by 9 percent. However, data we received from the Air Traffic Resource Management Program Office indicates surface operational errors were up by 5 percent. The only decrease noted in the data

was a 30 percent decrease in vehicle/pedestrian deviations.

### Flight Operations Quality Assurance (FOQA)

FAA disagreed with our suggestion that an option for gaining industry and Government acceptance of FOQA would be to include a "sunset provision" in the final rule. FAA stated that it has already gathered ample documentation of the value-added safety benefits that FOQA will provide, including improvements to air traffic procedures, pilot training, and airport equipment. FAA wants accelerated industry-wide implementation acceptance of FOQA in the interest of public safety. According to FAA, given the investment required by both the airlines and FAA to achieve that goal, a "sunset provision," which automatically terminates the program by a set date seems inappropriate.

We agree that access to FOQA data has been accepted as a value-added safety beneficial program. However, to gain acceptance of the program, FAA should include enticements in the final rule to satisfy the many reservations expressed by government agencies. In our opinion, one enticement would be a provision in the final rule that would sunset the program at a specific time. A sunset provision would allow FAA, air carriers, and government agencies to assess any concerns experienced before the FOQA programs were extended.

### Air Tour

FAA stated that both the IG and NTSB have insisted on the need for a database on air tour operators but provided no rationale as to how a database will improve safety. FAA disagrees and believes establishment of such a database is costly and unnecessary and would provide no safety benefit. FAA stated that once all air tour operators are certificated, FAA will have sufficient information in its operation specifications database to provide safety oversight.

We agree with NTSB that FAA needs to know who air tour operators are and where they are flying to provide proper oversight. The NTSB stated in findings to its June 1995 report that:

"The lack of a national database for air tour operations precludes effective evaluation of the accident rate of air tour operators on the traditional basis of flight hours, cycles, and passengers carried. Also, the adequacy of staffing levels of FSDOs [FAA Flight Standards District Offices] to oversee air tour operators is difficult to evaluate because of the lack of national standards and a database to establish the magnitude of this portion of commercial aviation."

Even though originally recommended by NTSB in 1993, there is no comprehensive air tour database or survey data. Currently the Department and FAA are proposing to act on this recommendation 2 years after the draft rulemaking is complete. The draft rule has not yet been published for comment. A required comment period and the possibility of changes based on the comments received, could mean a final rule is still months away. FAA should not continue to delay taking action on this recommendation.

## IV. FINANCING

FAA stated that payroll cost increases are based on mandatory pay raises as well as increases in government contribution rates for retirement, social security, health insurance and medicare—all of which are outside the control of the agency. While we are mindful that some cost increases associated with FAA's Operations account are outside the control of the agency, other factors are within the agency's control. For example, the new pay system for air traffic controllers was the result of negotiations between FAA and the National Air Traffic Controllers As-

sociation and not the result of mandatory pay raises or increase in government contribution rates for employee benefits.

FAA also stated that it does not consider first year maintenance costs of a new system to be a "mask" for rising Operations costs and that the policy was coordinated with and approved by the House and Senate Appropriations Committees. We did not question the practice used by FAA of funding certain activities using F&E budgets. As we stated in our testimony, FAA's procedures permit this method of accounting. However, our statement was to demonstrate that Operations costs may be even greater than reported because F&E funds are used, in some cases, to finance activities normally related to operations, such as maintenance, salaries, and travel costs.

### FAA'S RESPONSE TO THE NATIONAL TRANSPORTATION SAFETY BOARD TESTIMONY

At the FY 2000 House Appropriation hearing on March 10, Chairman Wolf asked the FAA to respond to testimony from the Department of Transportation's Inspector General (IG) and the Chairman of the National Transportation Safety Board (NTSB). This is the FAA's response to the NTSB testimony on Safety.

## INTERNATIONAL ISSUES

The NTSB indicates that their involvement in international accident investigations has increased because more and more U.S. airlines are entering into code-share arrangements with foreign airlines. He points out that FAA oversight responsibilities for foreign carriers is limited.

FAA has actively pursued new bilateral agreements that define specific obligations for both parties for airworthiness acceptance, repairs and maintenance. These new agreements, called Bilateral Aviation Safety Agreements, offer the FAA greater flexibility in dealing with the international oversight issues. Prior to implementing such agreements, the FAA conducts a detailed assessment of a partner country's aviation system and concludes implementation procedures that outline how each authority will interact. FAA's vision is that a network of competent aviation authorities will share responsibility for safety oversight and we are continuously working towards building this network.

The NTSB references a domestic situation similar to the international oversight issue that arose several years ago when large U.S. carriers began code-share arrangements with commuter airlines that did not have the same stringent safety requirements. Chairman Hall stated, "Consequently, the traveling public was receiving in effect two levels of safety, until December 1995 when the FAA acted on NTSB recommendations and issued its final rule."

The one level of safety initiative came from Secretary Pena's January 1995 Safety Summit and the considerable efforts of industry. The NTSB was involved, however, the rule was not specifically in response to a NTSB recommendation.

### CONTROLLED FLIGHT INTO TERRAIN (CFIT)

The NTSB indicates a significant area of concern in foreign accidents is CFIT.

CFIT and approach and landing accidents are major safety items in the Administrator's Safety Agenda. The FAA and industry have extensive efforts underway to address these accident causal factors, yet no mention of the FAA/industry program is made by the NTSB.

FAA's short term efforts are directed toward (1) implementing the Terrain Awareness Warning System rule while encouraging voluntary compliance, (2) re-emphasizing current ATC CFIT training procedures and

enhancing them where necessary, (3) establishing standards for FMS equipped aircraft to enable precision-like approaches to all airports, (4) emphasizing training on approach and missed approach procedures, (5) installing MSAW capabilities worldwide with an emphasis of high risk airports, and (6) implementing the FOQA rule to better identify safety-related issues and corrective actions. FAA will continue to work with industry to identify the most effective mid and long range interventions to reduce CFIT accidents.

The NTSB lumped CFIT and approach and landing accidents in one group. We believe the two categories should not be mixed. However, we recognize the need to address both CFIT and approach and landing issues.

#### ENHANCED GROUND PROXIMITY WARNING SYSTEM

Chairman Hall states that "during the investigation for the (1997) Korean Air accident, it was revealed that the installation of EGPWS would have provided the flightcrew significant warning of the impending ground collision. However, at that time, the system was not certified for that model aircraft."

The Korean Air Lines Boeing 747 was equipped with a GPWS that provided appropriate and timely terrain warnings to the flightcrew. For whatever reason, the flightcrew did not heed the GPWS warnings.

At the time of the Guam accident, EGPWS was not only not certified for the B747, it was also not available from the manufacturer. Chairman Hall's statement could lead one to believe that the only reason EGPWS wasn't on the KAL B747 was a lack of effort by the FAA.

#### AIRPLANE RECORDERS

Chairman Hall states that "the Safety Board and this Subcommittee have for many years prodded the FAA to require upgraded recorders on transport category aircraft, but sadly, most of the fleet is still equipped with outmoded recorders."

On July 17, the FAA revised Digital Flight Data Recorder (DFDR) rules. The revision specified the required increase in recorded parameters and compliance times for four categories of aircraft. To date, the FAA believes that close to 30 percent of the affected U.S.-registered fleet (aircraft with 10 or more seats) is in compliance with the new requirements. In addition, the FAA has data indicating that 95 percent of the U.S. B-737 fleet is either in compliance or in the progress of complying with the rule. We believe progress has been made but we also recognize that there is much more to be done. Administrator Garvey is working with the Air Transport Association and the individual carrier's CEOs to ensure early compliance for a major portion of the air carrier fleet.

The FAA is initiating an accelerated rulemaking effort to mandate increased recording time (2 hours) and the provision of a 10-minute independent power source for Cockpit Voice Records (CVRs). Since January 1998, practically all transport category aircraft have left the production line with a 2-hour recorder installed as original equipment. This same rulemaking project will also require CVR retrofits on all in-service aircraft and mandate dual-recorder equipage for new aircraft. Finally, the rulemaking project will amend Part 25 to require that CVRs, FDRs and redundant combination flight recorders be powered from separate generators with the highest reliability.

#### AIRFRAME STRUCTURAL ICING

Chairman Hall discusses a history of NTSB recommendations on icing and a lack of acceptable response from the FAA. The NTSB is hopeful that the FAA's response to the most recent series of icing recommendations will be more acceptable.

The NTSB comments may leave the impression that the FAA has done very little to respond to airframe icing safety.

The FAA initiatives to improve safety when operating in icing conditions are outlined in the comprehensive FAA Inflight Icing Plan issues in April 1997. The Plan describes rulemaking, advisory material, research programs, and other initiatives either underway or to be initiated to achieve safety in icing conditions.

With regard to FAA responsiveness to NTSB icing recommendations, the NTSB testimony is silent with respect to the numerous Roselawn safety recommendations. In fact, there are 11 icing recommendations from the Roselawn accident, and all have been classified by the Safety Board in an Acceptable status. Three are Closed Acceptable and 8 are Open Acceptable.

The FAA has completed numerous actions which directly respond to airframe icing safety:

May 1995: issued AD to require modification of the deicing boots on the Aerospatiale ATR-42 and -72.

April 1996 and February 1998: issued 42 AD's requiring aircraft with unpowered roll controls and pneumatic deicing boots to exit icing conditions when specific visual icing cues are observed.

May 1996: FAA sponsored International Conference on Aircraft Inflight Icing.

April 1997: FAA Inflight Icing Plan issued.

July 1997: issued guidance on newly designed or derivative aircraft.

December 1997: issued AD requiring installation of an ice detector system on the EMBRAER EMB-120.

December 1998: held a mixed-phase and glaciatic icing conditions workshop.

February 1999: sponsored an International conference on inflight operations in icing conditions.

February 1999: provided an analysis of supercooled large droplet (SLD) data to Rulemaking Advisory Committee for discussion on certification issues.

Additional AD's related to the operation of ice protection systems and minimum speeds in icing conditions are planned as a result of the February 1999 Icing Conference.

The NTSB testimony states, "The original recommendations that stemmed from our 1981 safety study . . . were eventually closed as unacceptable or superseded, but the recommendations remained in an "Open-Unacceptable Response status for 15 years".

The original recommendations were superseded with a new recommendation A-96-54 which is classified as "Open Acceptable."

#### RUNWAY INCURSIONS

The NTSB is critical of the FAA's response to the rising number of runway incursions. Specifically, he says "the FAA has studied this issue for years and has developed several action plans. Just last year, the FAA announced that reducing runway incursions was one of its top priorities and issued the Airport Surface Operation Safety Action Plan. However, implementation of that plan has not been finalized."

The FAA has made significant progress but we realize there is much more to do. We are finalizing the program implementation plan, which establishes tasks, schedules and funding required to accomplish prevention strategies. We expect to publish this plan in April, 1999. We are well aware that we must provide appropriate funds for these priority initiatives.

We have on-site evaluations underway. Runway incursion action teams are focusing on airports experiencing an unusually high rate of incidents. We have completed 6 and plan to complete at least 14 additional evaluations by September 30, 1999.

The FAA is currently in the final stages of investment analysis that is addressing the validity of a wide range of technical and non-technical solutions, such as: improved controller, pilot, vehicle operator education and training; procedural changes; and improvements in airport signs, lighting, surface marking and other equipment (such as low cost ASDE, loop technology).

The FAA is focusing on immediate initiatives to reduce runway incursions and prevent surface accidents. We are in the process of implementing 18 separate actions. Some examples follow:

"Awareness blitz" targeted for operators and users.

Monthly Air Traffic/Airport Operator/User meetings at top 20 runway incursion airports.

Develop and distribute videos to address controller and pilot awareness.

Develop and safety related brochures and materials to aviation organizations.

The FAA's Safer Skies also identifies runway incursions as one of the focus areas for commercial and general aviation. A commercial and general aviation analysis team that includes FAA, NASA, industry and aviation union representatives [the Joint Safety Analysis Team (JSAT)] was chartered and met on February 11-12, 1998. A schedule over the next 6-month period was established to analyze commercial and general aviation runway incursions and develop intervention strategies based on this data analysis. This effort is fully coordinated with and complements the efforts in the Runway Incursion Program plan.

REVIEW OF FEDERAL AVIATION ADMINISTRATION (FAA) COMMENTS OF TESTIMONY PRESENTED BY THE NATIONAL TRANSPORTATION SAFETY BOARD ON MARCH 10, 1999

#### INTERNATIONAL ISSUES: CODE-SHARING ARRANGEMENTS/ONE LEVEL OF SAFETY

The FAA stated "The one level of safety initiative came from Secretary Pena's January 1995 Safety Summit and the considerable efforts of industry. The . . . rule was not specifically in response to a NTSB recommendation."

Comment.—The impetus for the one level of safety initiative and the issue of code-sharing can be found in the Safety Board's 1994 safety study on commuter airline safety, in which the Board recommended that the FAA:

Revise the Federal Aviation Regulations such that:

All scheduled passenger service conducted in aircraft with 20 or more passenger seats be conducted in accordance with the provisions of 14 CFR Part 121. (Class II, Priority Action) (A-94-191)

All scheduled passenger service conducted in aircraft with 10 to 19 passenger seats be conducted in accordance with 14 CFR Part 121, or its functional equivalent, wherever possible. (Class II, Priority Act) (A-94-192)

These recommendations and the recommendations on pilot training (A-94-195 and A-94-196) were classified "Closed—Acceptable Action" when the FAA issued its final rule on commuter airlines on December 20, 1995. These recommendations, and subsequent Safety Board Congressional testimony regarding commuter airline safety, predate Secretary Pena's 1995 Safety Summit. To say that that rule was not in response to Safety Board recommendations is not accurate.

In that study, the Safety Board also recommended that the U.S. Department of Transportation:

Require U.S. domestic air carriers certificated under 14 CFR Part 121, when involved in a code-sharing arrangement with a commuter airline, to establish a program of

operational oversight that (a) includes periodic safety audits of flight operations, training programs, and maintenance and inspection; and (b) emphasizes the exchange of information and resources that will enhance the safety of flight operations. (Class II, Priority Action) (A-94-205)

Based on the safety recommendation database, that recommendation is still in an open—acceptable action status. While we were pleased with the initiatives outlined at the Safety Summit (and we should point out that we participated in the Summit), the full intent of the above recommendations has yet to be met.

The Board recognizes that some of the concerns it had with code-sharing arrangements between U.S. carriers can also exist in code-sharing arrangements between foreign-based carriers and U.S. carriers. The Board will thoroughly consider such issues should they arise in the Board's investigations and we will issue recommendations should they be warranted.

#### CONTROLLED FLIGHT INTO TERRAIN (CFIT)

The FAA stated that "CFIT and approach and landing accidents are major safety items. . . ."

Comment.—From the time that EGPWS was first certified (Oct. 1996), it took FAA an additional 2 years to issue the NPRM. We are not aware that a final rule has been issued.

#### ENHANCED GROUND PROXIMITY WARNING SYSTEMS

The FAA stated "The Korean Air Lines Boeing 747 was equipped with a GPWS that provided appropriate and timely terrain warnings to the flight-crew."

Comment.—This statement is not correct. The KAL Boeing 747 GPWS did not provide any terrain warnings to the flightcrew because the airplane was in landing configuration. Only radio altitude call were given by the GPWS during the accident flight.

The FAA stated "At the time of the Guam accident, the EGPWS was not only not certified for the B747, it was also not available from the manufacturer."

Chairman Hall stated that at the time of the accident EGPWS was "not certified for that model aircraft" (referring to the KAL 747-300). Chairman Hall merely stated a fact and was not implying that FAA inaction was to blame for the lack of an EGPWS on the accident airplane.

#### AIRPLANE RECORDERS

The FAA stated "To date, the FAA believes that close to 30 percent of the affected U.S.-registered fleet (aircraft with 10 or more seats) is in compliance with new requirements."

Comment.—Thirty percent is considered a modest accomplishment when it is noted that most newly manufactured airplanes delivered since 1998 meet or exceed the new parameter requirements, and that 226 Boeing 737s were retrofitted by one airline, namely Southwest, accounting for most of the retrofits. Therefore, the bulk of this 30 percent figure can be attributed to newly manufactured airplanes and one airline's aggressive retrofit program.

The FAA stated ". . . 95% of the U.S. B-737 fleet is either in compliance or in the progress of complying with the rule."

Comment.—At this late date, the Boeing 737 operators should be in the process of complying with the new FDR requirements. It is the Board's understanding that "being in the progress" can mean that an aircraft is simply scheduled for a retrofit as much as two years in the future.

The FAA stated "Administrator Garvey is working with the Air Transport Association and the individual carrier's CEOs to ensure early compliance for a major portion of the carrier fleet."

Comment.—The Metrojet Boeing 737 that experienced a rudder incident near Baltimore—Washington International Airport was scheduled to have a C-check in March 1999, but was not scheduled to have the FDR upgrade until 2001. This does not reflect early compliance.

The FAA stated "FAA is initiating an accelerated rulemaking effort to mandate increased recording time (2 hours). . . ."

Comment.—This statement is accurate. A Rulemaking project has been initiated and FAA staff assigned. NTSB staff has been invited to participate in the rulemaking effort, and thus far, Safety Board staff have had four meetings with FAA staff on this subject.

The FAA stated "Since January 1998, practically all transport category aircraft have left the production line with a 2-hour recorder installed as original equipment."

Comment.—While this statement is generally true, we are aware of at least one airline's labor agreement with its pilots required them to remove the 2-hour CVRs and replace them with the solid-state 30-minute CVRs.

#### AIRFRAME STRUCTURAL ICING

The FAA stated "The NTSB comments may leave the impression that the FAA has done very little to respond to airframe icing safety."

The Safety Board does believe that the FAA did very little to address airframe structural icing until after the ATR-72 accident at Roselawn, Indiana in 1994. Since then, the FAA has worked with industry, primarily through the ARAC process, to initiate several important efforts that will eventually reduce the risk of flight in icing conditions. Chairman Hall acknowledged these recent ARAC efforts in the Board's testimony.

"With regard to FAA responsiveness to NTSB icing recommendations, Chairman Hall in silent with respect to the numerous Roselawn safety recommendations."

Comment.—Chairman Hall mentioned both the Comair and the Roselawn accident recommendations in his testimony, and acknowledged that the FAA's ARAC efforts and icing conferences are "in response to those recommendations."

The FAA stated "The FAA has completed numerous actions which directly respond to airframe icing safety."

Comment.—The Safety Board acknowledges the FAA actions cited in Administrator Garvey's response.

The FAA stated "The original recommendations were superseded with a new recommendation A-96-54 which is classified as 'Open Acceptable'."

Comment.—Chairman Hall's testimony correctly states that the original 1981 safety study recommendations remained in an open-unacceptable status for 15 years. It is also correct that the original recommendations were superseded with a new recommendation, A-96-54, which is classified as Open-Acceptable. The 1981 recommendation was superseded with a new safety recommendation because acceptable action had not been taken by FAA.

#### RUNWAY INCURSIONS

The Safety Board's concerns about runway incursions are heightened by adverse trends in recent years. Although there was a slight downward trend in runway incursions from 1990 to 1993, the trend has been moving upward since then. In 1997, there were 300 incursions, up from 275 the previous year. In 1998, there were 326 incursions. According to the FAA, the monthly rate in September 1998—0.73 incursions per 100,000 operations—was the highest monthly rate in 11 years.

The FAA stated, "We are finalizing the program implementation plan . . . we expect

to publish the plan in April 1999 . . . we are well aware that there must provide appropriate funds . . ."

Comment.—The Safety Board has expressed its disappointment that the FAA failed to fund its program office for runway incursions for more than two years. This safety issue needs coordination and overall direction by the FAA, which had been the function of the program office. The Board is pleased that the FAA is now committing itself to the necessary coordination and funding, and will review the FAA's plans and budgets when they are provided. The Board hopes that the FAA will meet its target date of April 1999.

The FAA stated, "We have on-site evaluations underway."

Comment.—The Safety Board is aware that several initiatives have been started and tested by the FAA, but too few of these have been completed. The Board will continue to evaluate the FAA's runway incursion program based on completed programs and equipment that is placed in operation. For example, the Safety Board notes that several AMASS units may be "fielded" or "deployed", but the Board further notes that none are currently operational and the FAA has not projected an operational date.

#### ORDER OF BUSINESS

Mr. NETHERCUTT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

#### NATIONAL CANCER INSTITUTE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. NETHERCUTT) is recognized for 5 minutes.

Mr. NETHERCUTT. Mr. Speaker, the National Cancer Institute estimates that over 8 million Americans alive today have a history of cancer. Before the millennium, it is expected that over one million new cancer cases will be diagnosed. Just in this decade, approximately 12 million patients will have cancer detected.

This year it is anticipated that over 500,000 Americans will succumb to cancer. That is over 1,500 people per day. Today, cancer is the second leading cause of death in the United States, exceeded only by heart disease. A bright spot in this tragic picture is the fact that when all cancers are combined, the 5-year survival rate is 60 percent.

So I am pleased to rise today to highlight the excellent work being done at Washington State University's Cancer Prevention and Research Center, a center that is in my own district in Pullman, Washington, to help win this fight against cancer.

This center in Pullman is the focal point for cancer research at Washington State University. The center is located within the College of Pharmacy, where cancer is the core of the