STATEMENT OF

CAPTAIN JOHN PRATER, PRESIDENT

AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

BEFORE THE

SUBCOMMITTEE ON AVIATION

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, DC

July 24, 2008

Aviation Security: An Update

Air Line Pilots Association, International
1625 Massachusetts Avenue, NW
Washington, DC 20036
(202) 797-4033

STATEMENT OF
CAPTAIN JOHN PRATER, PRESIDENT
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL

BEFORE THE
SUBCOMMITTEE ON
AVIATION

UNITED STATES HOUSE OF REPRESENTATIVES

WASHINGTON, DC
July 24, 2008

Aviation Security: An Update

Good afternoon and thank you, Chairman Costello and Ranking Member Petri, for the opportunity to present testimony to this Subcommittee today. The Air Line Pilots Association (ALPA) is the world's largest, most influential pilot union, representing nearly 55,000 pilots who fly for 40 airlines in the U.S. and Canada. ALPA was founded in 1931 and our motto since its beginning is "Schedule with Safety."

ALPA has had a prominent role in shaping aviation security for many decades. The Association demanded, and ultimately achieved, legislation that created airline passenger screening at the height of the so-called "homesick Cuban" hijacking crisis in the early 1970's. Many of the aviation security improvements that were made after the terrorist attacks of September 11, 2001, were first advocated by ALPA via congressional testimony given in September and October 2001, which included installation of hardened cockpit doors, upgrading airline security training, and the creation of the Federal Flight Deck Officer (FFDO) program, among many others.

Since that time, we have urged Congress and the US government to address other aviation security issues as well, and while significant progress has been made since 2001, much work remains to be done. For that reason, we applaud the Subcommittee for holding this hearing in which we will address five specific topics: passenger screening; secondary barriers; the Federal Flight Deck Officer program; cargo security and baggage screening.

Passenger Screening

Since the events of September 11, the US aviation system has witnessed a variety of changes in the way that passenger screening is conducted. The creation of the Department of Homeland Security and the Transportation Security Administration (TSA) spawned the implementation of Watch List matching and a variety of new rules regarding prohibited items, footwear and restrictions on liquids aerosols and gels (LAGs). Likewise, we have witnessed great strides in the development of new and improved technologies used to screen passengers for harmful items such as explosive materials. Although these security amendments have increased security, they have also significantly increased passenger inconvenience, frustration, screening checkpoint queues, and delays. These problems have resulted in passengers opting to drive rather than fly and, for those business travelers who can afford to do so, increasing numbers of them are flying in private jet aircraft to avoid commercial travel altogether.

The great challenge for TSA, now that it has enhanced security screening, is to simplify the process so that it can handle today's passenger counts much more quickly without giving up any ground to security threats. To that end, ALPA has advocated, since 1997, the use of intent-detection measures to complement those technologies and systems used for detecting prohibited items such as guns, knives and improvised explosive devices. To its credit, TSA has begun to implement behavioral detection capabilities at screening checkpoints and elsewhere around the airport. The Behavioral Detection Officer (BDO) program stands as an example of an outstanding success in the effort to separate out those who possess evil intent from the majority of law-abiding citizens who use the nation's air transportation system on a daily basis. ALPA has long supported the advent of this technique, applauds the TSA for its use and encourages its expansion, not only at airport checkpoints, but also beyond the checkpoint, within expanded areas of airport terminal environments to further protect the traveling public from those who intend to do them harm. ALPA encourages Congress to fully support the expansion of the BDO program at all TSA-regulated airports.

Another behavior-driven enhancement is ALPA's *CrewPASS* program. This Association, working in conjunction with the TSA, conceived and supported the implementation of this new means of screening pilots which is now being used at three of our nation's airports (i.e., Baltimore Washington International, Pittsburgh, and Columbia). *CrewPASS* leverages existing security measures and harnesses them in a fashion which offers better aviation security while providing improved passenger facilitation.

The "Implementing Recommendations of the 9/11 Commission Act of 2007" (PL 110-53) requires TSA to develop a means of enhancing security "by properly identifying authorized airline flight deck and cabin crew members at screening checkpoints and granting them expedited access through screening checkpoints." As a result, the TSA has recently begun a 60-day evaluation of *CrewPASS* at the three airports that I have named. *CrewPASS* uses an existing TSA-operated program known as the Cockpit Access Security System (CASS), which electronically validates, in real-time, the identity and employment status of airline pilots via airlines' personnel databases. *CrewPASS* performs the same functions as CASS, and provides a significant enhancement to security by helping to ensure that no uniform-wearing pilot imposters are able to go through security screening checkpoints and gain access to sterile areas. Because *CrewPASS* removes pilots from airport checkpoint lines, it offers an additional security benefit in that it allows Transportation Screening Officers (TSOs) to more effectively and efficiently focus their resources on unknown threats.

As added value, passenger queues are reduced, decreasing the chances for the creation of a target-rich environment for those who possess evil intent. At the same time, passenger convenience is facilitated with decreased wait times. It is clear that besides TSA and the traveling public, airports and air carriers will benefit from these results, providing a "win-win" for all critical stakeholders in the aviation domain. *CrewPASS* requires a dedicated personal computer or laptop situated at each screening portal and may require additional personnel depending on the demonstration program's findings. ALPA recommends that Congress provide $2 million to fund the equipment needed for the implementation of *CrewPASS* nationwide. Although the exact number of screening checkpoints that are affected is not presently known, this amount will provide $2,000 for a basic laptop and associated equipage at 1,000 screening checkpoints.

Baggage Screening

Great strides have been made with respect to hold baggage screening since the events of 9/11. With the passage of the Aviation Transportation Security Act (ATSA), the congressional mandate requiring 100% screening of passenger bags shored up a previously existing, glaring vulnerability. The current system which is utilized to fulfill the screening mandate is composed of a variety of standard technologies and alternative techniques and has been working well, but it needs improvement.

Our greatest remaining challenges are associated with the field of new technology. Devices that are used to screen checked luggage must meet a variety of requirements. They must be effective in detecting and interdicting extremely challenging new threats, as certain harmful substances remain difficult to detect. They must be affordable and scalable to meet the needs of a variety of airport sizes and configurations. They must economize on manpower, provide effective through-put and offer low false positive rates, all while meeting standards which are validated through the Safety Act process. Additionally, the training aspect for operators cannot be overlooked. Much of the effectiveness of the detection equipment is dependent on operator proficiency, which may vary significantly between individuals. Available tools associated with computer "gaming" in virtual reality situations offer realistic training opportunities. These training aids must be continuously refined in conjunction with improvements in detection technology.

Although technology is improving and more efficiently and effectively fulfilling these multiple requirements, government acquisition and procurement processes often inhibit the timely selection of the equipment which is best-suited to meet the security needs of the aviation domain. At times, the procedural requirements for achieving status as a "qualified vendor" inhibit the discovery and selection of the best solutions to existing problems. In addition, the wait times for qualified vendors to have their products reviewed often delay the timely acquisition of affordable, realistic technological solutions.

ALPA recommends that the government procurement process be streamlined and revised so that new technologies qualify for and receive review in a timely manner.

Secondary Barriers

The reinforced flight deck door is an effective measure for prohibiting unauthorized access to the flight deck, but only when it is closed and secured. Unfortunately, the door must be opened on extended flights multiple times for a variety of legitimate reasons, placing the flight deck at risk. Although some carriers have recognized this vulnerability and instituted additional, temporary measures as a solution, such as blocking the aisle with a galley cart, these stop gap responses are not standardized or predictably reliable. The problem will be resolved only with the addition of standardized crew procedures and a *secondary barrier*; a portable, light weight, easily storable device which is deployed whenever the flight deck door is opened in flight. It will provide the crew with the precious seconds needed to secure the primary flight deck door when faced with an attack, and assist flight and cabin crewmembers, air marshals, other law enforcement officers and able-bodied passengers in determining an individual's hostile intent.

In addition, as many on the Committee know, aircraft used exclusively for cargo operations are not required to be equipped with even a cockpit door, much less a hardened secure cockpit door. While ALPA believes that these aircraft types should be required to be equipped with the hardened door, the secondary barrier may be an acceptable, temporary solution, until there is a firm requirement in place for cargo aircraft to be equipped with a cockpit door.

On its own initiative and at its own expense, one major carrier is progressively installing such devices on its aircraft, one fleet type at a time. Other carriers have expressed interest in following suit but are hesitant to do so because of the lack of a federally established standard for this device. ALPA fully supports the installation of secondary barriers and has developed a white paper further explaining the concept which may be accessed on the ALPA website, www.alpa.org. FAA is helping to establish a government-industry committee to set standards for secondary barriers so that any airline that wishes to install them may do so. Testing of various barrier configurations and materials is needed to ensure that the standards adopted will meet their desired intent. It is requested, therefore, that federal funding in the amount of $1 million be provided to FAA for its use in testing prototypes of secondary barriers needed for the development of standards for these devices.

Federal Flight Deck Officer Program

The Federal Flight Deck Officer program has proved to be a highly successful and reliable initiative, offering significant protection to the nation's air industry at minimal cost to the US government and no cost to the nation's air carriers. Implemented in April 2003, it has grown from an initial force of 43 FFDOs to many thousands who are currently deployed. The program is managed by the Federal Air Marshal Service (FAMS) with less than 20 people. This support structure is clearly not large enough to oversee a force the size of today's FFDO population. The program also relies on volunteers who are willing to sacrifice their personal time and out of pocket finances to participate in this federal law enforcement initiative. FFDOs often use personal leave to attend training events and must personally pay hundreds of dollars in a year to remain qualified as an FFDO.

Fulltime law enforcement officers and FFDOs at times find themselves the subject of federal, state, and/or local government investigations for a variety of reasons. However, unlike other full-time law enforcement officers, FFDOs' legal protections and right to due process in such circumstances are not clearly defined in areas such as:

- the right to counsel
- legal protections/rights afforded when fulfilling agency requirements to provide statements which may potentially be used against the best interests of the FFDO (criminal or civil)
- clear delineation of a process and timeline required to complete an internal investigation
- dealing with multiple law enforcement/regulatory agencies expressing interest in the same event
- process for dealing with simultaneous, parallel investigations of a single incident by the Federal Air Marshal Service and the TSA's Office of Investigations.

The initial FFDO budget in FY 2003 was approximately $23 million and grew to only about $25 million in FY 2008. Government support and allocated funds have not kept pace with the rapidly growing size of the force. The Federal Flight Deck Officer budget should be expanded to $50 million to provide for:

- an appropriately sized and devised management structure, based on traditional law enforcement models, commensurate with the organizational structure of like-sized federal law enforcement agencies
- reimbursement of significant out-of-pocket expenses incurred by FFDOs (hotel, ammunition, rental cars and other associated costs)
- leave for training, similar to military leave
- clear definition and enforcement of legal rights and protections afforded to FFDOs who are subject to internal or external investigation.

ALPA maintains a vested interest in the viability of the FFDO program. All pilots who compose its ranks willingly make great personal sacrifices in order to participate for the benefit of the airline industry and the nation in general. The program has proved itself to be a critical, cost-effective component of the nation's layered aviation security system. ALPA appreciates the contributions to date by the TSA and the Federal Air Marshal Service, but it is time to make improvements in key program areas in order to ensure its long-term viability. ALPA is ready to provide further input to Congress in this regard as appropriate.

Cargo Security

Section 1602 of the "Implementing Recommendations of the 9/11 Commission Act of 2007" requires the Secretary of Homeland Security to establish a system to screen 100 percent of cargo transported on passenger aircraft by August 2009. We will first provide some background regarding cargo screening on

passenger and all-cargo aircraft, then look at the specific issue of the adequacy of DHS's response to the 100 percent screening requirement for passenger aircraft. Finally, we will address what we believe to be the most neglected area of cargo security: the insufficiency of security measures adopted for all-cargo operators.

The air-cargo supply chain is a complex, multi-faceted mechanism that begins when a shipper tenders goods for transport. It potentially involves numerous intermediary organizations such as freight forwarders, indirect air carriers (IACs), and other industry personnel who accommodate the movement of goods. The process culminates when a shipment is received by airline personnel, loaded on an airliner, and delivered to its intended destination.

Because a cargo shipment is exposed to multiple security-related circumstances from the time it is tendered until it is delivered, an effective air-cargo protective system must focus on the entire supply chain and discover opportunities for, and provide reasonable measures to prevent or interrupt, malicious acts. Such a system must certify the integrity of the goods that are offered and the reliability of the shipper, properly educate and verify the trustworthiness of all personnel who maintain access to shipments, and ensure a secure operating environment. Because the movement of goods is often time-critical, this process presents a daunting challenge to regulators and industry alike, and complete success has not yet been achieved.

The Passenger Carrier Cargo Supply Chain

Since the events of September 11, 2001, the TSA has worked diligently to strengthen the air cargo supply chain, primarily focusing its efforts on cargo that is shipped on passenger aircraft. It has spent a significant amount of time on the development of a Freight Assessment System (FAS), the Known Shipper Management System (KSMS), the Certified Shipper Program and the Certified Cargo Screening Program (CCSP). ALPA agrees with TSA that, based on the state of today's screening technology and the need to facilitate the movement of goods, an effective cargo screening program must be composed of a variety of techniques to ensure that 100 percent of the cargo which is loaded on commercial aircraft is secure.

The combination of systems that TSA proposes to accomplish this goal is built upon a certain degree of trust, as responsibility for ensuring its integrity is shared among the critical players who compose the air cargo supply chain, including: Known Shippers (KS); Certified Shippers (CS); Certified Cargo Screening Entities (CCSE); Indirect Air Carriers (IACs); direct air carriers; other entities involved in the movement of air cargo such as trucking companies, and the TSA. For the proposed system to be effective, it requires the proper education, strict management, supervision, enforcement and oversight of the stakeholders by the governing authority. Consequently, serious responsibility is assigned to the TSA to make certain that it has sufficient personnel and resources in place to guarantee the integrity of the entire process.

ALPA supports TSA's multi-faceted, air-cargo supply chain security vision, to include the CCSP, but urges Congress and the TSA to be mindful that without the proper resources and a comprehensive and effective oversight and enforcement process, the system is vulnerable. TSA must be afforded and dedicate the appropriate resources to effectively fulfill its obligation in securing the air-cargo supply chain.

The current screening/inspection system employs a layered approach, using a combination of the Certified Cargo Screening Program, the Certified Shipper program, the Known Shipper program, government inspections and enforcement, facility security requirements, vetting of supply-chain personnel, standard security programs for airlines and indirect air carriers, random inspections by carriers, and the Freight Assessment System (FAS). ALPA supports this layered approach to securing goods which move in the

air-cargo supply chain. The current state of screening technology, labor resource constraints, and the dire financial straits of the airline industry all argue against a 100 percent pre-flight inspection requirement. A very few passenger airlines, due to their size, type of operation, types of cargo carried and other variables, may be able to institute a 100 percent inspection of cargo today. Most, however, cannot. To force such a requirement on the carriers at a time of $145 per barrel of oil is simply unrealistic and, in our view, unnecessary.

Given the fact that TSA proposes a layered approach in securing the air-cargo supply chain, no need has been demonstrated to justify pre-flight inspection of 100 percent of goods offered for shipment. Until affordable and efficient technology exists and is capable of inspecting all commodities moved via air without disrupting the normal flow of commerce, ALPA supports TSA's layered approach to cargo security based upon a philosophy of 100 percent screening.

Security Measures for All-Cargo Operators

The post 9/11, revitalized focus on airline security revealed that security regulations pertaining to air cargo operations were inadequate and that the all-cargo airline industry was often exempted from complying with the stricter policies that are mandated for passenger airlines. As an example, all cargo airlines are not required to install hardened flight deck doors, and all-cargo pilots were initially excluded from participating in the FFDO program. Known Shipper (KS) rules are not applied in the all-cargo supply chain. Additionally, Common Strategy training is not required for flight crews of all-cargo airliners. This imbalance in regulatory requirements affords all-cargo operations only a fraction of the protections that are mandated for passenger airlines.

Because of the differing levels that still exist between securing goods shipped on passenger air carriers versus those moved in the all-cargo air supply chain, ALPA offers the following recommendations:

- Make greater use of technology
- Implement risk-based assessment of cargo
- Require a SIDA for all-cargo operations.
- Install hardened flight deck doors and secondary barriers on all-cargo airliners.
- Vet persons who have unescorted access to cargo and all-cargo airliners
- Vet persons transported on all-cargo airliners
- Provide security training for all-cargo flight crew members and staff
- Expand TSA compliance enforcement
- Address security deficiencies at private airports serving all-cargo operations
- Conduct vulnerability assessments and threat mitigation
- Improve cargo security rule
- Use known shipper concept for all-cargo operations

The Transportation Security Administration, in conjunction with industry stakeholders, has done significant work to improve the security of the air-cargo supply chain, but there is much more to be done. The costs associated with needed cargo security enhancements are minimal when viewed in terms of the potential price to be paid for failing to properly protect the air-cargo industry from viable threats. Since the events of 9/11, cash-strapped and bankrupt passenger airlines have added multiple layers of security enhancements at their own expense, while many all-cargo airlines, which until very recently enjoyed robust growth and sustained record profits, have failed to keep pace in making such improvements. Protecting flight crews, industry personnel, passengers, and airliners engaged in or affected by air-cargo operations requires that government and industry stakeholders cooperate in achieving effective layers of security.

ALPA commends the TSA for a number of its cargo security efforts, including increased field inspection staff and use of canine resources, research on screening technology, research on the use of container seals to certify the integrity of cargo shipments, and the continued effort to develop and deploy the CCSP and Freight Assessment System (FAS).

Conclusion

ALPA understands and values its role as a critical stakeholder in the aviation mode of transportation. The unique position our membership occupies within that domain positions us to acquire valuable insight into the effectiveness of our nation's layered system of security. We appreciate the opportunity to be heard on these matters and respectfully offer our continued support and subject matter expertise to the US Congress, the Department of Homeland Security and the Transportation Security Administration.

# # #