

**WRITTEN SUBMISSION OF THE
AIR LINE PILOTS ASSOCIATION, INTERNATIONAL
TO THE
SUBCOMMITTEE ON HOMELAND SECURITY
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE
ON
"IN A 21st CENTURY GLOBAL ECONOMY"
MARCH 21, 2012**

The following statement is submitted by the Air Line Pilots Association, International (ALPA), representing more than 53,000 professional airline pilots flying for 37 airlines in the United States and Canada. ALPA is the world's largest pilot union and the world's largest non-governmental aviation safety organization. We are the legal representative for the majority of professional airline pilots in the United States and are the recognized voice of the airline piloting profession in the country, with a history of safety and security advocacy spanning more than 80 years. As the sole US member of the International Federation of Airline Pilots Associations (IFALPA), ALPA has the unique ability to provide active airline pilot expertise to aviation safety and security issues worldwide, and to incorporate an international dimension to safety and security advocacy.

Overview

We applaud the Subcommittee's demonstrated interest in airline security by holding this hearing on passenger screening and other, related subjects. ALPA has long been in the vanguard of a movement toward risk-based security, because airline pilots have a vested interest in ensuring the safety and security of their flights to the maximum, practical extent. Some have perhaps forgotten, and many likely do not know, that passenger security screening was instituted by legislation in 1974 because ALPA forcefully advocated for several years to obtain it following a rash of aircraft hijackings to Cuba. Airline pilots feel a strong moral and professional obligation to safeguard the millions of passengers and tons of freight carried on their aircraft each year. Our members are concerned that a successful terrorist attack against aviation could damage the North American and/or world's economies and seriously damage, or even destroy, their profession and livelihood.

As we all remember too well, an unsuccessful terrorist attack occurred December 25, 2009 on Northwest Flight 253 as it neared Detroit. Passenger Umar Farouk Abdulmutallab attempted to detonate an explosive device on board the flight while the aircraft was on approach for landing. Most fortunately, the device did not explode, but it did ignite, causing injury to the terrorist and two other passengers. According to a publicly released White House report, the terrorist involved was not on the U.S. government's terrorist watch list, but was known to the U.S. intelligence community.

Last month, Abdulmutallab was sentenced in federal court to four life sentences plus 50 years in prison, which may serve as a deterrent for others who would attempt a similar attack. As a result of this incident, it became obvious to government and industry that enhanced passenger security screening methods needed to be employed.

Within a few weeks after this unsuccessful attack, ALPA published a white paper entitled, “Meeting Today’s Aviation Security Needs: A Call to Action for a Trust-Based Security System.”¹ The purpose of that paper—which echoed ALPA recommendations dating back to the 1990’s—was to urge the government and industry to alter their security screening philosophy from focusing primarily on searching for harmful objects to identifying and acting on the detection of harmful intent. It urges the adoption of a security screening philosophy that embraces two principles: (1) the vast majority of passengers traveling by air are trustworthy and pose very little or no threat to the flight, and (2) the only means of providing genuine security is to positively identify known, trustworthy passengers, process them in a suitably expeditious manner, and concentrate our finite high-technology and behavioral screening resources on the small percentage of passengers whose trustworthiness is unknown or in doubt. We argued that such a proactive security system will defeat terrorist attacks by anticipating future threats, be much more effective and efficient than current security protocols, and will reduce security-related inconvenience and delays for the vast majority of the traveling public while protecting passenger privacy to the maximum, practical extent.

We presented our recommendations on this subject in early 2010 to Congress, representatives of the Secretary of Homeland Security, the leadership of the Transportation Security Administration (TSA), and aviation industry leaders. It has been most gratifying to see the changes that have been made in this regard since our advocacy began just over two years ago. We especially acknowledge and applaud the efforts of TSA Administrator John Pistole to adopt what is now termed a “risk-based” security philosophy. Under his leadership, TSA is creating a new paradigm in passenger screening through such initiatives as PreCheck, and more customer-friendly screening for passengers 12 and under and 75 and older. In the TSA’s own words, PreCheck enables TSA to “focus its efforts on passengers the agency knows less about while providing expedited screening for travelers who volunteer information about themselves prior to flying.” Administrator Pistole has said, “We are pleased to expand this important effort, in collaboration with our airline and airport partners, as we move away from a one-size-fits-all approach to a more intelligence-driven, risk-based transportation security system.” This is exactly the approach that ALPA has been advocating. PreCheck is slated to be implemented at dozens of additional sites this year; ALPA is supportive of this and other TSA risk-based initiatives.

Following is a description of some other aviation security programs that ALPA is promoting. Congressional support is encouraged for these worthy initiatives.

¹ Available at www.alpa.org, under “Issues”

Federal Flight Deck Officer Program

ALPA conceived of and successfully advocated for the creation of the Federal Flight Deck Officer (FFDO) program, which became a reality when the *Arming Pilots Against Terrorism Act* (APATA) was enacted as part of the *Homeland Security Act of 2002*. In response to that Congressional mandate, ALPA assisted the TSA in designing and implementing the FFDO program. To this day, the Association advises the TSA and the Federal Air Marshal Service (FAMS) on the FFDO program's protocols, management and oversight.

In April 2003, 44 airline pilots graduated from the Federal Law Enforcement Training Center (FLETC) in Glynco, GA and were deputized as the nation's first FFDOs. Since that time, thousands more pilots who fly passenger and all-cargo aircraft have volunteered to become FFDOs. They protect the flight decks of our nation's airliners on over 1.5 million flight segments per year, all within a budget of approximately \$25 million dollars per year, or about \$15 per protected flight. FFDO's volunteer their personal time in order to receive the training required to become FFDO's, and these pilots pay most of their own expenses associated with their participation in this program. *The FFDO program may well be the most cost-effective, federally funded program in the country.*

FFDO's are the last line of defense in protecting the flight decks of our nation's airliners. A fully trained and armed pilot in the cockpit provides a deterrent against terrorist acts and helps ensure that our airplanes will never again be used as instruments of terror and destruction by those with malevolent intentions.

In early 2012, the President submitted a FY 2013 budget blueprint which proposes to cut the funding for the FFDO program by more than half. ALPA believes that this proposed action is ill-advised and unsatisfactory—the FFDO program is a critically needed and highly cost-efficient airline security program staffed by thousands of fully trained ALPA pilots who volunteer their time to become qualified FFDO's at significant personal sacrifice to secure the flight deck. In light of its already inadequate funding levels, any budget reduction to the FFDO program could very well lead to its ultimate demise.

Instead of jeopardizing the program's existence, ALPA believes that funding for the FFDO program should be *increased*, from \$25 million to \$50 million. This increase is needed for the following reasons:

1. **Continue program expansion and protect more flights.** Currently, FFDO applicants are being denied admission due to a funding stream insufficient to support program expansion.
2. **Protect program standards/integrity.** The Federal Air Marshal Service (FAMS) is proposing to make cutbacks in the program's conditions and protocols that have been

an integral part of its proven success, such as reducing the number of requalification events and eliminating the psychological assessment component of the application process.

3. **Enhance management.** For years, the FAMS have “managed” many thousands of FFDOs with fewer than 20 full-time employees (FTEs). This lack of adequate span of control has created difficulties for FFDOs, who do not have satisfactory lines of communication with the program’s management.
4. **Improve communications.** FFDOs have only a website, called the “Dashboard,” to input their schedules and receive infrequent program updates. They require an improved and better utilized communications system that provides them with more information relative to their mission.
5. **Improve training.** FFDOs receive excellent basic and recurrent training. However, twice-yearly requalification events are used only for equipment checks and to practice basic marksmanship. These events should be used to better advantage to give FFDOs more information and training relative to the enhancement and fulfillment of their mission.
6. **Make better use of FAMS’ 21 field offices.** These facilities are strategically placed around the nation and offer much in the way of potential training sites for FFDOs. FFDOs and FAMS should, but do not, engage in joint training events due to the commonality of their missions.
7. **Reimburse out-of-pocket training expenses.** FFDOs are required to pay for their own practice ammunition, travel, lodging and food for required training events. The associated costs can be significant, and limit the number of pilots who are willing and/or able to become FFDOs.

ALPA recently published an updated version of its white paper entitled “Recommendations to Improve the Federal Flight Deck Officer Program.”² The document provides much more information about this program’s history, effectiveness, and present needs.

Known Crewmember Program

ALPA is partnering with Airlines for America (A4A) and the TSA on the Known Crewmember (KCM) program, which is a new screening system that enables TSA security officers to positively verify the identity and employment status of flight crewmembers.

² Available at www.alpa.org, under “Issues”

The program is consistent with a threat-driven, risk-based aviation security philosophy, expedites pilot access to sterile areas of airports, reduces passenger-screening line congestion, enhances security, and makes airport checkpoint screening more efficient for all who depend on air transportation.

The KCM proof-of-concept program launched at Chicago's O'Hare International Airport and Miami International Airport in August 2011, and has since expanded to five additional locations during its evaluation stage—Minneapolis-St. Paul International, Phoenix Sky Harbor International, Boston Logan International, Dulles International in Washington, D.C., and Sea-Tac Airport in Seattle, Wash.

Initially, the KCM system will be available for use by participating airline pilots only, but ALPA and A4A have requested that the TSA expand the program to include flight attendants in the future. KCM is a truly risk-based program that leverages what is known about crewmembers and the trust that is inherent within the conditions of their employment to create a more secure and efficient screening process that benefits passengers, airlines, TSA and the crewmembers themselves.

The KCM program follows the successful deployment of an earlier, alternative pilot security screening program advocated by ALPA and used at three East Coast airports (i.e., Baltimore/Washington International, Pittsburgh International, and Columbia (SC) Metropolitan) since 2008.

TSA Administrator John Pistole recently approved the expansion of KCM to many more airports, which should begin sometime later this year.

Cargo Security

An effective air-cargo protective system must focus on the components of the entire supply chain, and anticipate opportunities for, and provide reasonable measures to prevent or interrupt, the perpetration of malicious acts. Such a system must certify the integrity of the goods that are offered and the reliability of the shipper, verify the trustworthiness and proper training of all personnel who maintain access to shipments, and ensure a reliable, secure operating environment as tendered goods move through the system.

Unfortunately, government and industry have yet to develop and implement an all-encompassing cargo security system that provides equal protections in the carriage of cargo on passenger and all-cargo aircraft. Since the events of September 11, 2001, government efforts have been focused primarily on improving the protection of passenger airline operations, including the transport of cargo, while relegating all-cargo airline operations to a secondary status. Tremendous progress has been made in better securing the portion of the air-cargo supply chain that is facilitated by passenger airline operations.

However, due to demonstrable vulnerabilities impacting all-cargo air operations and the lack of parity in regulatory requirements that affect them, it is time to take affirmative and critically needed corrective action. We believe that the primary issues include the following:

- Fingerprint-based Criminal History Records Checks (CHRCs) should be conducted on all employees and agents of aircraft operators, foreign air carriers and indirect air carriers (IACs) in the US, who have unescorted access to all-cargo aircraft of a maximum certificated take-off weight (MTOW) of 12,500 pounds or greater, and to cargo intended to be shipped by air, either on passenger or all-cargo aircraft. This regulation would apply from the point of acceptance to individuals who accept, consolidate, inspect, screen, hold, load, or transport cargo.
- Secure Identification Display Area (SIDA) requirements should be mandated for air operations areas of all airports that support all-cargo involving aircraft of a maximum certificated take-off weight (MTOW) of 12,500 pounds or greater.
- A fortified flight deck door should be required for all-cargo aircraft of a maximum certificated take-off weight of 12,500 pounds or greater.
- The *All-Cargo Common Strategy* training curriculum should be mandated training for all-cargo operations.

ALPA also has a white paper on all-cargo security, “Recommendations for Improving the Security of All-Cargo Air Operations.”³ This document goes into greater detail on these identified needs.

ALPA is sponsoring a one-day conference to highlight the security and other types of differences inherent in all-cargo operations, as compared to passenger operations. This conference is scheduled for April 17, 2012 in Washington, DC; more information about it can be found at <http://cargoconference.alpa.org>.

Secondary Barriers

A few years ago, ALPA identified the need for an additional layer of security to complement the fortified flight deck door. Recognizing that these doors are only effective when the door is securely closed—and cannot fully protect flight decks from intrusion during times of door transition—ALPA has advocated for secondary barriers.

A secondary barrier, comprised of light-weight materials and installed on the passenger cabin side of the fortified flight deck door, is designed to add enhanced security during times of “door transition,” such as when the door is required to be open, even momentarily, for crew changes,

³ Available at www.alpa.org, under “Issues”

meals, etc. It impedes access and provides additional time for crewmembers to secure the fortified door in the event of an attempted breach. A secondary barrier also assists Federal Air Marshals and flight and cabin crew in determining whether an individual intends to breach the flight deck door and poses a potential security threat.

Performance standards for secondary barriers and alternative flight deck protection procedures were completed last year by RTCA, a Federal Advisory Committee, and they were forwarded to the FAA. As a result of this initiative, airlines now have a path forward for improving the security of the flight deck on most airline aircraft, especially some all-cargo aircraft that do not have fortified flight deck doors.

Threatened Airspace Management

Following the 9/11 attacks, it was learned that air traffic control procedures for airborne aircraft during a time of crisis were insufficient to maintain good order and security. To address this deficiency, ALPA has for several years advocated for the development of protocols which the Association refers to as “threatened airspace management” or TAM. ALPA defines TAM as “systematic and expeditiously implemented ground-to-air communications, air traffic control (ATC) procedures, and industry response procedures which provide for notice of attacks on aviation to pilots preparing to take-off or those already in flight, and which include defined response plans for aircraft travelling in airspace which has been, or is believed to be, endangered by attacks of any form.”

The lack of ground-to-air communications with aircraft about to take off, or which were airborne, immediately following the failed terrorist attack on Northwest Airlines (NWA) Flight 253 on December 25, 2009 has highlighted deficiencies which result from the lack of needed TAM notification procedures. Many ALPA members were either airborne or preparing to become airborne at the time of the failed attack. Unfortunately, they were not informed of its occurrence, either through ATC or company communications. This lack of timely information-sharing potentially put their aircraft and the lives of their passengers and crew at risk and limited the ability of the pilots-in-command to efficiently and effectively fulfill their duties as TSA-designated In-Flight Security Coordinators.

If all airborne flight crewmembers – domestic and international – had been made aware of the attack in a timely fashion, they could have taken definitive actions to bolster the security of their passengers, crew and aircraft:

- Protocols of the industry-wide Common Strategy could have been invoked
- Cabin crewmembers could have been alerted to be on guard for suspicious behavior exhibited by passengers
- Federal Air Marshals and other LEOs flying while armed could have been briefed on the attack in order to be on heightened alert status

- Depending on the stage of flight, pilots may have been able to adjust aircraft altitude and pressurization levels to diminish the impact of an onboard explosion

The events associated with this specific incident highlight a number of deficiencies regarding TAM:

- Air traffic controllers presently confronted with a threatened airspace situation do so with limited written guidance, procedures, and no specific TAM training. Without such guidance, training and procedures, any response to a threatened airspace environment may lead to confusion and inappropriate decisions.
- Pilots are not currently provided any form of guidance regarding operations in threatened airspace. Without defined guidance/procedures to follow in such circumstances, they are potentially forced into a decision-making process without adequate knowledge and preparation, resulting in the possible execution of dangerously inappropriate maneuvers in congested airspace.

In view of these issues, ALPA recommends that the Federal Aviation Administration (FAA) and TSA, in coordination with industry develop a comprehensive, defined TAM response plan. This plan should include guidance and requirements for mandatory notification of airborne flight crewmembers, or those about to become airborne, in the event of an in-flight attack against commercial aviation. A predetermined response plan for control of the airspace involved, if circumstances require such, should also be developed and implemented. ALPA stands ready to assist in such an effort.

Laser Threats

In the past two decades, new technology has made hand-held lasers more powerful, more readily available, and less expensive. Consumers can now purchase ultra-high-powered laser pointers for a few hundred dollars. But many who enjoy using lasers for astronomy or other legitimate outdoor pursuits may not be aware that aiming them at an aircraft can pose a serious threat.

A laser strike on an aircraft cockpit can dangerously distract pilots, often at a time when their concentration matters most. Laser illuminations are most likely to occur when an aircraft is nearest to the ground, the time at which pilots are focused on carrying out a safe takeoff or landing. Beyond a distraction, a direct laser illumination can also damage a pilot's eyes and cause temporary incapacitation or even permanent injury.

Unfortunately, the number of laser strikes is on the rise, with the annual total of laser incidents reported by the FAA between 2004 and 2010 increasing more than 60-fold. Between 2009 and 2010, the number of report incidents rose from 1,527 to 2,826, and by another 27% to 3,591 in 2011.

ALPA has led the industry in calling for law enforcement and legislative response to the threat, and for the criminalization of the intentional lasing of aircraft.

In 2011, Congress passed H.R. 386 making it a federal crime to knowingly aim the beam of a laser pointer directly at an aircraft in the special aircraft jurisdiction of the United States, or at the flight path of such an aircraft. The legislation was incorporated into the FAA reauthorization bill and subsequently signed into law; as a result, those who intentionally shine a laser into a cockpit are subject to fines of up to \$250,000 or imprisonment of up to five years, or both.

While progress has been made, more can be done to safeguard flight decks from lasers.

- The U.S. government should review the classification, sale, and use of portable lasers that are strong enough to cause eye injury, and expand the dimensions of laser-free zones around airports. We believe increased government oversight is necessary to ensure the safe operation of a device that can easily be misused.
- Air traffic control and pilot operating procedures must be improved for responding to reports of laser strikes and rerouting air traffic around threat areas.
- We have encouraged the National Transportation Safety Board (NTSB) to add the elimination of deliberate laser illumination in all modes of transportation to its list of Most Wanted Transportation Safety Improvements.
- Individual citizens can play a vital role in ensuring the safety of air travel by being watchful for and reporting to authorities those who misuse lasers by shining them at aircraft.

ALPA appreciates the opportunity to provide its views to the Subcommittee.

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