STATEMENT OF

MARCUS W. FLAGG, PRESIDENT
FEDERAL FLIGHT DECK OFFICERS ASSOCIATION

Before the

COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENT AFFAIRS

Hearing on
"Ten Years After 9/11: The Next Wave in Aviation Security"

November 1, 2011

Chairman Lieberman, Senator Collins, Members of the Committee, I am pleased to provide testimony before you this afternoon on the hearing "Ten Years After 9/11: The Next Wave in Aviation Security". My name is Marcus Flagg and I am a United States Naval Academy graduate, a former Navy fighter pilot and a graduate of the Naval Post-Graduate School on Aviation Safety. I am also currently an airline pilot with UPS Airlines. On September 11, 2001, my father RADM Bud Flagg USNR and my mother Dee Flagg died aboard American Airlines flight #77, when it was commandeered by terrorists and crashed into the Pentagon.

Since 2001, I have been proactive in improving aviation security to help protect our country against terrorism. I currently serve as President for Federal Flight Deck Officers Association (FFDOA), a not-for-profit and non-compensated trade association. FFDOA represents Federal Flight Deck Officers (armed pilots), which now represent the Fourth largest Federal Law Enforcement organization in the United States. The FFDO program is an extremely viable, cost effective, and successful element of our national aviation security effort today.

SECURITY PHILOSOPHY

I believe in integrated security solutions that work together as a "system of systems" providing the maximum deterrent against terrorist attacks at the lowest possible expense. Flight crews are a key element in an integrated security system and are an asset that has yet to be fully exploited. Aircraft on the ground should be protected with security measures that begin in the cockpit and radiate outward to the airport parking lot and beyond. This clearly requires the cooperation of several different entities. Once a flight is airborne, only on-board assets can affect the positive outcome of a security breach. Therefore, it is crucial that flight crews have the training and information necessary to influence a safe outcome. The lives of hundreds of innocent Americans on-board the aircraft and thousands on the ground hang in the balance. Nothing can be made terrorist-proof, but intelligent and coordinated programs can provide a powerful deterrent to those who might attack the aviation interests of our country.

COCKPIT DEFENSE

Federal Flight Deck Officers (FFDOs) are the first line of deterrence and the last line of defense. This is the most cost effective security measure we have to date. FFDOs are trained to stop a threat using the full spectrum of the force continuum. While the training is consistently reported as excellent, serious questions remain about the Transportation Security Administration's (TSA) administration of the program. In 2002, the entire TSA, from the Administrator on down was adamantly opposed to the FFDO program. The current TSA Standard Operating Procedure (SOP) and Sensitive Security Information (SSI) was written during that time frame. Historically, the TSA has been problematic in restricting FFDOs as much as possible. Many of the individuals from that era are still in key positions. The current TSA needs a top down review and reorganization to meet challenges and threats that our country faces. The FFDO program is a growing federal officer corps, but many more pilots are needed. Those volunteers will not be forthcoming unless fundamental changes in duty firearm carriage, liability, time for training without airline obstruction, and international flight coverage are made to the program.

Officer safety should be the top priority and equal to the safety of passengers. No law enforcement officer handles a duty firearm as many times a day as does an operating FFDO complying with the TSA SOP. The requirements of the onerous FFDO SOPs are a formula for an accidental discharge. The present duty weapons transport protocol will lead to the loss of duty firearm retention, and directly contradicts sound law enforcement practices. The lack of significant incidents related to the current FFDO SOP is more indicative of superior performance of FFDOs than well constructed policy.

The politicizing of FFDO procedures and defiance of law enforcement lessons-learned places FFDOs and others in the airline environment at risk, as well as poses a liability on many fronts. FFDOs should be allowed to transport a locked duty firearm as an option, but otherwise carry their duty firearm on their person. Removing Section "G" completely from the Armed Pilots Against Terrorism Act (APATA 2002) would allow Portal-to-Portal concealed duty firearm carriage. This small but significant change would dramatically increase pilot participation in this viable and highly effective program.

A FFDO as a flying pilot at the controls would defend the aircraft from the cockpit only, and not exit the cockpit. If one or more FFDOs are riding as passengers in the back of that same aircraft, they may be the only trained law enforcement on board (including cockpit crew). They should not be restrained by the government from defending the cockpit in the event of a terrorist attack regardless of the side of the cockpit door they are seated, as they are now. The absence of this element of the program is very damaging on more than one front.

On September 11th, a Federal Officer was on board United Airlines flight #93. Unfortunately, because of the FAA and his agency policy, he had to check his weapon as baggage in the belly of that aircraft. Threat assessment aside, the inability to operate internationally translates into many FFDOs who may not operate domestically, since they fly mixed domestic and international flying schedules. This takes trained FFDOs out of the system.

Currently, FFDOs provide five times the coverage of the Federal Air Marshal Service at 1/25th the cost. The cost of each Federal Air Marshal is around $3,300 per flight. A pair of FAMs cost roughly $6,600 per flight. FFDOs cost roughly $15 per flight. Comparing the two, the same expenditure allows 440 FFDO missions to the single FAM mission. Which program is more cost effective?

Cabin crewmembers properly employing defensive tactics could provide cockpit crews with critical time to prepare a cockpit defense plan and land the aircraft. Currently, the TSA has developed a voluntary Crew Member Self Defense Training (CMSDT) program that all crewmembers may take as often as they like. A volunteer program that requires crewmembers to pay for their own travel and hotel expenses on their own time, mitigates the value of this excellent course.

The cabin crew should also have a remote means of communicating with the cockpit crew in the event of a security breach, in addition to their present antiquated primary and secondary communication methods. The Airline Transportation Association (ATA) lobbying efforts defeated legislation mandating such a system. The ATA also lobbied against installing cameras in the cabin of passenger airliners, a method to help provide the cockpit crew with vital situational awareness in the cabin. These systems cost less than the entertainment systems that many airlines have installed.

The Federal Air Marshal (FAM) program, although another excellent layer of security, has serious shortcomings. The Federal Air Marshal Service also manages the current FFDO program. FAMS and FFDOs should be separate and equal divisions operating under the TSA Office of Law Enforcement. An immediate available additional improvement to this viable program would be more involvement and cooperation in training between FAMs and FFDOs. This would require additional funding to support and train the FAM/FFDO team concept. Presently, FAM Field Offices cannot accommodate FFDOs who wish to use the FAM facilities to improve their skills and teamwork.

Of all the proposed aviation security enhancements available today, "flight deck secondary barriers" represent the single most effective additional layer to help protect the flight deck with FFDOs from another potential hijacking. Congress mandated the installation of flight deck hardened doors in 2001, but at the time didn't anticipate the need for a secondary barrier. FFDOA and almost every other industry group have since come to the conclusion that a hardened door alone does not provide a predictably reliable barrier to an attack. In order to protect the flight deck effectively during times that the door is opened in flight, the crew needs a protected space in front of the flight deck door, and a few seconds to respond to an attempted breech.

Secondary Barriers, such as those currently installed on some of United Airlines airplanes, provides crews the essential space and time to accomplish a door transition. Secondary barriers are extremely inexpensive when compared to other security systems, are easily installed, and can be easily incorporated into current flight deck access procedures as modeled by United Airlines and other carriers. Most importantly, like the mandated hardened flight deck doors, a Congressional mandate of secondary barriers would result in a significant layer of aircraft security in minimal time.

In order to expedite this security enhancement Congress should fund the cost of installing secondary barriers, including reimbursement of carriers who are already beginning to install this much needed aviation security enhancement through tax credits for each secondary barrier installed.

A major problem for all three layers of security is that there is no integration of training, or at the least, a clear understanding among each group on how to work together. These three systems have been "stove piped." In addition, the TSA does not require crewmembers to receive operational Security Directives. The TSA provides this information to airline corporations and lets them decide who the "need to know" employees are. Very few airlines have chosen to share this vital information with cockpit and/or cabin crews. A notable example of the failure to disseminate information to airline crews was the Richard Reid "shoe bomber" incident.

Previously, crewmembers were not told of an existing threat to passengers involving explosives in shoes. It was not until after this event that American Airlines elected to change their policy. Other airlines provide only a minimal and cryptically scrubbed version, usually in an untimely manner. It is unconscionable that the TSA leaves this crucial information to individual airline policy and does not require delivery of the operational information to pilots and cabin crews.

CARGO SECURITY

Dramatic growth and maturity for the all-cargo airline has occurred over the past 30 years. In their earlier days these airlines were not very big, and operated at night beyond the view and consciousness of the general public. Today, they are large global airlines that operate around the clock, flying the same aircraft in the same flight environment as the passenger carriers do.

For years all-cargo airlines were exempt from many of the government safety and security regulations required of passenger carriers. One such example involves a critical airborne Traffic Collision Avoidance System (TCAS) that was required of passenger aircraft, but not mandated on cargo aircraft until 13 years later. This lack of uniform safety standards continues today as illustrated by their being no requirement for airport Aircraft Rescue and Fire Fighting (ARFF) to be provided for the all-cargo aircraft, nor for the first responders to conduct any training on all-cargo aircraft. Hardened cockpit doors are non-existent on cargo aircraft, although mandatory on passenger aircraft.

All-cargo aircraft do not have FAMs nor LEOs aboard the aircraft, nor around the aircraft to prevent a hostile takeover. Hardened cockpit doors should be mandatory on all current and future all-cargo aircraft. All-Cargo carriers routinely receive exemptions from government regulations imposed on passenger carriers. Unfortunately, this same double standard is placing all Americans at risk.

A new Full All-Cargo Aircraft Operator Standard Security Program (FACAOSSP) does mandate security training to crewmembers of all-cargo airlines. However, the original requirement was reduced by fifty percent at the request of the Cargo Airline Association (CAA) and ATA and is clearly insufficient in regards to training initial crewmembers. Many all-cargo airline corporations have fought against the training for their pilots claiming the cost is too great. When pilots have petitioned their companies to work with them to develop programs, airline managers have told them they would refuse to incorporate such training unless the government mandates it. It would seem obvious that an all-cargo B-767 can cause just as much damage as a passenger B-767, whether hijacked or detonated over a populated area. This is a fact that has been lost on airline managements having a pure economic bias, and keeps them rooted in the old ways of doing business, hoping nothing will happen again, and believing they are not responsible for security.

Airport security standards have seen minimal enhancement for the all-cargo operation. While minor improvements are underway for larger airports, many smaller airports are not required to have an airport security program, and are still not required to make any changes even though they host large jets and are located near major populated areas. Once again the excuse given is the fear of "financially overburdening" the all-cargo airlines. Additionally, the TSA does not want to establish new rules that may be difficult to understand by people that never had to follow them at unregulated airports.

The recent attempted "toner cartridge bombing" on FEDEX and UPS aircraft illustrates the need to screen all cargo on all-cargo aircraft as well as passenger aircraft.

I believe in "*One Level of Security*" for cargo on passenger and all-cargo aircraft.

CREW SCREENING

Physical screening of crewmembers prior to flight is conducted as part of the TSA program for providing airport and flight security. Designed to prevent another 9/11-type attack, this method of screening crewmembers is ineffective and wastes resources. Legitimate crewmembers must have access to aircraft in order to fly them, and therefore do not require a screening routine designed to stop potential terrorists at the passenger screening portal. Therefore, for crewmember screening to be meaningful, the process must be able to confirm or deny the identity of an individual as a crewmember so as to prevent unauthorized access. The Known Crewmember Screening System was introduced this year to address this problem, but is stuck in a painfully slow testing phase, with limited locations, and currently excludes cabin crewmembers without justification.

PASSENGER SCREENING

FFDOA recognizes the nature of a changing threat, and the necessity for a proactive approach to mitigate that threat. There are solutions for passenger screening that rely on physical security, technology, and the human element. FFDOA believes that the TSA has

made large investments in time and money building a system that looks for dangerous "things" instead of dangerous people. We are convinced that this approach is fundamentally flawed.

The current state of passenger screening in the United States has made some limited improvements over the screening methods used pre-9/11. More "process" has been added in an effort to create a serious, but not necessarily more meaningful, screening environment. The selectee process is significantly flawed and the secondary screening provides little if any advantage over the initial primary screening.

A new expedited screening program allows U.S. citizens who are members of the U.S. Customs and Border Protection (CBP) Global Entry, NEXUS, and SENTRI Trusted Traveler programs to participate in this TSA pilot program. TSA should focus resources on higher-risk and unknown passengers while expediting the process for lower-risk and known passengers whenever possible. There is a system that exists that would provide a dramatic improvement in anti-terrorism mitigation, and provide an additional bonus of customer satisfaction. It is known as Behavior Pattern Recognition (BPR).

The TSA currently uses a trimmed-down version of BPR called Screening Passengers by Observation Techniques (SPOT). The SPOT program only teaches TSA Security Officers how to detect one of three main elements that make BPR work. The other two elements are delegated to the airport law enforcement officers, who clearly are the backbone of airport security. As trained law enforcement officers, they have the bearing, temperament, and most importantly, the authority of law to conduct this important security feature, although they are not presently required to receive BPR training. If the full BPR were to be used by TSA Security Officers as a major screening method, experts report that selectee counts would be reduced from the current high numbers, down to a very low percentage. Additionally, that significantly smaller number would receive a more thorough and meaningful secondary screening than presently exists. This serious, behavior-focused program is specifically designed to look for traits exhibited by those with threatening intent.

Pilots and flight attendants are excellent candidates to receive training in the SPOT or BPR program since the majority of their time is spent within the airport environment. Once again, this is an untapped potential that TSA has chosen not address. At the passenger screening portals, the ability to keep threatening intentions and material, such as explosives, off the aircraft cannot depend on the current x-ray machines and TSA screeners alone. Chasing every tool a terrorist may use is sadly ineffective.

As we look at technology, we recognize it has a necessary and evolving role in the passenger screening effort. A properly-run BPR program in combination with K-9’s, or their technological equivalent (such as fluorescent polymer), can be very effective at mitigating many types of "carry on explosives" and other threat behavior; "looking for bombers, not for bombs is a better approach". Magnetometers, or metal detectors, have been staples of passenger screening for decades. Both walk-through portals and hand wands continue to be

useful tools, but portals are also becoming enhanced to trace explosive detectors. The use of x-ray technology can be added to these portals, but many passengers have privacy concerns over the display of their body images. These images can be "cartooned" so actual body types are not displayed.

Screening devices for carry-on bags have enhanced features (that have been in place for many years), but the government is preparing to further enhance these units with existing bomb detection technology. Detectors are in development for liquid explosives, but they are presently too slow and lack sufficient accuracy. Bomb sniffing dogs (K-9s) have their limitations, but are very accurate, and also serve as an outstanding interim fix while we wait for future technologies currently in development. Closed Circuit Television (CCTV) is a good tool for tracking and documenting activity in the entire airport environment, from the parking lot to the airplane.

Physical security is being adjusted at many airports. This will be an essential design feature for future airport projects. Parking lot locations, terminal stand-off features and materials, as well as electronic "one way" gates to help prevent portal breaches, will be among the approaches the physical security element affecting passenger screening.

MANPADS

Man Portable Air Defense System (MANPADS), otherwise known as shoulder-fired missiles, pose a clear threat to commercial aviation. Over the past twenty years, numerous aircraft have been fired upon by MANPADS in countries outside the U.S. The proliferation of MANPADS has escalated to the point that there is now serious concern of an attack in the United States.

Economic realities may prevent retrofitting the entire U.S. airline fleet with the most expensive MANPAD countermeasures. Of primary concern is the Civil Reserve Airline Fleet (CRAF). These large jets are U.S. registered airliners (both passenger airlines and all-cargo airlines) that fly in support of our U.S. troops abroad. At present, they are the most vulnerable, and should be outfitted first. Also, different manufacturers provide different successful solutions. MANPADS is not an airport perimeter issue. The operating envelope of this weapon system could enable an attacker to be "away" from the airport environment.

TSA

It has been over ten years since September 11th. The TSA was formed to standardize aviation security. This is not the case. Each airport is its' own domain, isolated in its' exclusive security plan. Consistency throughout the system is non-existent. Pilots, crewmembers and FFDOs should be treated uniformly and consistently throughout the system. We are either the problem or the solution, we cannot be both. The TSA also labels everything SSI to hide

their problems and shortcomings. FFDOs and the FFDO program office cannot communicate with other FFDOs nor call FFDOs FFDOs, but rather pilot volunteers. These obtuse SSI restrictions now place the mission in jeopardy by muzzling FFDOs.

Past TSA congressional testimony always claim credit for working towards solutions, but is shallow on achievement. Why? Because the TSA has ceded its' authority to allow the airport security directors to run the show. Additionally, the TSA has become an inflexible bureaucracy, resistant to new ideas from stakeholders. Meetings and working groups are used to reinforce their existing policies and to placate the GAO reports. TSA is a reactive regulatory agency unwilling to provide proactive changes. TSA officials, for the most part, do not have an aviation background nor do they understand the industry they are attempting to protect.

SUMMARY

Aviation continues to be the favorite target of terrorists. This threat is real and evolving therefore we must stay one step ahead of the terrorists. Any attack on aviation would ground the nation's airline fleets with a resulting economic impact estimated by the Department of Transportation to be $10 billion U.S. dollars per week. This figure, of course, does not account for the potential tragic loss of human life in the air and on the ground.

Pilots and cabin crews are active participants in aviation security and will live and die by TSA's decisions and policies. Every day, pilots and cabin crews operate in an environment with no margin for error. Since man began flying, aviation has been inherently dangerous, and today's airline pilots know that the FAA rules and regulations are all written in blood.

Many resources from various elements of security must work together to mitigate a terrorist threat. In the event of terrorist action, once airborne, the only viable resources are the ones on the aircraft.

Chairman, and members of the committee, I thank you again for the opportunity to provide testimony today. I am happy to respond to any questions that the committee may have.

Respectfully submitted,

/s/
Marcus W. Flagg
President
Federal Flight Deck Officers Association (FFDOA)

email: mflagg@ffdoa.org

Website: www.ffdoa.org