

TESTIMONY BEFORE THE HOUSE COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON TRANSPORTATION SECURITY AND INFRASTRUCTURE
PROTECTION

***HEARING FOR "THE NEXT STEP IN AVIATION SECURITY----CARGO SECURITY:
IS DHS IMPLEMENTING THE REQUIREMENTS OF THE 9/11 LAW EFFECTIVELY?"***

STATEMENT OF CAPTAIN PAUL ONORATO
PRESIDENT, COALITION OF AIRLINE PILOTS ASSOCIATIONS (CAPA)

ON JULY 15, 2008

Chairwoman Jackson-Lee, Congressman Lungren, Members of the Subcommittee:

Thank you for the opportunity to provide testimony before you this afternoon on “The Next Step in Aviation Security – Cargo Security. I am Captain Paul Onorato, President of the Coalition of Airline Pilots Associations (CAPA).

The Coalition of Airline Pilots Associations, a Trade Association of more than 23,000 professional passenger and cargo pilots represents the legislative and regulatory issues of concern to the Allied Pilots Association of American Airlines; the Independent Pilots Association of United Parcel Service; the National Pilots Association of Air Tran Airways; the Southwest Airlines Pilots Association and the Teamsters Local 1224 of ABX Air. CAPA commends Chairwoman Jackson-Lee and Ranking Member Lungren for their foresight in holding hearings to tackle this very tough issue.

Let us begin with some background on CAPA’s interest and extensive involvement in aviation cargo security. For the past seven years Aviation cargo security has been one of CAPA’s highest priorities and has been addressed in each of CAPA’s annual Aviation Security Report Cards. The “grades” received in the report card are shared by the industry, Congress and the administration and are designed to rate aviation security as the pilot sees it from the “curb to the cockpit.” CAPA has always held the position that Air Cargo carried aboard passenger and cargo aircraft should be physically inspected as it arrives at the airport, commensurate with checked baggage screening.

Cargo security is an unresolved problem reaching back to the Aviation Transportation Security Act (ATSA) of November 2001. Congress clearly wanted ALL articles placed on a commercial aircraft to be inspected. Passenger baggage security was quickly addressed through implementation of the 100% baggage inspection program. Unfortunately, the TSA allowed the cargo industry to define the scope of cargo inspections and allowed for all passenger cargo to be screened under the Known Shipper Program. The Known Shipper Program is a data based driven program which failed to verify the actual contents of any cargo box or package being placed on passenger aircraft. TSA continued to “tweak” the Known Shipper Program with additional data base enhancements such as the Freight Assessment System. These two programs still failed to physically inspect the contents of the cargo loaded aboard commercial aircraft.

CAPA has participated in the TSA’s Air Cargo Working Groups and the Department of Homeland Security’s Aviation Security Advisory Committee’s Air Cargo Working Group. Both the ASAC charter and the cargo working group’s charter were recently terminated. Unfortunately, there is currently no TSA stakeholder cargo working group available in which to discuss critical cargo security plans, programs and developments.

CAPA’s pilots worked closely with several members of Congress to address the Air Cargo Security issue, notably Congressman Ed Markey and his staff, whose leadership on this issue has been indispensable. The result of this collaboration was the recent enactment of Public Law 110-53...“the 9/11 Act”...which requires the 100% screening of passenger air cargo. This brings us directly to today’s issue of “Is DHS Implementing the Requirements of the 9/11 Law Effectively?”

In order to comply with the February 2009 50% screening mandate TSA is apparently working on three initiatives: the Certified Cargo Screening Program; the Independent Air Carrier Screening Technology Pilot; and the Narrow Body Aircraft Screening Amendment. Unfortunately, with the demise of the Air Cargo Working Group it is now very difficult for organizations like CAPA to obtain detailed information on the progress of these programs.

Airline industry representatives insist that to meet the August 2010 100% screening requirements it will be nearly impossible for the typical legacy passenger carrier to screen all cargo at their in-house cargo build-up facilities. To that end, TSA is developing the voluntary Certified Cargo Screening Program to enable vetted, audited, and certified supply chain facilities to screen cargo earlier in the supply chain. Within this program, TSA is extending the right to screen cargo beyond the air carrier to Certified Cargo Screening Facilities. These facilities could be a third party entity certified by the TSA to screen cargo prior to delivery to the air carrier. CAPA has voiced several concerns related to the Cargo Screening Facility concept and is specifically concerned about facility security standards, personnel training, regulatory oversight of the facilities, and the reliability of the chain of custody between the Cargo Screening Facility and the transporting aircraft. TSA has commented that "tamper evident technology" will be used. However, CAPA is currently unaware of any of the details regarding this technology.

It is important to highlight the positive advances which can be made in cargo security when an individual company decides to commit their talent and resources to solve problems and mitigate potential security threats. Currently, Southwest Airlines, my employer and one of CAPA's Association's parent passenger airlines, voluntarily doubles the mandated TSA cargo screening percentages system wide for their narrow-body cargo. Narrow-body aircraft account for about 96% of total domestic passenger flights and over 25% of total passenger air cargo by weight. Southwest Airlines is physically screening air cargo as it arrives at the airport, commensurate with baggage screening, and has invested millions of the Company's money in the newest explosive detection technology. They are to be highly commended for stepping up to enhance security for the traveling public ahead of the mandates.

TSA's plan for implementing the air cargo screening requirements in the 9/11 Act should be consistent with the screening policies and procedures already in place at carriers such as Southwest Airlines. As TSA continues its work to implement the screening requirements for cargo carried on passenger planes, I encourage Congress to turn its attention to the security of freight transported on all-cargo carriers – an issue I know Congressman Markey has raised in the past. None of the current laws or regulatory agencies are addressing the issue of security within the all-cargo operations. As a nation we've been most fortunate our enemies have not exploited the all-cargo security loopholes such as: nonstandard and frequently minimal perimeter and ramp security found at many cargo airports and the lack of flight-deck doors or hardened cockpit doors on all-cargo aircraft. Congress must monitor the progress of the 9/11 law to ensure the intent of the law is achieved.

Our volunteer pilot members regularly attend numerous national working groups and continually strive to be "honest brokers" in all we do. Since 9/11 CAPA has stood ready and willing to interface with legislators, regulators, industry and other associations to improve our nation's aviation security. We appreciate the stakeholder trust placed in us by Congress and such organizations as DHS, TSA, FAA, and GAO as well as our member's airlines and airports. We look forward to continuing our joint efforts to secure our nation's air travel.