A SMALL BUSINESS COMPONENT TO THE FEDERAL FLIGHT DECK OFFICER PROGRAM: IT'S A WIN-WIN STRATEGY

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON RURAL ENTERPRISES, AGRICULTURE, & TECHNOLOGY

OF THE

COMMITTEE ON SMALL BUSINESS
HOUSE OF REPRESENTATIVES

ONE HUNDRED EIGHTH CONGRESS

SECOND SESSION

WASHINGTON, DC, JANUARY 15, 2004

Serial No. 108–49

Printed for the use of the Committee on Small Business

Available via the World Wide Web: http://www.access.gpo.gov/congress/house

U.S. GOVERNMENT PRINTING OFFICE

93–476 PDF WASHINGTON : 2003

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON SMALL BUSINESS

DONALD A. MANZULLO, Illinois, *Chairman*

ROSCOE BARTLETT, Maryland, *Vice Chairman*
SUE KELLY, New York
STEVE CHABOT, Ohio
PATRICK J. TOOMEY, Pennsylvania
JIM DEMINT, South Carolina
SAM GRAVES, Missouri
EDWARD SCHROCK, Virginia
TODD AKIN, Missouri
SHELLEY MOORE CAPITO, West Virginia
BILL SHUSTER, Pennsylvania
MARILYN MUSGRAVE, Colorado
TRENT FRANKS, Arizona
JIM GERLACH, Pennsylvania
JEB BRADLEY, New Hampshire
BOB BEAUPREZ, Colorado
CHRIS CHOCOLA, Indiana
STEVE KING, Iowa
THADDEUS MCCOTTER, Michigan

NYDIA VELÁZQUEZ, New York
JUANITA MILLENDER-MCDONALD, California
TOM UDALL, New Mexico
FRANK BALLANCE, North Carolina
ENI FALEOMAVAEGA, American Samoa
DONNA CHRISTENSEN, Virgin Islands
DANNY DAVIS, Illinois
GRACE NAPOLITANO, California
ANÍBAL ACEVEDO-VILÁ, Puerto Rico
ED CASE, Hawaii
MADELEINE BORDALLO, Guam
DENISE MAJETTE, Georgia
JIM MARSHALL, Georgia
MICHAEL MICHAUD, Maine
LINDA SANCHEZ, California
BRAD MILLER, North Carolina
[VACANCY]

J. MATTHEW SZYMANSKI, *Chief of Staff and Chief Counsel*
PHIL ESKELAND, *Policy Director*
MICHAEL DAY, *Minority Staff Director*

SUBCOMMITTEE ON RURAL ENTERPRISES, AGRICULTURE AND TECHNOLOGY

SAM GRAVES, Missouri, *Chairman*
BILL SHUSTER, Pennsylvania
SUE KELLY, New York
SHELLEY MOORE CAPITO, West Virginia
MARILYN MUSGRAVE, Colorado
PATRICK TOOMEY, Pennsylvania

FRANK BALLANCE, North Carolina
DONNA CHRISTENSEN, Virgin Islands
ED CASE, Hawaii
MICHAEL MICHAUD, Maine
BRAD MILLER, North Carolina

PIPER LARGENT, *Professional Staff*

CONTENTS

WITNESSES

	Page
Mills, Mr. Buz, President & CEO, Gunsite Academy	4
Luckey, Captain Stephen, Chairman, National Security Committee, Air Line Pilots Association, International	5
Sapio, Mr. Terry, Captain, Southwest Airlines	7
Roberts, Mr. Dean, Security Committee Chairman, Southwest Pilots Association	9

APPENDIX

Opening statements:	
Graves, Hon. Sam	30
Prepared statements:	
Mills, Mr. Buz, President & CEO, Gunsite Academy	32
Luckey, Captain Stephen, Chairman, National Security Committee, Air Line Pilots Association, International	35
Sapio, Mr. Terry, Captain, Southwest Airlines	39
Roberts, Mr. Dean, Security Committee Chairman, Southwest Pilots Association	43

A SMALL BUSINESS COMPONENT TO THE FEDERAL FLIGHTDECK OFFICER PROGRAM: IT'S A WIN-WIN STRATEGY

THURSDAY, JANUARY 15, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON RURAL ENTERPRISES,AGRICULTURE,
AND TECHNOLOGY,I06COMMITTEE ON SMALL BUSINESS,
Washington, D.C.

The Subcommittee met, pursuant to call, at 1:10 p.m., at Gunsite Academy, Inc., Paulden, Arizona, Hon. Sam Graves [chairman of the Subcommittee] presiding.

Present: Representatives Graves and Renzi.

Chairman GRAVES. I would like to welcome everybody here today and say good afternoon. Welcome to this hearing of the Rural Enterprise Agriculture and Technology Subcommittee of the House Small Business Committee.

At today's hearing at Gunsite Academy, we are going to be looking at adding a small business component to the Federal Flight Deck Officer program. I would very much like to thank Mr. Mills for graciously allowing us to have this hearing here at the academy. I very much appreciate Mr. Renzi being here. We had also originally had scheduled Representative Hayworth and Representative Shadegg. Unfortunately, we are in competition today with the Vice President, who is down in Mesa, and I completely understand them wanting to attend that event.

I'm sure everyone remembers that shortly before Christmas, Secretary Ridge raised the terror alert level due to Al-Qaeda threats to hijack a passenger plane from abroad. Fighter planes were ordered to be ready to shoot down a hijacked plane if needed.

Two years after September 11th, we are still faced with the possibility of shooting down a passenger flight as the last line of defense. We have to do more to provide airline pilots the opportunity to arm and protect themselves and their passengers and crew. By adding pilots to the line of defense, we can combat terrorists who seek to use planes as weapons of mass destruction to wage war against our country and our people here.

In response to the September 11 attacks, Congress enacted the Federal Flight Deck Officer program to provide willing pilots the necessary training to protect their passengers and crew from future attacks. The Transportation Security Administration, or TSA, has begun implementing this program, and they graduated their first class of 44 pilots in April of 2003.

In July, TSA began running classes of nearly 50 pilots once a week at the Federal Law Enforcement Training Center in Georgia. Due to demand and over-capacity, the TSA has located this training to the federal facility in Artesia, New Mexico. However, at TSA's current rate, only 2,600 pilots can be trained per year. There are more than 100,000 commercial pilots throughout North America, and the Airline Pilots Security Alliance estimates that over 40,000—and I've heard estimates it's even higher—40,000 pilots wish to take part in the Federal Flight Deck Officer program. And these numbers don't even begin to account for cargo pilots that recently have been given the right to participate in the program. There are many who believe that while significant security enhancements have been made to our passenger airlines, cargo planes have not received the same scrutiny and I believe pose even greater security threats.

While TSA certainly has initiated the Federal Flight Deck Officer program, I believe it is finally time to heed the congressional directive to extend this program to all interested pilots. When Congress passed the legislation that created the Flight Deck program, we intended that private facilities could be used to ensure that there were multiple locations where pilots could be trained. Moreover, since pilots must provide for their own travel, lodging and daily expenses, it makes sense to have the locations spread throughout the United States.

In order to accommodate pilot demand more effectively and efficiently to implement the Federal Flight Deck Officer program, small businesses should play a crucial role in the commercial and cargo pilots' flight deck officer training. By increasing the number of facilities eligible to train federal flight deck officers, we will ensure that pilots who choose to protect themselves and their aircraft from potential terrorist threats have the ability to do so. The Flight Deck Officer program can serve as an example of how the government can work with small businesses to protect our nation in the war on terrorism. It is a win-win scenario for our people and our country.

Now, I'm going to turn to Mr. Renzi for an opening statement. And, again, I appreciate very much you being here. This is also his district, and I appreciate you hosting us.

Mr. RENZI. I'm grateful you came. Thank you.

Good afternoon to everyone. I want to thank Chairman Graves, local officials, and members of the community for attending here today. I do appreciate the subcommittee holding its hearing here in Arizona's first congressional district. I would also like to welcome everyone to beautiful rural Arizona, especially Yavapai County, given the extraordinary weather we are having today.

I welcome our witnesses, and thank Gunsite and Buz Mills especially for their hospitality.

Before taking office, I slowly began to become educated by a lot of people in this room on the need and the role that the private sector could play in assisting in the training and arming of our pilots. It seems like a logical step that TSA would move forward and use the private sector to ensure that our pilots are properly trained and our skies remain safe.

When we talk about Gunsite, we are talking about a professional, private training facility that is state of the art as far as training law enforcement facility officers, military personnel, and qualified citizens. Not only is Gunsite professionally qualified to train, but Gunsite is a prime location. And this is important as we get into testimony today when we talk about selection of locations. Gunsite is close to the proximity of a world-renowned aviation security university, one of the only universities in America that actually gives courses on global security and global terrorism, Embry Riddle Aeronautical University, just one and a half hours from Phoenix Sky Harbor Airport. And it is surrounded by a community who is willing to take on this endeavor.

Gunsite has trained all branches of our armed forces as well as federal law enforcement officers, Arizona law enforcement officers, and regional and local law enforcement officers. Their list of accreditation is extensive.

Gunsite has prepared a complete course of instructions for the Federal Flight Deck Officer program and has offered this subject matter and expertise to the TSA. Gunsite has indicated their willingness to work with TSA and agrees that the oversight be performed by TSA, a partnership between a federal and private enterprise.

In January of 2003, I met in my office in Washington with TSA officials and have sent two follow-up letters to TSA, one dated February 10th, 2003; the other dated November 5th, 2003, on the issue of training pilots in private facilities. Both letters to TSA have gone unanswered. I have not received a response on any of the points made in my correspondence. I am deeply concerned that TSA is ignoring a prime opportunity to use many experienced, private facilities to train our pilots and protect our skies.

Chairman Graves, I look forward to our testimony today. I thank the witnesses for attending and thank you all for coming from all over the state to be with us. Thank you.

Chairman GRAVES. Thanks, Mr. Renzi. I would ask all statements of members and of the witnesses be placed in the record in their entirety.

And I also have the written testimony from TSA, who chose not to be here today, that we will be submitting also.

[Transportation Security Administration Acting Director David Stone's statement may be found in the appendix]

Chairman GRAVES. I would like to thank our panel of witnesses for coming out today very much. I appreciate it and look forward to hearing your testimony.

We will go through each of you individually, and then we will ask questions. We will wait until all of you have testified and then we will go through questions after that.

Chairman GRAVES. We will start with Mr. Mills, who is president and CEO of Gunsite Academy. And this is an excellent facility. In fact, I have trained here before. Before I ever was a member of Congress, several years ago, I came to Gunsite. The first time I was here, as a matter of fact, training in tactical pistol, and I ap-

preciated that training then and have gotten to know the crew here even better since that time.

Thank you for letting us be here today and I appreciate your hospitality.

STATEMENT OF OWEN MILLS

Mr. MILLS. Mr. Chairman, thank you very much. It's a pleasure to have you and it's definitely our pleasure to host this.

My name is Owen Mills. I'm the owner of Gunsite Academy in Paulden, Arizona. Gunsite is the largest, the oldest and premiere privately-owned small arms training facility in the United States. Gunsite is a small business. I've been the owner and operator of small businesses for over 30 years. I'm well-qualified to testify to the contributions these businesses have made and can make to American business and industry.

At Gunsite, we are strong supporters of the Federal Flight Deck Officer program. We worked for its passage in the Homeland Security bill and we are big supporters.

It is our conviction that armed pilots, properly trained and equipped, can be effective deterrents against air piracy by terrorists and a repeat of the horrors that we suffered in September of 2001.

The greatest shortcoming of the Federal Flight Deck Officer program, so far, has been TSA's decision to ignore the intent of Congress to utilize privately-owned facilities to train pilots. It's commonly known in the industry that federal facilities are operating at near capacity with existing personnel and infrastructure.

The pilots unions estimate that 30 to 35 thousand of their members will volunteer to become Federal Flight Deck Officers and will need training within the near term. With the inclusion of air cargo pilots, the number may approach 50 to 60 thousand. But, after the initial training is completed, these numbers will be greatly reduced.

We believe the pilots who will need training cannot be effectively, efficiently or economically accommodated on a timely basis using only existing government resources. There are several privately-owned, quality, small business organizations which currently train thousands of law enforcement officers, military personnel and civilians annually. They already have the facilities; they have the personnel and the capacity to accommodate much of this program.

It's my firm belief that the FFDO program can be done by small business, such as Gunsite, more quickly and more economically than can be accomplished using existing federal facilities and resources alone. After the initial build-up, you, the government, will have none of the after-program costs of winding the facilities down and personnel down. That's one of the advantages that the private sector offers.

We proposed to TSA that Gunsite be designated as the western training center for the Federal Flight Deck Officer program and that Gunsite could accommodate 5,000 pilots a year without having a negative impact on our existing operations. We prepared a complete, one-week FFDO training curriculum that includes all the requirements of the federal law. At their request, Gunsite supplied TSA with this information.

We have installed a Boeing 727 aircraft cabin for the simulator portion of our pilot training program. We assembled a team of airline pilots, Gunsite graduates all, to flight test our cockpit defense training. From this, we learned there are many unique requirements to this program which must be emphasized in the pilot training. We affirmed to TSA that Gunsite could begin its first class within two weeks of TSA approval and thereafter train a hundred pilots a week.

Now in our 27th year of continuous operation, Gunsite's clients include all branches of the U.S. military and federal protective services, as well as state and local law enforcement. Our clients include kings, heads of state, Fortune 500 companies, dignitaries, and many, many qualified citizens. We have over 1,600 acres. We have state-of-the-art classrooms, 20 outdoor ranges and six simulators. All of our courses are credit approved by the State of Arizona for law enforcement credit continuing education. Many federal and military organizations accept these credits as well.

In the war against terrorism, the FFDO program is a step in the right direction. It can be greatly improved by qualifying small businesses such as Gunsite to help conduct the program.

Thank you for your attention and your concern for these issues which are important to our national security and to Americans everywhere.

Chairman GRAVES. Thanks, Mr. Mills.

[Mr. Mills' statement may be found in the appendix]

Chairman GRAVES. We are now going to hear from Captain Stephen Luckey, who is chairman of the National Security Committee of the Air Line Pilots Association. I've heard you testify before in the Aviation Subcommittee, also, which I sit on, and I look forward to your testimony here. Thanks for being here.

STATEMENT OF CAPTAIN STEPHEN LUCKEY

Mr. LUCKEY. Thank you, sir.

Good afternoon. I'm Captain Steve Luckey, chairman of the National Security Committee of the Air Line Pilots Association, International, representing the security interests of 66,000 pilots who fly for 43 airlines in the U.S. and Canada.

The Air Line Pilots Association was the first organization to request—requesting the creation of the FFDO program, and it became a reality, of course, with the passage of the Arming Pilots Against Terrorism Act which was enacted as part of the Homeland Security Act of 2002. ALPA applauds Congress for its vision in recognizing the need for the program, the tremendous value it represents, and for passing the legislation needed to make it a reality. We also express our gratitude for the opportunity to have worked hand in hand with Congress and the Congressional leaders on this important initiative.

Since January of 2003, ALPA has actively participated in a TSA-sponsored industry-working group convened to provide guidance to the TSA efforts to establish the FFDO program. In April 2003, 44 pilots successfully completed the prototype FFDO training curriculum at the FLETC in Glynco, Georgia. And I was part of the—I was a participating observer in that program.

Since then, hundreds of FFDOs have been trained, deputized, and field deployed. The majority of these new federal law enforcement officers are ALPA members, so we have a key interest in the program and we enjoy a close working relationship with the TSA. When viewed from an economic perspective, the program's value is abundantly apparent. The aviation industry and the nation benefit from the service of pilots who unselfishly volunteer to serve as federal law enforcement officers.

The TSA has developed an effective initial training curriculum designed to prepare FFDOs for the challenges they will be facing when field deployed. The training site at Artesia, New Mexico, despite its logistical challenges, has received praise for being well-equipped, staffed and capable of expansion. With the recent doubling of training capacity, throughput capabilities have increased dramatically. It also offers affordable food and lodging accommodations to pilot/students. And this is a significant factor because pilots have to incur, personally, the costs for the training and transportation, et cetera, to these programs.

Meeting certain goals is crucial to the ongoing success of the FFDO program, especially during the initial training. First, the training must be standardized, of course, in a consistent fashion, providing the FFDOs with the best tools, training, and tactical knowledge to meet the challenges they may face.

Secondly, the curriculum must be adaptable to meet the changing needs and conditions. Training updates must be easily deployable and consistently provided.

The third—but I think this is a very important goal of the program—the training process must provide the FFDO with a sense of institutional pride and belonging. I think this is important in any law enforcement organization. It's critical that the FFDOs understand they are deputized federal law enforcement officers, trained and supported by the federal government to protect the aviation component of the nation's critical infrastructure. We cannot underestimate the real and perceived value of this key element of the training process, particularly during the initial training phases.

We do have the highest respect for the capabilities of several private facilities, Gunsite being a prime example of these facilities. In order to guarantee that these FFDO training goals are reached, the initial training should continue to be provided either at federal law enforcement facilities or under the auspices and guidance of a federal oversight.

It's worth noting that most federal, state, and local law enforcement agencies send their officer candidates to academies that are owned and operated by their respective governments, and very few use private facilities. This ensures that the training meets the government standards and is supervised on location by government instructors.

Regarding recurrent training, we do see a very significant value for incorporating private facilities into this portion of the FFDO training. These facilities would complement the FFDO program by offering strategically located, federally certified, professional training facilities where FFDOs could maintain skills proficiency and receive updated training. This approach provides a win-win for all in-

volved. The TSA can offer high-quality training at multiple locations across the country and pilots will be able to schedule their training at locations that minimize their out-of-pocket costs and time away from home.

ALPA recommends a few safeguards be implemented for FFDO training administered by—at non-federal sites. First, we think a federal representative should be on site to ensure that the quality and consistency meet federal standards. We believe that instructors should be federally certified. I believe most of the Gunsite instructors here are. The curriculum should be presented in a manner that reinforces the FFDO's understanding that the training is being offered under the auspices of his or her federal agency, the TSA.

ALPA commends TSA for investing a significant amount of time and resources in the development of the program. As the initiative matures, the possibilities for enhancing the existing programs are becoming even more apparent. We encourage the TSA to continue its efforts to enhance the FFDO program to best utilize the untapped potential contained therein.

I'd like to thank you again for inviting me to testify here today and for your attention and your dedication to our efforts.

Chairman GRAVES. Thanks, Captain Luckey.

[Captain Luckey's statement may be found in the appendix]

Chairman GRAVES. We are now going to hear from Terry Sapio—I hope I said that right—who is a pilot with Southwest Airlines. I appreciate you being here. I know you've been on the schedule, and thanks for coming in.

STATEMENT OF TERRENCE SAPIO

Mr. SAPIO. Thank you, Chairman Graves and Congressman Renzi, for this opportunity to testify on the full implementation of the Federal Flight Deck Officer, FFDO, program and the impact of a small business component.

My name is Terrence Sapio. I've been flying jets for over 23 years, and I have logged over 18,000 flight hours. I'm currently a captain for Southwest Airlines, and have flown Boeing 737s since 1987. Prior to flying for Southwest, I was a United States Air Force C–141 instructor pilot. I was qualified as an expert in firearms and on occasion was required to carry a firearm during missions.

I'm not testifying as a representative of any business or organization, but as a commercial airline pilot who is interested in effective deterrents against air piracy and terrorism.

In conversing with others in my profession, I believe my views represent the opinions of most airline pilots. The Federal Flight Deck Officer program has the potential to be a formidable deterrent to terrorists' attacks. With armed and trained pilots in the cockpits of commercial aircraft targeted by terrorists, the likelihood of a successful hijacking attempt should be eliminated. If terrorists believe their attempt to gain control of an aircraft has a high probability of failure, they are less likely to make the attempt in the first place. The terrorists must believe, however, that there is a high probability that the pilots of a target aircraft are armed, or there is no deterrence.

Currently, there are not enough participating pilots to provide that deterrence, and under the current Transportation Security Administration, TSA, rules, it's unlikely there will ever be enough participating pilots to accomplish a significant deterrence. The FFDO program could be the means for thousands of volunteer pilots to provide deterrence to terrorists at very low cost to taxpayers. Unfortunately, the FFDO program passed by Congress has been hobbled by the TSA. Thousands of pilots, myself included, who previously expressed an interest in volunteering for the FFDO program now have no intention to volunteer under the current terms set by the TSA.

Pilots who participate in the FFDO program accept the responsibility to deter future terrorist attacks at significant personal expenditure of time and money. Nearly all of the pilots give up a week of vacation or a week's pay to attend the initial training.

Instead of trying to facilitate participation, the TSA has made every aspect of volunteering, training and performance of FFDO duties as difficult, inconvenient, expensive and onerous as possible. The TSA has caused thousands of pilots to reconsider participation in the FFDO program and thwarted the will of Congress.

The first deterrent to participation is the psychological and background screening of FFDO applicants. The TSA puts pilots through psychological and background screening that far exceeds that of federal air marshals, law enforcement officers, or TSA officers.

The second TSA deterrent to FFDO participation is the limited and remote location for training. To get to the Artesia facilities, FFDO candidates fly to El Paso for a four-hour bus ride or to Albuquerque for a four-and-a-half-hour bus ride. Further, the facility is not capable of training all of the pilots who would participate if the FFDO program was more acceptable.

This is where the small business component to the FFDO program could contribute. Private training facilities such as Gunsite Academy would greatly increase the FFDO training capacity. They are also much more accessible. Phoenix is a major crew base for both Southwest and America West Airlines. Their pilots would simply drive two and a half hours to Gunsite for initial and recurrent training. For pilots not based in Phoenix, a rental car or shuttle from Sky Harbor Airport still makes Gunsite Academy convenient.

The third TSA deterrent to FFDO participation is Draconian rules for firearms management. The TSA requires FFDO participants to keep their firearm in a lock box any time not on duty in the cockpit, and in the cargo compartment when flying in the cabin. These irrational requirements jeopardize the safety of the pilot and passengers. The boxed and bagged firearm hinders the pilot's duties and increases the likelihood the firearm will be lost or stolen.

Pilots travel with a carry-on bag, a book bag, and frequently a laptop commuter. To add an additional bag for the lock box is impractical at best, and dangerous at worst. The TSA is well aware of how common it is for a bag to be lost or stolen in an airport, yet they insist on putting the FFDO firearms, and subsequently the airport and aircraft, at risk.

The only safe and secure place for the firearm is on the pilot, whether concealed or in plain view. The public expects a policeman to be armed, and terrorists should expect pilots to be armed, too.

It is my hope that this subcommittee, with the assistance of your fellow legislators in Washington and private training facilities such as Gunsite Academy, will be able to put the FFDO program on the fast track to maximum terrorist deterrence. It's time for the terrorists to see air piracy as an exercise in futility.

Mr. RENZI. Thank you.

Chairman GRAVES. Thanks, Mr. Sapio. I appreciate it.

[Mr. Sapio's statement may be found in the appendix]

Chairman GRAVES. We are now going to hear from Dean Roberts, who is the security committee chairman for Southwest Pilots Association. I think you bring a unique perspective to this panel yourself, and I look forward to hearing your testimony. Thanks for being here.

STATEMENT OF DEAN C. ROBERTS

Mr. ROBERTS. Thank you. First, I want to thank you for the opportunity to testify on the full implementation of the Federal Flight Deck Officer program and the positive impact it could have on small business.

My name is Dean Roberts. I have been involved with the U.S. military, Federal law enforcement aviation, and firearms training for 23 years. Prior to flying for Southwest Airlines, I was a pilot for the U.S. Customs Service, as well as a special agent/pilot and firearms instructor for the Drug Enforcement Administration in Lima, Peru.

I'm a graduate of the Federal Law Enforcement Training Center as well as the FBI Academy in Quantico, Virginia. My background in flying armed is extensive, but there are many pilots in the industry with similar backgrounds, most of who want nothing to do with this program in its current flawed state.

I was invited to attend the first FFDO class in April of last year. I was also one of four pilots that were dropped from training. And in my case, one hour before graduating. When pressed for answers by my airline on why I was dropped from training, the TSA said that I was dropped because I did not complete the program.

This is the type of doublespeak TSA has been engaged in since day one of this program. I'm sure my work on the pilot working group and my exposing of flaws and unworkable policies are what led to my dismissal from training. TSA management staff overseeing the first class was not interested in hearing about problems with the program.

I'm not testifying as a representative of any business, but as a concerned commercial airline pilot. In August of 2002, when it became obvious that the FFDO program was going to become a reality, I was asked by my airline pilot union to be part of a pilot working group with several other airlines. This working group was tasked to develop policies and procedures that would facilitate the armed pilot into daily airline operations. I believe my background in federal law enforcement and firearms training made me uniquely qualified to provide meaningful input in this area.

In November of 2002, the FFDO program became a reality and the pilot working group met with TSA early in December. From our very first meetings with TSA, it was evident that they already had a policy in place and were not looking for any input from pilots. We repeatedly offered suggestions to make the program more functional. Our recommendations were rejected outright without even as much as a review or discussion. TSA's meeting with the pilots was eye wash, and at times there was heated discussion.

When it became obvious that TSA was overstepping its mandate and imposing policy that was not in the legislation, the TSA staff attorney told us that he was the attorney for the agency and that he would interpret the legislation in such a narrow manner that nobody would volunteer for the program. This is just one story of many that the pilots working group would contend with in the months before the first FFDO class was selected.

In February of 2003, the pilot group was presented the final policy governing this program. Upon our review, it was obvious that the program as TSA was imposing on the pilots would not work as Congress intended and would minimize pilot participation just as TSA wanted. When the group voiced concerns over the policies, we were told that for the most part, the policies were written in stone and would not be changed, especially the method of carrying a weapon.

The policies of the TSA are what brings us here today. Just as TSA wanted, pilot participation in this program has been minimal, no matter what TSA may say publicly. At my airline, I would say that eight out of ten pilots interested in the program will not volunteer because of the application process, the outrageous and unnecessary policies regarding transportation and handling of the weapon, and the inconvenient and remote training location.

TSA has had an army of attorneys pour over every aspect of this program and is engaged in a delay, impede and obstruct policy by throwing up one roadblock after another. If this program is to succeed as Congress envisioned, and provide a significant level of deterrence to future terrorist attacks, several areas need to be addressed by Congress immediately.

First and foremost, the application and screening process is unnecessary. Currently, the pilots are required to fill out a 13-page application. This is longer than any airline application I've ever filled out. It's longer than any government application I've filled out to be a federal law enforcement officer. This is unnecessary and is one of the many roadblocks TSA has erected. Pilots employed by major airlines should be eligible for this program as soon as a criminal history check is completed. This can be done in a matter of minutes.

Next is the whole idea of psychological testing. This, again, is unnecessary and adds to the hassle factor for the pilot. TSA claims that a pilot that shoots an attacker must then be able to land the aircraft. The TSA claims that not all pilots possess this ability. Will this testing separate those capable of this and those that are not? I think not. Airline pilots train constantly for emergency situations, and even if a pilot was to become incapacitated after shooting an attacker, there is another fully-qualified pilot in the seat right next to him. Pilots are already required to submit to and pass a medical

examination by a government flight surgeon every six months. This medical exam is all that should be required by the TSA to participate in this program.

The next area that needs to be addressed is the current method of carrying a weapon. The current policies imposed by TSA in this area are unsafe and do not conform to accepted law enforcement flying armed protocol. The current policy puts the custody and security of the weapon in question and has resulted in weapons being misplaced daily. This is just another roadblock that TSA has erected for the pilots who want to participate in this program.

The TSA has dragged its feet on this program for almost two years. Training has been slow, and since pilot participation is minimal, TSA is able to claim its seats go empty in FFDO training weekly.

I would suggest to you if TSA were forced to implement this program as Congress envisioned, the number of pilots volunteering for the program would be so great that TSA would be forced into contracting much of the training out to private sector training facilities like the Gunsite training academy.

TSA has not made participating in this program easy. In fact, they have gone out of their way to make it as problematic as possible. They have reinvented the wheel in every aspect of this program, and the result has been pilot—minimal pilot participation, just as the TSA wanted.

One would think that TSA would welcome free help in securing the nation's aircraft. Instead, TSA views us as a threat to future manning and has chosen to play politics over providing an effective deterrent to future terrorist attacks.

It is my hope that with the help of this subcommittee and the pressure of your fellow legislators in Washington, pressure can be put on the obstructionists at TSA. Individuals like John Moran, Frank Scrosky, Tom Quinn need to be removed from positions of power over this program and people brought in that will work with the pilots instead of working against us.

I believe that this program, if this program is implemented as Congress envisioned, the number of pilots wanting to participate would require that TSA enlist the services of private training facilities like the Gunsite Academy to keep up with training demands. I only hope that another 9/11 incident is not the catalyst for change at TSA. Thank you.

Chairman GRAVES. Thanks very much, Mr. Roberts. I appreciate you, again, all being here.

[Mr. Roberts' statement may be found in the appendix]

Chairman GRAVES. We are now going to open it up for questions from Mr. Renzi and myself. And, Rick, feel free to jump in at any time.

A frustrating thing for me is—and I have heard a lot of arguments on why it is we shouldn't use private facilities, a lot of these crazy rules that they have implemented. One of the things that they like to point out is that we can't use private facilities because these are deputized officers. They have to go through a federal facility because they are deputized. But, yet, when you look at the procedures that a pilot—if a pilot is dead-heading, or whatever you want to call it, back to another facility and they aren't actually fly-

ing the aircraft, they have to keep this thing in a lock box or down in the cargo hold but, yet, they are considered a deputized officer. Any other deputized officer, whether they are with the U.S. Department of Agriculture or whatever the case may be, if he declares it, he can carry a weapon on board the aircraft. And it's frustrating to me that it's a little bit of a double standard here. They are saying you can't train at a private facility because you have to be deputized; but, yet, they aren't treating you like a deputized federal officer when you are on board the aircraft.

And I have to ask you, it seems to me that—and I know, sometimes I'll know ahead of time if I'm on an aircraft that there is a federal officer on board. And if they happen to be carrying, it just makes you feel a little bit better if there's not necessarily an air marshal on there, but somebody that knows how to use a handgun. And it would seem to me—and there are always pilots travelling back and forth to other destinations on board an aircraft—that you've just increased, you know, a hundredfold your—the opportunities there to stop a perpetrator.

I would like for any of you to comment on that. I mean, how many pilots are doing that? You know, riding in the jump seat or sitting out there in the passenger compartment on any one particular flight? I see them all the time.

Mr. ROBERTS. It happens all the time. It happens all the time. You know, they're holding the pilots in this program to a higher standard than federal law enforcement officers but then not letting them carry the gun. If you're going to hold us to higher standards, at least give us the same authority to carry the weapon as a meat inspector, as a special agent from the Peace Corps has.

I'm all for having more guns in the back. I would say to you that if the people involved in the accidents on 9/11, if every crew member on the airplane was armed that day, could the events have been any worse?

Chairman GRAVES. Precisely.

Mr. ROBERTS. You know, could it have been any worse?

Mr. RENZI. I wanted to give—go ahead, Mr. Luckey.

Mr. LUCKEY. One comment on this.

The government has gone halfway on this thing in the beginning. They should have listened to the law enforcement people when they implemented this, but policies developed in this thing. Everyone knows a lot of people fought tooth and nail. It wasn't a popular program and we had to sell it. And that's what the testimony, previous testimony—I believe you were present when I gave some of it—was.

But if you look at this thing, you should never take a resource that you develop, that costs money and volunteers, the way we have this FFDO set up, and then restrict it. You should actually try to multiply it and provide it to meet the threat.

If a week's training is inadequate to have the custodial responsibility required for this training, then perhaps they should have a day or two more. Because we don't need driving, we don't need them to tell us about any traffic stops, warrants, serving warrants, any of that kind of stuff. All we need to do is police that cockpit and then be a backup, a force multiplier.

When you have this resource and you've got a deputized federal officer, this whole program to train one guy is less than it costs a couple federal marshals who go out for a mission to cover a series of flights. It's the best bang for the buck that I've ever seen the government have. So why restrict it? In other words, what we need to do is use this as a force multiplier, recognize it for the potential it is.

There is a reason why cops carry weapons the way they do. It's an evolutionary process, like they do everything else. And that custodial responsibility is very important, and it's something that we have in place and we are just not using it. And we need to know this.

Mr. RENZI. I appreciate it.

I wanted to give Mr. Mills a chance to expand on an issue here and particularly get it in the Congressional Record.

When I had TSA come over to my Washington office and I sat down with them, I asked specifically, is there any history at all of a private facility or a private contractor ever training a federal law enforcement officer? I was told no. Come to find out, later, that was incorrect information I was given. That's what the follow-up letters have gone over.

I also believe and know you to be a patriot and know that you're out front on this. You're probably leaning out on the edge on this, and that, given the leadership we are seeing at TSA right now, you possibly could be subject to retaliation for helping the private sector engage in a training that's going to help America. That's what I believe.

And I want to give you a chance not to just talk about the qualities of Gunsite, but to talk about the fact that there are a number of facilities that could do this, a number of qualified facilities in the private sector role. If you don't mind, just expand on that.

Mr. MILLS. There are—well, go back to the first thing that you were talking about and the information that they've given you, Mr. Chairman, as well.

When they talk about that training federal law enforcement officers have never been done by anybody else, the entire air marshal program, all of their firearms training was provided by contractors that provided people to the training facility at Artesia. It was done at Artesia at the federal facilities. Contractors did it. I know this because they contacted me—the contractor did—and wanted to hire my people to go do it. And they did the bulk of the firearms training over there with contractors. So that is—you know, that information you received was incorrect.

And this is well-known throughout the industry. This is not—I know a fellow that was not one of our firearms instructors; he was a service manager at a Ford dealer and he was a competitive shooter. The contractor hired him, sent him to Artesia. So that brings—that makes you want to say, well, you know, what's going on here?

Our guys are professional firearms instructors 24/7. If they are not at Gunsite, they are out somewhere else teaching. They are either federally certified, state, local certification training in their department or they are in the military. So that's the kind of quality of stuff that we have over here.

What I had initially proposed to the TSA was that we take this a step up, use our federal and certified instructors to provide the martial arts and the firearms training. I have the facility; I have the capacity. We have a community that's very supportive here that can support the lodging and meals and that sort of thing while you're here. So we have this available. We want to be a provider.

If we want to provide a real deterrence to these terrorist acts, let's get as many people in the cockpit as quickly as we can that are qualified to do this. And have the TSA people here. Send two or three people, whatever, to cover that portion, which it's probably—from what I understand from people who have attended the program, somewhere probably around 40 to 50 percent of the program is classroom work. Have them provide that, be here, supervise my people providing the martial arts and firearms training. They award the credentials and the certificates. It's all a TSA operation. You just essentially use my people for the portion that we can do well and then use the facility.

So it would bring—the advantage here, where this works with small business, is it brings a tremendous amount of traffic to our community, it makes a contribution to our community, makes a contribution to our business, and we can do it on a competitive basis. There are several of these facilities around the country, cheaper and quicker, and we can get more people into the cockpit quicker.

Mr. RENZI. Buz, can I follow up? Would the training at your facility in any way limit the TSA's ability to, quote, evaluate a candidate's overall fitness for the program and to, quote, control the quality of the training? Being at your facility versus being at a FLETC, would it somehow limit the ability of TSA to evaluate a candidate's overall fitness and control the quality of training?

Mr. MILLS. I don't see that we would have a negative impact on either of those. We can provide whatever facilities they need to do that. In fact, our instructors, our people watch all of our clients that come here. They are watched very closely and we evaluate them constantly on their ability to complete the operations. And we have, on several occasions, asked people to leave because they just couldn't handle it.

Mr. RENZI. Right.

Mr. Roberts, in your experience—we are dealing with a controlled issue here with TSA, obviously. I'm looking at the statement submitted by Mr. David Stone, Acting Administrator for TSA, who didn't come today but he submitted a written statement. And in going through his logic, it seems to be a real control issue.

In your time, in your expertise—which is significant in listening to your statement today—is there an ability to provide the quality that we're looking for, to be able to meet the capacity that we need to, but for some reason just because we've always done it in the past at a federal facility, not do it at a private facility?

Mr. ROBERTS. It's ridiculous.

Mr. RENZI. Please.

Mr. ROBERTS. One thing has to be addressed before we answer that question. You have to have the capacity. You have to have the volunteer pilots. Right now, nobody wants to participate, so TSA can say, hey, it's minimal participation; we've got enough facilities

to do it, we'll just keep it all to ourselves because we don't have enough guys; seats go empty every week because not enough guys are volunteering and we told you people wouldn't volunteer. That's their logic.

If Congress forces TSA to implement this program and lift the restrictions and the foolishness, pilots will volunteer to an extent there will be so many volunteers, they'll have to farm—they'll have to contract out. And if you have people on site here when every class goes through, those people could be tasked with overall review and checking out the students and certifying their suitability for the program, as well as certifying the training at the end of the program.

You don't have to have ten guys at Artesia watching the class. Have two. They could certify the whole training class at the end of it with one or two guys here on a TDY assignment. It would certainly be cheaper to send a couple of government employees out here on a TDY assignment for a month to certify students as they go through here, as opposed to opening another training center.

Mr. RENZI. Plus up cost. Well said. Mr. Chairman.

Chairman GRAVES. Buz, do you know offhand how many people you train, total, in a year's time?

Mr. MILLS. About 1,200 a year.

Chairman GRAVES. About 1,200?

Mr. MILLS. Yes.

Chairman GRAVES. One of the things—another frustrating statement by the TSA originally was that a lot of the private facilities are inaccessible. And I think it's interesting that they have now moved this—or the new training to New Mexico, which is completely, completely inaccessible.

But I've got a question for all of you. And you don't have to answer if you don't want to. But would—in your opinion, what is TSA's reason for making the requirements or the burdens you have to, or the hoops you have to jump through to go through training just overwhelming? What do you think is the reason?

Mr. ROBERTS. Government employees, people that run the air marshal program and that run TSA, get promoted based on how many people work for them. Not if they do a good job. They get promoted on how many people work for them. If we hire more air marshals, we get more government employees, we get more management, and so the empire grows.

TSA employees, U.S. Customs, the people that run the air marshal program now, they get nothing by hiring 10,000 armed airline pilots. Nobody gets a corner office; a nice, new government vehicle; nobody gets a GS–15 promotion out of this. So, there's no support. What's in it for TSA? You got free help here that want to come to this thing, but TSA doesn't get a promotion out of it, so we're not going to support it.

Mr. SAPIO. I agree 100 percent. The emotional reaction is that pilots believe that the TSA either doesn't trust them or doesn't think the pilots are capable to perform the duties when, in essence, for example, the pilots on combat air missions during alert status orange, or terrorist status orange are flying the F–16s and the F–15s with the missiles ready to shoot down a hijacked airplane. And then those very same pilots go to their real job, which is to be an

airline pilot, and the TSA isn't going to let them have a gun in the cockpit? I mean, it's ridiculous. So, everybody realizes that the pilots are fully capable of performing the duties, and everyone realizes that the airline pilots are absolutely trustworthy with the responsibility.

But the real reason, I agree, is that the TSA is trying to build an empire, and volunteer, unpaid pilots do not add to the TSA empire. And I think that's the number one reason why the TSA doesn't want to arm pilots. They would much rather put more federal flight deck—I mean more federal air marshals on the TSA payroll because it builds their empire. Unpaid airline pilots do not.

Mr. RENZI. Terry, can I follow up?

When we talk about TSA air marshals, one of the issues I'm faced—my district goes almost to the border, and I'm told we lost a considerable number of border patrol agents, did a lateral federal transfer over to TSA. Now, I'm told that the air marshal program itself, we are beginning to lose people from the air marshal. So we bring our young men and women in to protect the border. Tough on the border, don't pay them enough, don't take care of them enough; lateral transfer into TSA, and then we are losing them. So we've got this revolving door going on. We are taking people off the border, which we need right now, trying to put them in the skies, and then losing them, sitting on an airplane for eight, ten hours a day eating airplane food and watching a movie as an air marshal.

When I leave Reagan National, when the Chairman and I leave Reagan National and we take off, we're told to stay in our seats for a half hour. On approach, you have to be in your seat for a half hour. And, typically, we are told on that flight is an air marshal to protect us who is carrying a concealed weapon. That weapon is carried in some sort of a holster that he can draw out quickly.

You, as a pilot—and you talked about the lock box. What kind of a hindrance, what kind of inability for you to be able to control that weapon, for you to be able to draw that weapon, to properly use that weapon in the tight space of a cockpit is being imposed on you by these regulations?

Mr. SAPIO. Well, once you are inside the cockpit, it's not a hindrance because the weapon is removed out of the lock box for the flight. That's after the cockpit door is closed and locked. And——

Mr. RENZI. Is there a holster, a chest holder, or—.

Mr. SAPIO [CONTINUING]I don't know.

Mr. ROBERTS. Similar.

Mr. SAPIO. Okay. So it is immediately accessible once the cockpit door is closed. But it's the transportation of that. When the pilot is riding in the back—one of the questions that you had was how often is it for a pilot to ride in the back of the airplane? It's more common than not that you have jump seating pilots in the back of the aircraft.

Mr. RENZI. Let me stop you for a second. I want to go back. Is the holster location classified?

Mr. ROBERTS. You know, I participated in the program, so I want to be very careful about what I—.

Mr. RENZI. Okay. I just want to go to a question of the drawing of the holster and the location of the holster is not now impeded; that's been worked through? Those issues?

Mr. SAPIO. Once you're in the cockpit and the door is closed.

Mr. LUCKEY. To some extent. The genesis of this is important.

First of all, the equipment and allocation and idea that they came up with in the beginning, first of all, they wanted to give the FFDOs revolvers. We had to actually take people out at Dulles, get them in the cockpit of a 757, and demonstrate that with multiple perpetrators, you just don't shoot somebody once and have them fall down. We had these people assault the cockpit, and with multiple hits with a revolver, you know—reloading a revolver is difficult at best. And when you have four and five—in historical reference, four or five perpetrators come in, you have to have more ammunition. So as soon as we did that, they got rid of the revolver idea and we went over to the magazine, semiautomatic weapon.

If you look at the genesis, then, essentially, how this thing evolved, they didn't want to put—for example, we could talk about this at class, but it didn't happen. We've got to be able to access that weapon, acquire that weapon when you're bent over, because we had people coming in, perpetrators coming in over the backs of the pilots in an explosive entry type thing. You've got to acquire that weapon. Of course, the best way to do it—and you don't want the muzzle arc to go across your co-pilot or your captain depending on how you are sitting.

These are all tactical considerations that were very carefully addressed, but for some reason they had this thing so restricted—and they still have it very restricted—so that it doesn't happen. We can't access the resource adequately on the job.

In other words, if you put the firearm in any of the scenarios on 9/11, you can see the difference that thing would make. And if you carry the weapon in a lock box and it's down below and you have a hijacking going on, the argument the TSA comes out with right now, they said, well—and I have these in quotes, by the way. I brought them with me. They think that the pilot is going to go crazy and just start shooting everybody. That was one.

We have had—by TSA's records, in 45 days of keeping records, they have had 345 reported mishandling of weapons. They figure that they're getting 50 percent reported. That makes 700 mishandlings in 45 days by their own reporting. These are all things happening in the program that need remedial action, and we need to fix these things.

I think that if you look at the genesis of how this worked, it's what happens when you set policy without consulting the end user. And people who do this on a regular basis, like Buz Mills, should be the people who can provide this expertise.

TSA is not a law enforcement entity. And the federal air marshals just went over to vice. They went over to immigration and customs, so they lost those. So this is the only entity they have right now.

I carried a weapon on an airplane for 15 years back in the mid '70s. The program was run by the Justice Department, and we carried it on our person. I carried it all the time because, obviously, even though your jurisdiction is in the cockpit, the threat far exceeds that. The threat could be anywhere. Why restrict a resource that you spent money and time to develop that's proven to be an evolutionary concept that works? Why do that? It just doesn't make

sense to me. So—and I don't think it makes sense to anyone else. And to say that a pilot isn't qualified to do this is ludicrous.

Mr. SAPIO. I would just like to add to that, that the list of law enforcement agencies that are entitled to carry their firearms in the back of the aircraft as a passenger is quite lengthy, and it even includes postal inspectors.

So for the TSA to say, you know, pilots cannot be trusted to be sitting in the back of the airplane with a firearm when they are allowing our historical law enforcements that don't have such a good track record to carry the firearm in the back, it just doesn't make any sense. And they realize the fallacy of that argument and they know that it's not true. And when they speak this stuff, they're just blowing smoke because, once again, the real reason that we all believe that they are trying to hamper the pilots from participating in this program is so that they can build their own TSA empire with federal air marshals.

Mr. ROBERTS. One point, also. There was a pilot that was due to be here with us today that just finished the training, and he was told by TSA if he came and spoke, that he would be out of the program.

So they are not up for any kind of dissension, or, or they don't want to hear any bad news. And there was four qualified guys in that first class in April that got sent home. Not because they weren't qualified, not because they didn't pass any of the training, because they pushed and they demanded answers. And as soon as you got pushy and said things aren't going to work, well, you're out of here.

Mr. RENZI. Retaliation.

Mr. ROBERTS. Yes. They didn't want to hear anything about problems with the program. If there was any dissension, you're gone.

Mr. RENZI. Mr. Chairman, a real quick follow-up and I'll turn it back to you.

You were talking—and I appreciate you teaching me on the procedures and all. Are we still operating under a government-issued weapon, or are we operating under a standard that has to be purchased by the individual?

Mr. LUCKEY. Initially, they issued a Glock .22, and they went to a Heckler and Koch, H&K USP Model .40 Smith and Wesson.

Mr. RENZI. Forty?

Mr. LUCKEY. It's an H&K which, if you look at the purchase requirements—first of all, it was supposed to be a hammerless semiautomatic not made—that was manufactured in the United States. Of course, H&K is a German company. It's—I think the USP is a hammer-fired weapon. It's not a striker-fired weapon. There were a couple other things in there. I'm not bad-mouthing the U.S. weapon.

Mr. RENZI. No.

Mr. LUCKEY. I'm not bad-mouthing that, I'm just saying it didn't meet the criteria at all.

Mr. RENZI. But the knock down power, are we all in agreement, in the gun—.

Mr. ROBERTS. It's fine.

Mr. LUCKEY. The .40 is a compromise between—if you want penetration, I suppose a nine-millimeter penetrates. But I'm of the old

school that bigger is better. I think a .45 caliber is the one I would choose if I could.

Mr. ROBERTS. A .40 is a pretty standard law enforcement round these days, also. That's pretty much what the feds issue. DEA issues it. It's a pretty standard bullet, and I think it's adequate for this.

Mr. RENZI. Thank you, Mr. Chairman.

Chairman GRAVES. One of the problems we have is a lot of misinformation out there to—even in Congress, there is a lot of individuals who don't understand the issue, don't understand aircraft, and there are a lot of those fallacies, I guess, that we are going to have to reverse. And one of them is—and you even hear it from some members of Congress—they are scared to death of, you put more armed individuals on an aircraft and they start shooting holes in the aircraft and then you've got, you know, you hear—and I'm a pilot, so I know the answer, but I want to get an answer from you all for the record.

But, you know, this doom and gloom about penetrating the skin of an aircraft. You don't have—you don't blow an aircraft out of the air when that happens. And you all are experts and you might comment on that, too, just for the record so we will have it in there.

Mr. LUCKEY. First of all, a handgun round is not a very powerful weapon. I mean, it's—you've heard the old story maybe that a handgun is something you'd use to fight your way to a real gun if you were in a gunfight.

But, really, the penetration—you can stand in the back of an aircraft and give somebody a box of ammunition—I would be comfortable flying a T-category commercial aircraft. You would have some real problems if your mission was to hurt that airplane. And as far as holes go, you know, the skin on an aircraft is made out of ripstop aluminum, but it's made to be punctured and still survive. The outflow valves from pressurization are huge on most aircraft, and they control—they are like baffles, and they open and close. And we don't even use maximum bleed air when we operate the aircraft. We usually run about half of the available bleed pressure.

So you can stand back there and punch holes in that

thing without even losing cabin pressure. People have seen too many movies about people getting sucked out and all this stuff. And the reality involved, even hitting a hydraulic line, unless you get a perpendicular, 90-degree shot, you may bend it, you may dent it, but you can hang tubing all over here and shoot it all day long. It's difficult. A low velocity round compared to a rifle round—a rifle round will punch through it. A lot of times a handgun round—and Buz will back me up on this, I think—will bend it, shear off it, but it will not cut it, penetrate it. You would have trouble doing that.

So these are severely overstated things, and I think everyone needs education on this.

Mr. SAPIO. I'd like to add a little bit to that.

Essentially, you could shoot up anything and everything in the cockpit, and the airplane is still going to fly. You have triple redundancy on the electrical system; you have triple redundancy on the hydraulic system. You have—even if you were to lose the hydraulic system, the airplane would still fly with manual reversion. If you

were to lose your, all three of your generators, you would still fly with battery.

The windows in an airliner are made out of plexiglass. They're not made out of safety glass. So when people watch the movie Goldfinger and they watch this big guy getting sucked out a tiny window of the business jet, it's not going to happen on an airliner. It's not safety glass, which is designed specifically to shatter so that people don't get severely cut in a car accident. It's made out of plexiglass. It's designed to hold the pressure of an airplane in.

It's also designed to withstand bird strikes. I had a bird strike flying into Houston. I was flying at 320 knots indicated, leveling off at 10,000 feet, so our true air speed was much greater than 320 knots, and a large bird hit the windshield. It's sounded like a cannon went off inside the cockpit. It didn't even crack the plexiglass.

So these airplanes are tough, and the windows are extremely tough. And even if the bullet could penetrate the window, which is unlikely, it would only put a half-inch diameter hole in it. It's not going to shatter the way you see it in the movies.

Mr. RENZI. Terry, was that an endangered species that hit your window?

Mr. SAPIO. Well, it was after that.

Mr. RENZI. I was going to ask—I want to move, if I could, Mr. Chairman, the discussion to location.

This morning, when I read TSA's testimony, I noticed that the testimony begins to try and say that they are being inclusive to small businesses and private facilities. We are being told that by TSA in their testimony. I don't know if you've had a chance to read their testimony, but it will now be part of the public record and will be available to you. In their testimony, they talk about how they contracted Lockheed Martin to conduct a study on the requalification sites.

And for the audience, what we are talking about is, the TSA is saying, okay, we want to do the first training but we will let the "requal" be done by private sector, which doesn't make any sense to me since, if you're going to give up control on the requal, you might as well go to the best and first position.

The site selection study that was done by Lockheed Martin identified ten hub cities where, ultimately, they want to go for their requal. They identified Newark, Philadelphia, Atlanta, Miami, Minneapolis, Dallas, Chicago, Los Angeles, Seattle and Denver. Not Phoenix, which is interesting to me.

Now, I'm under the impression that most of this training will be done indoors, but some possibly would be done outside. And, so, in the cities of Newark, Philadelphia, Atlanta, Minneapolis, Chicago, Seattle and Denver, which are in subzero weather today, those sites would be at a disadvantage given climate consideration, which does not seem to be considered in the survey.

In addition, I'd like to discuss the location as we talk today about the New Mexico facility and the disadvantage so that Phoenix, Arizona, which was not identified, which is the hub for America West, one of the, one of the better airlines that we now have, in all honesty, in the skies, who flies substantially around the country, Mr. Chairman, and whose pilots are based, a good majority, in Phoenix, those pilots aren't able to drive an hour and a half north or aren't

able to access any kind of training typically in the southwest other than Dallas. So the southwest has been somewhat left out of this survey completely.

So I'd ask, please, for a better understanding as it relates to location, outside training, and the detriments at the training facility in New Mexico if we could expand on that.

Mr. ROBERTS. First of all, you mentioned America West having a hub in Phoenix. Southwest does, too. We have 800 pilots based in Phoenix. So, right there, you have America West and Southwest. They could easily drive up here and requal.

So, you know, the Artesia training facility was, by TSA's comments, was underused. They wanted to find a reason to breathe life into it. They wanted to find a reason to keep it up and running, so put the pilots out there. Once again, put the inconvenience on the pilots. If they want to play, they'll come out here. That's been their attitude on every aspect of all of this. If these guys are willing to jump through all these hoops, we'll let them carry the gun. It's just another, another roadblock they have thrown up to make it difficult; let them go out there to Artesia do it.

Mr. RENZI. Thank you.

Mr. LUCKEY. I was at the Lockheed Martin meeting on the 4th of November 2003 where this stuff was discussed. I have that same list of cities.

According to the two people who were in charge of it, designated by Lockheed Martin—it was Chuck Faremooth and Grandy Williams—they told us that they considered 971 ranges around the United States. They used 47 criteria elements to analyze this, and they come up with a primary and a secondary list.

And I asked them to tell me why Phoenix wasn't in there. Because, obviously, they had a map and a Power Point with all these things on it. I said our people have to travel there, they have to spend time away from home, it's a big deal, it's all volunteer and they incur the costs. And they said that they were going to look at Phoenix in the future at some time. It was a very ambiguous meeting.

I was very disappointed in the amount of attention that they had paid to this. And the other thing that I was a little bit disappointed in was that they didn't, again, consult the end user: Where would you like to see these people trained, where are the hubs, where do they live, where do most of them fly out of? And I think these are considerations that they claim to have looked at, but their selection didn't reflect that.

Mr. ROBERTS. This is another horror story from the first class, but this actually happened.

We brought up problems like this, and at some point the lawyer, the staff attorney, said, guys, your inconvenience and the inconvenience and adverse effect to your airline regarding this program is not our problem, it's your problem; you and your airline will have to figure out ways to implement this and make it work; we did not take into consideration your inconvenience and the hassle to your airline.

That's the attitude we are dealing with.

Mr. RENZI. They didn't look at where the pilots live or reside.

Mr. ROBERTS. In one of our negotiations with them prior to the whole thing—the negotiations probably went on in January and February of last year. We were sitting down with TSA, and their psychologist, Ann Quigley, was overheard telling the TSA people, guys, stop asking the pilots so many questions; we're not here for their input; it's our program, we will tell the pilots how it's going to be; we don't want them to think that they have input here. That's Ann Quigley, the psychologist, telling them.

So they would meet with us so they could say we met with the pilots; we went through all this with the pilots. They did. They met with us, and when the day was up—.

Mr. RENZI. Sounds like psychobabble.

Terry.

Mr. SAPIO. Southwest Airlines has 900 pilots based in Phoenix. And America West Airlines, I don't know the exact count, but it's probably comparable to Southwest Airlines, if not more.

So there's a very large number of pilots that live only an hour and a half away from Prescott and Gunsite Academy. And for the TSA to say if you want to carry the firearm, if you want us to let you carry the firearm in the cockpit, you have to do this, this and this and this, and you have to do it our way, otherwise, you don't get to do it—and they are completely missing the point. All of us would rather not have to carry the firearm at all. We would all rather that 9/11 never happened.

But the simple fact of the matter is, is that if another one happens, it will devastate the airline industry, it will devastate our economy, and most of us will be in the unemployment lines. And we don't want that to happen, so we're willing to volunteer at no costs, no pay whatsoever. We are volunteering to do our part to deter the terrorists from ever doing another 9/11. And the TSA is doing everything that they can to deter us from volunteering. It doesn't make any sense whatsoever.

Mr. RENZI. It kind of segues into my next question, which was going to be, when we talk about voluntarism, we talk about the deterrence, we talk about the fact that factually, right now, TSA is pointing to the fact they have slots open at the training facility. And there is a statement in the record that Mr. Roberts has made that that voluntarism would grow if these deterrents went away.

Can you expand for me on what you see is the bottled-up anxiety, or what are the numbers? What kind of small changes could be made to allow that bottled-up anxiety to be removed or the frustration to be taken out of the way so that these guys could—and these gals could get——

Mr. ROBERTS. They could loosen up the restrictions to get involved in the program.

Mr. RENZI [CONTINUING] The application process.

Mr. ROBERTS. Yeah, this whole 13-page application. I've got a whole list here of guys that have been turned down for whatever reason. It's a lengthy list of, you know, airline pilots, military officers, former federal law enforcement people, all turned down. This isn't even, this isn't even mentioning the people that haven't even applied.

I know in Orlando, where I'm based, there's six federal law enforcement officers, formerly, that don't want anything to do with

this because of the 13-page application, the psych test, the psych evaluation, and then travelling out to Artesia to do this.

That's what needs to be loosened up, and people will start applying.

Mr. RENZI. Captain Luckey, when we talk about loosening up criminal background checks, psychological evaluations, we do have pilots, we have in the news the history of pilots with alcoholism. And what—since the industry seems to be a real resource in helping us drive and change this to be a better fit, where in the application process, what pieces do we keep and what pieces are overly excessive? Anybody on the panel.

Mr. LUCKEY. Think, first of all, in answer to your question, one, going back to the private facility, one of the concerns that our FFDOs and the Air Line Pilots Association expressed to me they were skeptical about going into a private facility is that they would be labeled as a non-federal legitimate entity and the reason they aren't trusted to carry the weapon like any other federal officer is because if they would go to a private facility.

But I've discussed this with Buz, and he said his concept of really contracting—it's a government facility. It's a government program. It's a private facility, but it's overseen, the oversight is by TSA, et cetera. So you get around that. It is——

Mr. RENZI. Let me ask you something. When TSA came to my office in D.C., their whole hangup that day was the graduation ceremony and making sure that the certificate and—is there a badge also awarded?

Mr. LUCKEY [CONTINUING] No badge.

Mr. ROBERTS. No badge, because we're afraid you guys will try to badge your way out of speeding tickets. That's what we were told.

Mr. LUCKEY. Hey're talking about it now. Since—I've got to say this. Since the operations, the TSA operation has taken over custody of the FFDO program, there's a different mind set there. The breakdown is between the upper level between Admiral Stone's office—used to be James Loy's office—and the operations people headed by Paul Kinberg, I believe his name is. He is the head of the operations that oversees the FFDO program. He's very receptive to some of the recommendations that we have made; however, his comments are that there's no way that you're ever going to have the custodial responsibility that we want. So we need to get around that.

And I think all of the pilots recognize the quality and the expertise and the product that facilities like Gunsite puts out. I don't think it can be paralleled anywhere. So these are all important ingredients in this, in the recipe for success in deterring terrorism.

So, I guess what we need to do is beg congressional help to try to get the emphasis in the right place.

Mr. RENZI. Any movement where the trade association would develop a better application and submit it as a compromise, an alternative?

Mr. ROBERTS. An application to come to the program?

Mr. RENZI. Yes, where you guys would take the 13-page application and recognize the features that need to stay and then offer that—.

Mr. ROBERTS. Personally, I think you could have a one-page application and state the name of the airline you work for and be done with it.

Mr. LUCKEY. Right. They could use the FBI application. It's a lot simpler.

Mr. ROBERTS. You know, an airline pilot, by the time he's working for a major airline, has probably had four or five jobs. He's been checked out numerous times, and every—.

Mr. RENZI. Any other, any other major deterrents besides the application?

Mr. ROBERTS. Psychological testing.

Mr. SAPIO. Psychological.

Mr. RENZI. Why would we want to get rid of that? Why not—why wouldn't we want a psychological evaluation on a civilian pilot who possibly has alcoholism?

Mr. SAPIO. If the TSA feels that it's necessary to have the extensive psychological evaluation of pilots, why don't they do that with their own federal air marshals?

Mr. RENZI. Well, true, but—.

Mr. SAPIO. And the thing is, the pilots that are volunteering have already been flying—most of them have been flying for a long period of time before they ever get hired by an airline. Many of them are ex-military who have flown nuclear weapons, fighter jets with missiles aimed at airliners; they have flown—have had top secret security clearances. And the military trusts us, the airline trusts us. Every day, you know, every flight, they have a plane full of people, and everybody trusts us except for the TSA.

And that's not really the point, Congressman Renzi. It's not that the TSA doesn't trust us. The real point is the TSA doesn't believe in the FFDO program. We all think it's because it doesn't contribute to their empire.

And the purpose of the psychological testing is not to screen the pilots. The purpose of the psychological testing is to intimidate the pilots so that they don't volunteer. And the TSA has got to stop intimidating the pilots; otherwise, what's happening is going to continue to happen, and that is the vast majority—when this whole program was being—the legislation was being put together by Congress, everybody I talked to was all in favor of it. Anything we can do to help deter terrorism is wonderful.

As soon as we found out what the, how the TSA was going to implement it and all the onerous rules, regulations and intimidation of the pilots that were participating, everybody said, well, there's 11 million flights a year, it's been two years since the last terrorist attack, that's 22 million flights. It's only happened four times, so, you know, do the math. That's about, that's already one in five million flights, and the count is going up higher, so the chances are that if it happens again, it's not going to happen on my flight. I'm not going to get my throat slit by a terrorist, it's going to happen to somebody else, so why should I go through all the hassle, all the aggravation and all the intimidation from the TSA to do something that is expensive to me?

I checked with Southwest Airlines, and you have to either take a week vacation—which I have plans to do things with my family when I'm on vacation—or be pulled from a week of flying. Typi-

cally, we fly three or four days a week, and I average a thousand dollars a day income when I go fly. So that—in other words, I would have to give up three or four thousand dollars' worth of income to go—to be pulled from a trip and to go to TSA for a week of training. So why should I spend three or four thousand dollars and be hassled, intimidated, interrogated and everything else by the TSA when they know that it's all just designed to be harassment, to discourage me from participating in the program when I know the chances are one in millions that it would ever happen on my flight anyway?

And that's not the purpose of the FFDO program. The purpose of the FFDO program is to get enough armed pilots in the cockpit so that none of us ever have to use our firearm. It's to convince the terrorists that trying to take over an airplane is an exercise in futility; it's just not going to happen, so don't even try it. And, then, none of us ever have to fire a shot.

But the TSA doesn't see it that way. They see that the way to go is with federal air marshals. They are on the TSA payroll, they build the TSA empire, and the pilots, you know, they do not deserve to participate in the TSA empire.

Mr. RENZI. Well said, Terry.

Mr. LUCKEY. Mr. Chairman, a little bit of background on the psychological testing. I look at it a little bit different, having been involved in federal law enforcement for a number of years.

Back in the '70s, we found out that about 25 percent of the federal agents probably couldn't shoot anybody. That's before all the human resources work and everything else, and we had some rather frightening experiences on the street where people were required to——

Mr. RENZI. 25 percent couldn't?

Mr. LUCKEY [CONTINUING] 25 percent probably couldn't take a human life. That's a significant factor, and that's when the human resources and human factors people and the shrinks got hold of this thing and they started evaluating people for the ability of the application of lethal force.

And I think every federal law enforcement officer that I know of goes through a rather significant psychological profile. I know I went through a very significant one with the FBI. And, granted, I was in a very nonstandard program, so it's a little different.

But I think, since we're provided tort liability protection by the government, just like any other federal agent, when you're sworn, if you make a mistake and you shoot somebody, God forbid, you're protected and so is your employer protected under the auspices of the act.

So I think these are considerations that you have to really take in and you have to weigh this out and balance it out. But some psychological profiling for the ability to apply lethal force, maybe suicidal tendencies and compulsive/aggressive behavior, are really not out of the question when you give somebody a weapon.

Chairman GRAVES. Buz, you said you could be up and going in two weeks?

Mr. MILLS. Yes.

Chairman GRAVES. And how many can you train?

Mr. MILLS. We could train, initially, a hundred pilots a week. We could do 5,000 a year without having, without having to increase any infrastructure or capital or any of that sort of thing. We could expand. We have almost 2,000 acres here, and we can expand, you know, to do whatever number that you want to do with some time and some effort. But without any capital infusion or without any increased infrastructure, we feel that a hundred a week would be easily accomplished.

And, as you can see, you're here, Mr. Chairman, January the 15th, in the dead of winter, and in the beautiful high desert of Arizona, the temperature is 55 degrees. Beautiful training environment, even in the dead of winter.

Mr. RENZI. Absolutely.

Chairman GRAVES. Do you have any——

Mr. RENZI. I have one more.

Chairman GRAVES [CONTINUING] Okay.

Mr. RENZI. Is that okay?

Chairman GRAVES. Yes. I was going to say, one of the focuses of this hearing is the small business aspects of it. And it's a little patronizing, I guess. TSA does point out in their, in the testimony that they do use small businesses in their program. They include procuring items such as lock boxes where the firearm must be stored, holsters and magazine pouches. So they are doing their part, I guess, to support the small business when it comes to training.

Mr. ROBERTS. I'd suggest that they do just enough to qualify, so they can say we're participating. You know? You'll hear them time and time again say we worked with the pilots on this thing. They did just enough. They met with us, like I said. They never took any of our recommendations, but they did meet with us so they could say we met with the pilots on this. So, just like small business, hey, we got a few.

Mr. SAPIO. Congressman Renzi, just a little bit more on the question about the psychological screening.

What I have here is—I printed this off of the Internet. It's from the APSA, APSA website, which is the——

Mr. RENZI. American—.

Mr. ROBERTS. Airline Pilots Security Alliance.

Mr. SAPIO [CONTINUING] Okay. Airline Pilots Security Alliance. And they have excerpts of statements from many pilots that have been turned down by the TSA during the screening process. And here is one of them, one of the remarks about the psychological screening. It says: I've asked numerous federal air marshals if they ever interviewed with a psychologist during their interview process. Every one of them, without exception, attests that they did not ever speak with a psychologist, even those coming straight out of college with no law enforcement experience.

So they are unknown quantities. The pilots that the TS—that are volunteering to do this, we've had many years' experience flying. You know, I'm sure it's probably hundreds of thousands of passengers personally in 18 years, safely, without incident, without any problem whatsoever.

So somebody like me would be a known quantity. Somebody fresh out of college with no experience whatsoever is an unknown,

and they never have even one interview with a psychologist. So, yet—and it goes on to say: Yet the TSA insists that responsible airline pilots with years of experience in providing safety to air passengers be subjected to a contract psychologist's evaluation.

And the thing is, it's not about the stability of any particular pilot. I mean, the pilots prove themselves day after day after day for many years before they even get to this point.

Mr. RENZI. Is there—there's an annual evaluation you go through for Southwest—is there, when you guys go through your annual review for step ups in grade or pay, is there an evaluation that's done?

Mr. SAPIO. Not a psychological evaluation.

Mr. RENZI. But there's observation annually?

Mr. SAPIO. Oh, sure. And there's also, there's always two pilots, at least two pilots in the cockpit. And flying is very competitive by nature, and each pilot is always evaluating and judging the other pilot, how good his skills are and how he manages the flight and that kind of thing. So you put, you know, two egos together and we're always being judged by our peers every single day we go to work.

Mr. RENZI. So there is a—.

Mr. SAPIO. And if anybody was not trustworthy, that would quickly become apparent and that would quickly be dealt with in any airline.

Chairman GRAVES. I'd like to submit that for the record, too, in its entirety.

Mr. SAPIO. Certainly. Yes, Mr. Chairman.

[Information not submitted to the Record]

Mr. RENZI. My final question—and I appreciate it. I feel like we've really done a good job here of fleshing a lot of this out—is if we continue down the road with no changes, if we stay without making any kind of optional alternatives, without making it easier for the pilots, where do we go? Where is the capacity issue, where is the ability not to—ultimately, where do you see this thing headed?

Obviously, you know, it's easy to see you see it as a failure. But without the changes, without the, including the private sector in, where are we headed as a nation in the future?

Mr. ROBERTS. I think you are going to have a very, very small program. You are going to have a very small percentage of the pilots participating, and you are going to be able to have TSA control all aspects of it, including all the training. And at some point, the initial classes, they are not going to have to have one a week, they can have one a month because there's not going to be the people applying. And there will be people in the program that will require recurrent training, but I think as time goes on, you are going to see that TSA can handle that with their own facilities like they are doing now because of small numbers of guys.

And I think, eventually, if nothing changes, people are going to go, you know, I've been doing this for a year and this is a pain and I'm out of it, and they are going to send the box and the gun and everything else back to TSA and say, you know, I got nothing out of this for me; there is zero upside for the pilot, zero, hundred percent hassle; why? And send the box back.

Mr. RENZI. That's well said.

Mr. ROBERTS. You know, the first class that went through, I can tell you, the majority of people I spoke to before I went home said, you know what, I'm finishing so I can get the credentials, but the box is going in my closet; I'm not doing this.

So a lot of guys are going to go through training and put it in the closet and not carry it because of all the hassle factor. Many people that were at that first class had no idea what was coming down the pipe. There were a handful of us that did, but many guys didn't know what was coming down. When they heard the policies, they were in awe of how foolish they were.

Mr. LUCKEY. One of the things I think we have to look at here is that commercial aviation is about eight and a half percent of our gross domestic product in the United States. I think, right now, if we don't use every resource that we can develop here and, you know, according to the July 25th statement, to protect the infrastructure of the U.S. that the president signed last year—he spent a hundred billion dollars, not counting the government, not counting the military, to protect the infrastructure of this country.

I think this is the type of program where we need to focus, because I think one of the greatest deterrents against terrorism is to harden this target. Because every layer of security has a degree of porosity, and as these layers get closer to the principal point of protection, they must become more predictably reliable and more dependable. In other words, that door has to be good, because there's nothing between that door and that F–16.

And I don't think that in this country, the U.S. industry, aviation industry could survive a catastrophic shoot down by a fighter on American soil full of Americans to protect the infrastructure. I just can't see it. And I think anything that we do to focus on this, to make this program good—this isn't going to cost a bunch. Like I said, this is the best bang for the buck that I've ever seen Uncle Sam get, and I think we run the risk of being the most politically correct extinct industry in the world if we don't utilize these resources in the country.

Mr. ROBERTS. The expenses for this program are not coming from the pilots. We're free. The expenses are coming from the psychological staff they've got and this army of people doing background checks that are unnecessary. You know, that's where the expenses are coming. Ask for TSA's budget. Find out where the money is going on all these studies and people to vet the flight crews and to interview us. This is where the money is going on this program. It's not to buy us guns and put us in the cockpit. That's minimal. They are spending a ton of money on something that can be done, you know, with a phone call, basically.

Mr. SAPIO. And background checks, we've already had. We've all been fingerprinted. We've all had the background checks. In the military, we've all had the background checks. So I've already had a couple background checks; I've been fingerprinted several times. So pilots—and we have cockpit voice recorders, we have cockpit flight data recorders. We get drug tested, we get alcohol tested. Pilots are more probed and poked and invaded than any other career group in the country.

Mr. ROBERTS. It's a fact.

Mr. SAPIO. And the TSA says it's not enough, we want to poke and prod some more. And it's absolutely, totally ridiculous.

Mr. RENZI. There's a joke in there somewhere.

Mr. SAPIO. So, you know, basically, you have, Congress has two choices. They can continue to let the TSA thwart the legislation and the intent of the legislation, which is—obviously, the intent is to ensure that a 9/11 never happens again; that terrorists never have the opportunity to take control of a large aircraft and fly it into a building again.

And the best way to ensure that it never happens again is to convince the terrorists that it's not even worth trying because it's not going to happen. And the best way to ensure that is to have so many pilots carrying so many firearms that they, the terrorists don't even try.

Mr. RENZI. That's well done. Thank you.

Mr. Chairman, I just want to thank you very much for coming all the way out here from Missouri.

Buz, thank you for the hospitality. Thank you for pushing on the envelope a little bit given the leadership at TSA, who at times possibly has enacted—I don't want to see any retaliation towards you, particularly what you're trying to do for our nation and the private sector. I'm grateful for the expertise today. It was—all of it was great testimony.

Chairman GRAVES. I, too, appreciate everybody coming out today. I think we have kind of demonstrated why TSA doesn't want businesses to train additional pilots. In my opinion, they are crippling this program to an extent. There is really no good reason that I can see. In fact, I think small business, or some of these private entities are uniquely qualified to a good job of training these pilots.

And with all the findings we will have today, I will be in discussion with the Chairman of the Aviation Subcommittee. He also is in agreement that we need to be training more pilots and getting more pilots out there to protect their aircraft and the people that are flying on these aircraft, and I will be discussing our findings with him and some of my ideas and some of the things I want to do.

Again, I appreciate everybody being here. I hope, I hope that we never have another hijacking in this country, but the fact of the matter is, it will eventually happen again. And I certainly hope that we don't have a situation where we have officers—or pilots on that plane that aren't carrying a weapon. And an even worse case scenario is there's a weapon on that plane but it's stuck in a box down in the belly of that aircraft. I think that's something we all need to think real hard about.

But I want to thank everybody for being here and all of you for coming out. Mayor, it was nice to meet you. And I appreciate the testimony. This will go a long ways towards helping us in our goal, and that's to get more pilots armed. Thank you.

[Whereupon, at 2:45 p.m., the subcommittee was adjourned.]

Opening Statement

Good Afternoon and welcome to the Rural Enterprise, Agriculture and Technology Subcommittee. Today's hearing at the Gunsite Academy will look at adding a Small Business Component to the Federal Flight Deck Officer Program.

I would first like to thank Mr. Buz Mills for graciously allowing us to hold this hearing at Gunsite Academy. I also appreciate the appearance of my colleagues Rick Renzi whose district Gunsite resides in, J.D. Hayworth and John Shadegg at this hearing.

I'm sure everyone here remembers that shortly before Christmas, Secretary Ridge raised the terror alert level due to Al Qaeda threats to hi-jack a passenger plane from abroad. F-16 fighter planes were ordered to be reach to shoot down a hi-jacked plane, if needed. Two years after September 11th, we are still faced with the possibility of shooting down a passenger flight as the last line of defense.

We must to do more to provide airline pilots the opportunity to arm to protect themselves and their passengers and crew. By adding pilots to the lines of defense, we can combat terrorists that seek to use planes as weapons of mass destruction to wage war against our country and people.

In response to the September 11 attacks, Congress enacted the Federal Flight Deck Officer program to provide willing pilots the necessary training to protect their passengers and crew from future attacks. The Transportation Security Administration (TSA) has begun implementing this program, which graduated first class of 44 pilots graduated in April 2003. In July, TSA began running classes of nearly 50 pilots once a week at the Federal Law Enforcement Training Center in Georgia. Due to demand and over-capacity, TSA re-located its training to the federal facility in Artesia, New Mexico.

However, at TSA's current rate, only 2,600 pilots could be trained a year. There are more than 100,000 commercial pilots throughout North America, and the Airline Pilots Security Alliance estimates that over 40,000 pilots wish to take part in the FFDO program.

And these numbers do not account for the cargo pilots that recently were given the right to participate in the program. There are many who believe that while significant security enhancements have been made to our passenger airlines, cargo planes have not received the same scrutiny and pose even larger security threats. While TSA certainly has initiated the FFDO program, I believe it is finally time to heed the Congressional directive to extend this program to all interested pilots.

When Congress passed the legislation that created the FFDO program, we intended that private facilities could be used to ensure there were multiple locations where pilots could

be trained. Moreover, since pilots must provide for their own travel, lodging and daily expenses, it makes sense to have locations spread throughout the US.

In order to accommodate pilot demand and more effectively and efficiently implement the FFDO program, small businesses should play a critical role in the commercial and cargo pilots FFDO training. By increasing the number of facilities eligible to train Federal Flight Deck Officers, we will ensure that pilots who choose to protect themselves and their aircraft from potential terrorists threats have the ability to do so. The FFDO program could serve as an example of how the government can work with small business to protect our nation in the War on Terrorism. It is a win-win scenario for our people and our country.

U. S. House of Representatives

Committee on Rural Enterprise, Agriculture,
And Technology

Sam Graves, Chairman

Testimony of Owen Mills
Owner & CEO
Gunsite Academy, Inc.
Paulden, Arizona

January 15, 2004

Chairman Graves, and members of the committee:

Thank you for the opportunity to appear before you today.

My name is Owen Mills, owner and CEO of Gunsite Academy, Inc. in Paulden, Arizona. Gunsite is the largest, oldest and premier privately owned small arms and tactics training facility in the United States.

Gunsite qualifies as a small business concern.

I have been the owner and operator of small businesses for over 30 years. I am well qualified to testify to the contributions these businesses have made to American business and industry.

At Gunsite we are strong supporters of the Federal Flight Deck Officer program and we worked for its passage in the Homeland Security Legislation.

It is our conviction that armed pilots, properly trained and equipped, can be effective deterrents against air piracy by terrorists and a repeat of the horrors of September 11, 2001.

The greatest shortcoming of the Federal Flight Deck Officer Program, so far, has been TSA's decision to ignore the intent of the Congress to utilize privately owned facilities to train pilots. It is commonly known in the industry that Federal facilities are operating at near capacity with existing personnel and infrastructure.

The pilots unions estimate that 30 to 35 thousand of their members will volunteer to become Federal Flight Deck Officers and will need training within the near term. With the inclusion of air cargo pilots, the numbers may approach 40 to 50 thousand. But, after initial training is completed, those numbers will be reduced greatly.

We believe the pilots who will need training cannot be efficiently or economically accommodated on a timely basis using only existing government resources.

There are several privately owned, quality, small business organizations, which currently train thousands of law enforcement officers, military personnel and qualified citizens annually. They already have the facilities, the personnel and the capacity to accommodate much of this program.

It is our firm belief that FFDO training can be done by small business, such as Gunsite, more quickly and more economically than can be accomplished using existing Federal facilities and resources alone. Also, the government will have none of the after-program costs.

We proposed to TSA that Gunsite be designated as the western training center for the FFDO program and that Gunsite could accommodate 5,000 pilots a year without impacting our existing operations.

We prepared a complete 1 week FFDO training curriculum that includes all requirements of the Federal law. At their request, Gunsite supplied TSA with a copy for evaluation.

We installed a Boeing 727 aircraft cabin for the simulator portion of pilot firearms training.

We assembled a team of airline pilots, Gunsite graduates all, to "flight test" our cockpit defense training. From this we learned there are many requirements unique to the FFDO program, which must be emphasized in the pilot training.

We affirmed to TSA that Gunsite could begin its first class within two weeks of TSA approval and we could train 100 pilots per week thereafter.

Now in our 27th year of continuous operation, Gunsite's clients include all branches of the U.S. military and federal protective services, as well as state and local law enforcement agencies too numerous to mention. Our clients also include Kings, Heads of State, Fortune 500 companies, dignitaries and qualified citizens.

With over 1,600 acres, Gunsite is a complete school campus, with state of the art classrooms, 20 outdoor ranges and 6 indoor training simulators. All of our courses are Credit Approved for Arizona law enforcement agencies, as well as for military and federal agency personnel.

In the war against terrorism, the Federal Flight Deck Officer program is a step in the right direction. It can be greatly improved by TSA's qualifying small business training centers, such as Gunsite, to conduct the program.

I thank you for your kind attention and for your concern for these issues which are important to our national security and to Americans everywhere.

STATEMENT OF
CAPTAIN STEPHEN LUCKEY, CHAIRMAN
NATIONAL SECURITY COMMITTEE
AIR LINE PILOTS ASSOCIATION
BEFORE THE U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SMALL BUSINESS
SUBCOMMITTEE ON
RURAL ENTERPRISE, AGRICULTURE AND TECHNOLOGY
ON A SMALL BUSINESS COMPONENT TO THE FEDERAL FLIGHT DECK OFFICER PROGRAM

JANUARY 15, 2004

Good afternoon. I am Captain Stephen Luckey, Chairman of the National Security Committee of the Air Line Pilots Association, International (ALPA). ALPA is the world's largest pilot union, representing more than 66,000 pilots who fly for 42 airlines in the U.S. and Canada. We appreciate being invited to appear before this Committee and for your interest in a subject that is very important to us, the Federal Flight Deck Officer (FFDO) program.

The Air Line Pilots Association was the first organization to call for the creation of the 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. ALPA applauds the Congress for its vision in recognizing the need for the program, the benefits that it offers, and for passing the legislation that mandated its creation. We also express our gratitude for the opportunity to have worked hand-in-hand with Congressional leaders on this most important initiative.

BACKGROUND

In January 2003, ALPA began participation in a Transportation Security Administration (TSA)-sponsored industry working group, convened to provide guidance to TSA in its efforts to establish the FFDO program. In April 2003, 44 pilots successfully completed the prototype FFDO training curriculum at the Federal Law Enforcement Training Center (FLETC), Glynco, GA. Since then, hundreds of FFDOs have been trained, deputized and field deployed. The majority of these new, federal law enforcement officers are ALPA members. ALPA clearly has a vested interest in the program, and we enjoy a close working relationship with the TSA in its deployment.

Recent world events have clearly demonstrated the need for, and the value of, the FFDO program. Information gathered by intelligence agencies here and abroad indicates that commercial aviation remains a primary target for terrorist activities. Government has publicly recognized the added value of the program as a key layer of aviation security. This fact is demonstrated with the recent passage of legislation enabling pilots of all-cargo aircraft to commence training as FFDOs in calendar year 2004, and by TSA's recent expansion of its FFDO training capabilities at the law enforcement training facility in Artesia, NM.

Clearly, from a security perspective, the FFDO program represents significant value to the aviation industry and the nation's infrastructure. The TSA, initially skeptical about the program's merits, now publicly points to its success and its value as an additional layer of security in the protection of commercial aviation.

When viewed from an economic perspective, the program's value is abundantly apparent. The aviation industry and the nation benefit from the services of pilots who *volunteer* to serve as federal law enforcement officers. The return on the government's initial investment in training and equipping an FFDO is considerable. Associated maintenance costs are also extremely economical in view of the fact that an FFDO receives no compensation for protective services provided to the nation, and also considering that an FFDO must personally absorb the costs of travel, food and lodging associated with government-sponsored FFDO training.

INITIAL TRAINING REQUIREMENTS

The FFDO training process must meet certain goals. First, it must be conducted in a standardized, consistent fashion, and provide FFDOs with the best tools, knowledge and skills needed to effectively accomplish their mission. The elements of quality and uniformity of training are crucial. The curriculum must also be readily adaptable to meet changing needs and conditions. Training updates must be easily deployable and consistently provided.

Additionally, but of no less significance, the training process must provide the FFDO with a sense of institutional pride and belonging. It is critical that FFDOs understand that they are *deputized federal law enforcement officers,* trained and supported by the federal government to protect the aviation component of the nation's infrastructure. The real and perceived value of this key element of the training process, particularly during initial training, should not be underestimated.

The TSA has implemented an extremely effective initial training curriculum, designed to prepare FFDOs for the challenges that they will face when field deployed. This fact is born out through the statements of numerous candidates who have successfully completed the program. In addition, the training site at Artesia, New Mexico, although it presents logistical difficulties, is highly praised for being extremely well equipped, staffed, and capable of expansion. With its recent doubling of training capacity, through-put capabilities have dramatically increased. It also conveniences pilots by providing them food and lodging accommodations at an affordable cost. This factor is significant in view of the fact that pilots must personally pay these costs incurred during the training program.

In order to make certain that FFDO training goals are reached, initial training should continue to be provided at federal law enforcement training facilities. It is our view that training at private facilities with private trainers may be less appropriate for initial training because the full week of training given to FFDO candidates needs to be

standardized for all students and presented in a federal law enforcement environment. It is worth noting that federal, state, and local law enforcement agencies send their officer candidates to academies that are owned and operated by their respective governments, not private facilities. This ensures that the training meets the government's high standards and is supervised, on location, by those government trainers. No other federal law enforcement officer candidates receive initial training at a private facility and we do not believe that the FFDO training should set such an unwarranted precedent. Provision of FFDO training by other than federal trainers at federal facilities would call into question whether the program is actually a federal law enforcement officer program, or something else. We can see no reason to create an environment where such a question might be raised.

RECURRENT TRAINING REQUIREMENTS

Regarding re-current training, the TSA has taken great care to plan a system that is safe, effective and convenient for volunteer pilots who must arrange their work and personal schedules to accommodate training requirements. Government or private facilities could well be incorporated into this portion of FFDO training, with certain safeguards being implemented. Their use can complement the program, by providing strategically located, federally certified, professional training facilities where FFDOs will maintain skills proficiency and be afforded the opportunity to receive updated training. This approach provides a win-win for all involved – the TSA can offer high quality training at multiple locations across the country and pilots will be able to schedule the few hours needed for the training close by to minimize their out-of-pocket costs and time away from home.

For any re-current FFDO training that is administered at non-federal training facilities, a federal representative should be on site during all training exercises to oversee their administration and to ensure their quality and consistency with federal standards. Any non-federal trainer should be federally certified as proficient to provide the FFDO re-current training. The curriculum should be presented in a manner that reinforces the FFDOs understanding that the training is being offered under the auspices of his/her parent federal agency, the TSA.

We commend TSA for the significant amount of time and resources invested in the development of the FFDO program. As the initiative matures and more is learned about its daily operation, protocols and potential, possibilities for improvement of the existing program are being identified. ALPA is encouraging the TSA to continue its efforts to refine the FFDO program and to best utilize the untapped potential contained therein. Sensitive Security Information (SSI) restrictions prohibit more specific discussion of this topic in a public forum, but we remain available to discuss our thoughts with the TSA on additional ways to best serve the nation through the FFDO program.

If the federal government pursues a private sector component to recurrent FFDO training, we would urge that our recommendations for it be given strong consideration. We look forward to continuing dialogue with Congress aimed at maximizing benefits from the FFDO program.

Thank you for inviting us to testify today and for your kind attention.

Terrence F. Sapio
638 Filaree Drive
Prescott, Arizona 86301

Committee on Small Business,
Subcommittee on Rural Enterprise,
Agriculture and Technology
Sam Graves, Chairman

Subcommittee Hearing:
"A Small Business Component to the Federal Flight Deck Officer Program; It's A Win-Win Strategy"
Date: January 15, 2004

Prepared remarks of Mr. Terrence F. Sapio, Captain, Southwest Airlines.

Chairman Graves and Members the sub committee:

Thank you for this opportunity to testify on the full implementation of the Federal Flight Deck Officer (FFDO) Program and the impact of a small business component.

My name is Terrence Sapio. I have been flying jets for over 23 years, and have logged over 18,000 flight hours. I am currently a Captain for Southwest Airlines, and have flown Boeing 737's for Southwest since 1987. Prior to flying for Southwest, I was a United States Air Force C-141 Instructor Pilot. During this time, I flew C-141's into 158 airports in 32 countries. My experience included air transport, airdrop, and air refueling missions. I was qualified Expert in firearms, and on occasion was required to carry a firearm during missions.

I am not testifying as a representative of any business or organization, but as a Commercial Airline Pilot who is interested in effective deterrents against air piracy and terrorism. In conversing with others in my profession, I believe my views represent the opinions of most airline pilots. While the risk of terrorist attack to any individual pilot or flight is low, the risk to commercial aviation and those on the ground, with 11 million flights per year, is significant. One more successful terrorist attack and many airlines,

and the economy, will surely suffer great financial damage and many of us will join the unemployment lines.

The Federal Flight Deck Officer Program has the potential to be a formidable deterrent to terrorists' attacks. With armed and trained pilots in the cockpits of commercial aircraft targeted by terrorists, the likelihood of a successful hijacking attempt should be eliminated. If terrorists believe their attempt to gain control of an aircraft has a high probability of failure, they are less likely to make the attempt in the first place.

The terrorists must believe however, that there is a high probability the pilots of target aircraft are armed, or there is no deterrence. Currently there are not enough participating pilots to provide that deterrence, and under the current Transportation Security Administration (TSA) rules, it's unlikely there will ever be enough participating pilots to accomplish a significant deterrence.

The FFDO program could be the means for thousands of volunteer pilots to provide deterrence to terrorists at very low cost to taxpayers. Unfortunately, the FFDO program, passed by Congress, has been hobbled by the TSA. Thousands of pilots, myself included, who previously expressed an interest in volunteering for the FFDO program, now have no intention to volunteer under the current terms set by the TSA.

Pilots who participate in the FFDO program accept the responsibility to help deter future terrorist attacks at significant personal expenditure of time and money. Nearly all of the pilots give up a week of vacation or a week's pay, representing thousands of dollars, to attend initial training. Instead of trying to facilitate participation, the TSA has made every aspect of volunteering, training, and performance of FFDO duties as difficult, inconvenient, expensive, and onerous as possible. The TSA has caused thousands of pilots to reconsider participation in the FFDO program, and thwarted the will of Congress.

Some pilots have the impression the TSA thinks pilots are untrustworthy and potential terrorists themselves. Some pilots think the TSA is simply "Empire Building", and since volunteer pilots are not on the TSA payroll, they do not contribute to the TSA Empire. Whatever reason the TSA has for its actions, it's clear the TSA does not want the participation of volunteer pilots when it comes to terrorism deterrence.

There are many ways the TSA discourages pilot participation, and hopefully, your committee can help legislators and TSA administrators make the FFDO program more inviting to pilots.

The first deterrent to participation is the psychological and background screening of FFDO applicants. The TSA puts pilots through psychological and background screening that far exceeds that of Federal Air Marshals, law enforcement officers, or TSA officers.

During threat level "Orange", as we recently had during the holiday season, Air National Guard and Air Force Reserve pilots fly Combat Air Patrol over our major population centers. Their mission is to intercept hijacked aircraft and, if necessary, shoot the hijacked aircraft down. As you probably know, most Guard and Reserve pilots are also airline pilots. It's surprising that these pilots can be trusted with armed F-15's and F-16's, but the TSA doesn't trust them with handguns.

Once, while going through TSA security screening at an airport, a woman in line behind me said "It makes me feel good to know that even pilots have to go through security." I replied to her, "If I wanted to crash the airplane, I wouldn't need a gun to do it." The woman immediately recognized the truth of that statement, and the illusion of security provided by pilot screening. Unfortunately, the TSA still believes in illusion.

The second TSA deterrent to FFDO participation is the limited and remote location for training. To get to the Artesia facility, FFDO candidates fly to El Paso for a 4 hour bus ride or Albuquerque for a 4½ hour bus ride. Once at the facility, the FFDO candidates pay $30 per day for dormitory housing and meals. Further, the facility is not capable of training all the pilots who would participate if the FFDO program was more acceptable.

This is where the Small Business Component to the FFDO program could contribute. Private training facilities such as Gunsite Academy would greatly increase the FFDO training capacity. They are also much more accessible. Phoenix is a major crew base for both Southwest and America West Airlines. Their pilots would simply drive 2½ hours to Gunsite Academy for initial and recurrent training. For pilots not based in Phoenix, a rental car or shuttle from Sky Harbor Airport still makes Gunsite Academy convenient.

The third TSA deterrent to FFDO participation is Draconian rules for firearm management. The TSA requires FFDO participants to keep their firearm in a lock box anytime not on duty in the cockpit, and in the cargo compartment when flying in the cabin. These irrational requirements jeopardize the safety of the pilot and passengers. The boxed and bagged firearm hinders the pilot's duties and increases the likelihood the firearm will be lost or stolen. Pilots travel with a carryon bag, a book bag, and frequently a laptop computer. To add an additional bag for the lock box is impractical at best and dangerous at worst. The TSA is well aware of how common it is for a bag to be lost or stolen in an airport, and yet they insist on putting the FFDO firearms, and subsequently the airport and aircraft, at risk. The only safe and secure place for the firearm is on the pilot, whether concealed or in plain view. The public expects a policeman to be armed. Terrorists should expect pilots to be armed too.

Unfortunately, any terrorist with Internet access can read all about the failures of the TSA and the FFDO program. The Airline Pilots' Security Alliance (APSA) and other web sites have cataloged quite thoroughly the frustrations of pilots disqualified by the TSA for FFDO participation, the small number of trained FFDO's, and the unbelievable lock box procedures. Reading about these problems must bring a smile to the face of a terrorist plotting his next attack.

It's my hope that this subcommittee, with the assistance of your fellow legislators in Washington and private training facilities such as Gunsite Academy, will be able to put the FFDO program on the fast track to maximum terrorist deterrence. It's time for terrorists to see air piracy as an exercise in futility.

January 13, 2004

Dean C. Roberts
5365 Creekwood Dr.
Melbourne, Florida 32940

Committee on Small Business
Subcommittee on Rural Enterprise
Sam Graves, Chairman

Subcommittee Hearing:
"A Small Business Component to the Federal Flight Deck Officer Program;
It's A Win-Win Strategy"
January 15, 2004

Prepared remarks of Mr. Dean C. Roberts
Pilot Southwest Airlines.

Chairman Graves and Members of the sub committee:

Thank you for this opportunity to testify on the full implementation of the Federal Flight Deck Officer (FFDO) Program and the positive impact of a small business component.

My name is Dean Roberts. I have been involved with the U.S. Military, Federal law enforcement aviation, and firearms training for 23 years. Prior to flying for Southwest Airlines, I was a pilot for the U.S. Customs Service, and a Special Agent/ Pilot, and firearms instructor for the Drug Enforcement Administration (DEA) based at the U.S. Embassy in Lima Peru. I am a graduate of the Federal Law Enforcement Training Center (FLETC) in Glynco Georgia as well as the FBI Academy in Quantico Virginia. My background in firearms and flying armed is extensive, but there are many pilots in the industry with similar backgrounds most of who want nothing to do with this program in its current flawed state.

I was invited to attend the first FFDO class in April of last year. I was also one of four pilots that were dropped from training, in my case one hour prior to graduating with no reason given. When pressed for answers by my airline on why I was dropped from training TSA said I was dropped because I did not complete the course. That is the type of double speak TSA has been engaged in since day one of this program. I am sure my work on the pilot working group and my exposing flaws and unworkable policies are what lead to my dismissal from training. TSA management staff overseeing the first class was not interested in hearing about problems with the program.

I am not testifying as a representative of any business or organization, but as a concerned Commercial Airline Pilot. In August of 2002, when it became obvious that the FFDO program was going to become reality, I was asked by my airline pilot union to be part of a pilot-working group with several other airlines. This working group was tasked to develop polices and procedures that would facilitate the armed pilot into daily airline operations. I believe my background in federal law enforcement and firearms training made me uniquely qualified to provide meaningful input in this area.

In November of 2002 the FFDO program became reality and the pilot-working group met with TSA in early December. From our very first meetings with TSA it was evident that they already had a policy in place and were not looking for any input from pilots. We repeatly offered suggestions to make the program more functional. Our recommendations were rejected outright without even as much as a review or discussion. TSA's meeting with the pilots was eye wash and at times there was heated discussion. When it became obvious that TSA was overstepping its mandate and imposing policy that was not in the legislation, the TSA staff attorney told us that he understood the legislation and he was interpreting the legislation for TSA, and would do so in such a way that no pilot in his right mind would volunteer. This is just one story of many that the pilot working group would contend with in the months before the first FFDO class was selected.

In February of 2003, the pilot-working group was presented the final policy governing this program. Upon our review it was obvious that the program as TSA was imposing on the pilots would not work as Congress intended, and would minimize pilot participation just as TSA wanted. When the pilot group voiced concerns over the policies we were told that for the most part the policies were " in stone and would not be changed, especially the method of carrying the weapon".

The policies of the TSA are what brings us here today. Just as TSA wanted, pilot participation in this program has been minimal no matter what TSA may say publicly. At my airline I would say 8 out of 10 pilots that are interested in the program will not volunteer because of the application process, the outrageous and unnecessary policies regarding the transportation and handling of the weapon and the inconvenient and remote training location. TSA has had an army of attorneys pour over every aspect of this program and is engaged in a delay, impend and obstruct policy by throwing up one roadblock after another.

If this program is to succeed as Congress envisioned, and provide a significant level of deterrent to future terrorist attacks several areas need to be addressed by Congress immediately.

First and foremost the application and screening process is unnecessary. Currently pilots are required to fill out a 13-page application. That is longer than any airline application and is longer than any government application that I ever filled out to be a Federal Law Enforcement officer. This is unnecessary and is one of the roadblocks TSA has erected. Pilots employed by a major airline should eligible for this program as soon as a criminal history check is completed. This can be done in a matter of minutes.

Next is the whole idea of psychological testing. This is again, unnecessary and adds to the hassle factor for the pilot. TSA claims that a pilot that shoots an attacker must then be able to land the aircraft. TSA claims that not all pilots possess this ability. Will this testing separate those capable of this and those that are not, I think not. Airline pilots train constantly for emergency situations, and even if a pilot had to use the weapon to defend the cockpit, there is another pilot perfectly capable of landing the aircraft in the seat right next to him or her. This testing goes beyond what is normal and accepted in law enforcement. I was never required to submit to these tests during the application process for two separate federal agencies. Pilots are already required to submit to and pass a medical examination by a government flight surgeon every six months. This medical exam is all that should be required by TSA to participate in this program.

The next area that needs to be addressed is the method of carrying and transporting the weapon. The current policies imposed by TSA in this area are unsafe and do not conform to accepted law enforcement flying armed protocol. The current policy puts the custody and security of the weapon in question and has resulted in weapons being misplaced daily. This is just another roadblock that TSA has erected for the pilots who want to participate in this program.

TSA has dragged its feet on this program for almost two years. Training has been slow and since pilot participation is minimal, TSA is able to claim seats are going empty in FFDO training weekly. I suggest to you that if TSA were forced to implement this program as Congress envisioned, the number of pilots volunteering for the program would be so great that TSA would be forced into contracting much of the training out to the private sector like the Gunsight training center in Paulden Arizona, and others around the country.

TSA has not made participating in this program easy. In fact they have went out of their way to make it has problematic as possible. They have reinvented the wheel in every aspect of this program, and the result has been minimal pilot participation, just as the TSA wanted. One would think that TSA would welcome free help in securing the nations commercial aircraft. Instead TSA views us as a threat to future manning and has chosen to play politics over providing an effective deterrent to future terrorist attacks.

It is my hope that with the help of this sub committee and the assistance of your fellow legislators in Washington, pressure can be put on the obstructionist at TSA. Individuals like John Moran, frank Scrosky and Tom Quinn need to be removed from positions of power over this program and people brought in that will work with the pilots instead of working against us.

I believe that if this program was implemented as Congress envisioned the numbers of pilots wanting to participate would require that TSA enlist the services of private training facilities like the Gunsight Academy to keep up with the training demands. I only hope that another 9-11 type incident is not the catalyst for change at TSA.

Sincerely,

Dean C. Roberts

Statement of Acting Administrator
David M. Stone
Transportation Security Administration
DEPARTMENT OF HOMELAND SECURITY

Committee on Small Business
Subcommittee Rural Enterprise, Agriculture & Technology
U.S. House of Representatives

A Small Business Component to the Federal Flight Deck Officer Program: It's a Win-Win Strategy

January 15, 2004

Chairman Graves, Rep. Hayworth, Rep. Renzi, Rep. Shadegg, and distinguished members of the Subcommittee on Rural Enterprise, Agriculture & Technology, thank you for the opportunity to provide written testimony for this field hearing you have convened in Paulden, Arizona. I appreciate the chance to discuss ways to incorporate the small business community further into TSA's implementation process for the Federal Flight Deck Officer (FFDO) program. Small businesses are a dynamic part of the national economy, and we welcome the myriad contributions they are making to homeland security and aviation security. TSA utilizes small businesses, in particular, in the recurrent training and acquisitions aspects of the FFDO program. TSA readily agrees with the Subcommittee that ensuring a strong small business component within the FFDO program is a "win-win strategy."

Before I begin our discussion on participation by small businesses in the FFDO program, I would first like to provide some useful general background on how TSA has implemented the FFDO program. Congress established the program in the Arming Pilots Against Terrorism Act (APATA), which was enacted as part of the Homeland Security Act of 2002 (P.L. 107-296). The legislation required TSA to establish a program to select, train, deputize, equip, and supervise volunteer pilots of air carriers for the purpose of defending the flight decks of passenger aircraft against acts of criminal violence and air piracy. The FFDO program is an indispensable part of the interlocking web of security—our "system of systems"—designed to prevent and deter future acts of terrorism against commercial aviation.

TSA formally established the FFDO program in February, 2003, as required by APATA, and in April, 2003, we trained, deputized, and deployed our inaugural group of pilots.

These individuals not only went to work immediately on providing an extra layer of security to the Nation's civil aviation system but also provided some valuable insights into how the program could be strengthened. We incorporated many of their suggestions when we revised aspects of the initial qualification and training, as well as the FDDO standard operating procedure, in order to make the program even more successful.

Developed and implemented in close cooperation with organizations representing many airline pilots, such as the Air Line Pilots Association (ALPA) and the Coalition of Airline Pilots Associations (CAPA), the ongoing FFDO program has resulted in the deputation of hundreds of pilots who have flown over ten thousand "missions." Following the training of the inaugural class and incorporation of refinements to the program, TSA has conducted FFDO initial training classes almost every week beginning July 20, 2003 through December. Initially, the training was conducted at the Federal Law Enforcement Training Center (FLETC) facility at Glynco, Georgia, but because of capacity constraints at that facility, initial training was moved in September, 2003, to the FLETC facility at Artesia, New Mexico. We have the ability to train greater numbers of FFDOs at any given time at Artesia. In early January, 2004, we doubled the number of classes being conducted, and there is capacity for further expansion if the need arises in the future. With the resources at hand, our plan is to provide initial training and qualification for thousands of FFDOs by the end of the fiscal year.

At the inception of the FFDO program, APATA only authorized TSA to train and deputize pilots of passenger aircraft. However, under a provision included in the recently enacted Vision 100—Century of Aviation Reauthorization Act (P.L. 108-176), eligibility to participate in the FFDO program has been expanded to include cargo pilots. TSA is now examining modifications to the curriculum and operating procedures to include cargo pilots in the FFDO program and to account for the different environment in which cargo pilots are expected to operate.

As TSA began ramping up the initial training of FFDOs, some Members of Congress expressed an interest in TSA entering into contracts with privately owned facilities for this purpose. TSA examined the questions and concluded that initial training of FFDOs (who are deputized as Federal law enforcement officers) should be conducted at a Federal law enforcement training facility, where Federal law enforcement professionals have the opportunity to evaluate each candidate's overall fitness for the program and to control the quality of the training. For similar reasons, all candidates for positions at other Federal law enforcement agencies undergo initial basic training at Federal facilities, and TSA perceives no reason why it should depart from this practice. We are satisfied that the FLETC facility in Artesia is a high quality and cost effective location to conduct this critical, initial law enforcement training of our FFDOs. Exit interviews with each training class have shown that participants were extremely satisfied with the quality of training and the facilities.

Nevertheless, private companies will have an important role in later phases of the FFDO program. The pilots are also required to undergo recurrent training to ensure that they maintain a high level of proficiency and familiarity with program requirements. TSA is

currently requiring that FFDOs undergo recurrent firearms training every 6 months. In this area, TSA recognizes that there might be several advantages to contracting with private sector facilities. In particular, Federal facilities alone are unlikely to have sufficient capacity to provide semi-annual recurrent training to the thousands of volunteers we expect to deputize. Furthermore, by contracting with private facilities, FFDOs can more readily undergo recurrent training at a time and location most convenient to them.

As a result, TSA worked under an existing contract with Lockheed Martin to conduct a requalification site selection analysis. In conducting the site selection, a primary criterion was that selected sites be located in or near cities that are conveniently accessible to airports utilized by major airlines. This consideration would minimize the travel times for FFDOs and the associated costs that are borne by them. Ten hub cities were ultimately selected based on this consideration—Newark, Philadelphia, Atlanta, Miami, Minneapolis, Dallas, Chicago, Los Angeles, Seattle, and Denver. After the cities were selected, nearly one thousand different private facilities were evaluated to determine which ones best meet the needs of the FFDO program. The criteria used in the assessment included the underlying quality of a facility, as well as the level of safety and security it afforded.

After conducting the exhaustive search and evaluation, TSA reviewed recommendations on which facilities should be designated as primary recurrent training facilities. Of the ten primary facilities, six are privately owned. Of these six, five are designated as small businesses and two are also designated as minority-owned businesses. TSA concurred with the recommendations and Lockheed is finalizing contract terms with the owners and operators of the facilities. We very much look forward to working with these facilities, as well as the four facilities owned by state or local governments, to ensure that FFDOs receive the highest level of recurrent training that TSA will insist on being maintained and which the traveling public deserves.

In addition, the site selection analysis led to the identification of secondary facilities near or within the ten identified cities that can be utilized in an emergency or if future events otherwise require that they be utilized. Although TSA will not enter into contracts with these secondary facilities unless and until such need arises, eight of the ten alternate sites are privately owned facilities and are all designated as small businesses.

Many strong candidates were reviewed. As in any competitive contracting, there were candidates who were not chosen. We hope that they will not hesitate to compete in any future contracting involving the FFDO program or for other contracts relating to programs administered by TSA.

Recurrent training for FFDOs is not the only area where small businesses are actively involved. In particular, TSA has awarded contracts in significant dollar amounts to small businesses in areas relating to acquisition of the firearms that are provided to the FFDOs. Many of the items associated with the firearms with which we equip FFDOs are being procured through contract awards to small businesses. These items include the lock

boxes where the firearm must be stored, holsters for the FFDOs, and magazine pouches. Furthermore, TSA is leasing pistol training simulators from a small business entity, and TSA is currently conducting a procurement to acquire pistol training simulators where all 3 bidders are small businesses. In total, out of 21 contracts, totaling $4.14 million, that relate to the FFDO firearm, 17 contracts totaling $833,700 were awarded to small businesses.

TSA also acquires various materials necessary for the FFDO program, including the ammunition used in the FFDO firearm, through a reimbursable agreement with FLETC. Out of 80 contract awards to businesses, 52 awards totaling $375,000 went to small businesses while 28 awards totaling $45,000 went to large businesses.

TSA is committed to a strong relationship with the small business community as we move forward in implementing all aspects of the FFDO program, as well as our larger program to provide comprehensive transportation security. The TSA Small Business Office is reaching out to the small business community in bold, robust ways to ensure that small businesses are provided maximum practical opportunities to participate in TSA contracts and subcontract opportunities. TSA has conducted over 200 one-on-one meetings with small businesses wishing to learn about opportunities to do business with TSA and how best to market their assets and expertise to TSA. TSA also participates in periodic outreach conferences, including a monthly vendor outreach hosted by the DHS Office of Small and Disadvantaged Business Utilization and in conferences around the nation hosted by the small business community. Our commitment to the small business community is memorialized in a Small Business Policy Statement signed by the Administrator of TSA in March, 2003. We believe that our outreach efforts and the information and assistance we provide to small businesses on a continual basis are affording such entities strong opportunities to compete and win a healthy share of TSA's awards.

Chairman Graves and members of the Subcommittee, this concludes my prepared remarks. TSA appreciates the opportunity to submit a statement for the record for this hearing.