



One Hundred Tenth Congress  
U.S. House of Representatives  
Committee on Homeland Security  
Washington, DC 20515

January 29, 2008

The Honorable David M. Walker  
Comptroller General of the United States  
U. S. Government Accountability Office  
441 G St., N.W.  
Washington, DC 20548

Dear Mr. Walker:

As the Transportation Security Administration (TSA) puts in place the programs needed to comply with the mandates in the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53, § 1602, 121 Stat. 266, 477-80, Aug. 3, 2007. (codified at 49 U.S.C. § 44901(g)), the Committee on Homeland Security would like your assistance in helping to assure that mandates that relate to the screening of air cargo are met in a manner consistent with Congressional intent.

Specifically, section 1602 of the Act requires the Secretary of Homeland Security to establish a system to screen 100 percent of cargo transported on passenger aircraft not later than 3 years after August 3, 2007, the date of the Act's enactment, with 50 percent of such cargo screened not later than 18 months after enactment. The Act defines screening to mean a physical examination or non-intrusive method (e.g., through the use of x-ray systems and TSA-certified canine teams) as well as additional methods, to ensure that the cargo does not pose a threat to transportation security. The accompanying conference report also expresses concern about TSA using data checks of cargo or shippers as a single factor in determining whether cargo poses a threat to transportation security. For this reason, the conference report "requires that if such data checks are used, they must be paired with an additional physical or non-intrusive screening method approved by TSA that examines the cargo's contents."

We are concerned that Congress has limited information regarding how TSA intends to implement the cargo screening mandate established in P.L. 110-53, including the degree to which TSA is designing the program to address vulnerabilities in the existing cargo screening system. Such vulnerabilities have been detailed in various assessments of the current system, such as reports prepared by the Government Accountability Office (GAO) (*Federal Action Needed to Strengthen Domestic Air Cargo Security*, GAO-06-76, October 2005; *Federal Efforts to Secure U.S.-Bound Air Cargo Are in the Early Stages and Could Be Strengthened*, GAO-07-660, April 2007) as well as a recent investigation by the Department of Homeland Security's Inspector General that found serious, systemic weaknesses in TSA's current air cargo screening system (*Transportation Security Administration's Oversight of Passenger Aircraft Cargo Security Faces Significant Challenges*, OIG-07-57, July 2007).

Given the importance of strengthening air cargo security and the requirements established in P.L. 110-53, we request that GAO study TSA's efforts to comply with this requirement of the 9/11 Act, including the development, testing and implementation of the Certified Shipper Program, which we understand TSA expects to begin pilot testing this month. Given that TSA's efforts to meet the 100 percent screening requirement are still being developed, we request that GAO initiate this review at a time deemed appropriate based on the maturity of the program and related TSA plans. In conducting the review, we would like GAO to address the following questions:

1. To what extent is TSA's approach to developing a system to screen 100 percent of air cargo consistent with requirements set forth in P.L. 110-53, including the requirement that 50 percent of air cargo transported on passenger aircraft be screened within 18 months of the date of enactment and that 100 percent of air cargo be screened within 3 years from the date of enactment? To what extent is TSA's approach to meeting the law's air cargo mandates designed to provide a level of security for air cargo screening that is "commensurate with the level of security for the screening of passenger checked baggage", as required by the Act? Please make recommendations, if determined appropriate, to help ensure that TSA's plans comply with these statutory requirements.
2. What challenges, if any, does TSA face in meeting the legislative mandates within the timelines set forth in the Act? What challenges, if any, does TSA's plan to meet the air cargo mandates create for air carriers, indirect air carriers, shippers, and other industry stakeholders?
3. Please identify the milestones and estimated costs associated with meeting the requirement of screening 100 percent of air cargo, as established by TSA and the Department of Homeland Security.

Thank you for your attention to this important matter. If you have any questions regarding this request, please have a member of your staff contact Mark Bayer in Rep. Markey's office at 202-225-2836 or Cherri Branson in the Committee on Homeland Security office at 202-226-2616.

Sincerely,

  
Bennie G. Thompson  
Chairman  
Committee on Homeland Security

  
Edward J. Markey  
Member of Congress  
Committee on Homeland Security