

Congress of the United States

Washington, DC 20515

October 31, 2011

The Honorable John S. Pistole
Administrator
Transportation Security Administration
601 S. 12th Street
Arlington, VA 22202

Dear Administrator Pistole:

We write to request an update on the status of the efforts of the Transportation Security Administration (TSA) to ensure that all U.S.-bound air cargo is screened, as required pursuant to section 1602 of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53).

A year ago, an Al Qaeda affiliate attempted to explode “printer-bombs” packed with PETN in cargo planes originating from Yemen and destined for the United States. Fortunately, the plot was foiled. Nevertheless, the exposure of this major terrorist plot is a reminder that our adversaries are well aware of the security vulnerabilities in our air cargo system and are determined to exploit them.

According to a Bloomberg News report, the December 2011 deadline that TSA had established for achieving the screening of all U.S.-bound cargo has now been extended (“TSA Delays Deadline for Non-U.S. Cargo Screening, Group Says,” October 7, 2011). We are troubled that TSA, in a subsequent press statement, seemed to signal that the agency was seeking agreements in furtherance of a so-called “risk-based” screening approach rather than the 100% screening approach. Specifically, TSA explained that the agency “[c]ontinues to work closely with our private sector and international partners to further risk-based screening of international inbound air cargo on passenger and all-cargo aircraft.” TSA’s statement implies that only inbound cargo identified through a “risk-based” process will be screened. This approach would be contrary to the intent of section 1602 and would pose significant security vulnerabilities for our country.

When P.L. 110-53 was enacted, we understood that ensuring the screening of all air cargo loaded on planes departing for the U.S. could prove challenging, insofar as TSA lacks the authority and resources to unilaterally require implementation by foreign governments. That said, we believed then—and *continue to believe today*—that screening 100 percent of U.S.-bound air cargo—as is done for all cargo shipped on domestic point-to-point aircraft—is critical to guarding against evolving terrorist threats.

In light of TSA’s recent press statement and, in the interest of ensuring that TSA fully achieves the 100% air cargo screening mandate as intended by Congress, we respectfully request information in response to the following questions by November 14, 2011.

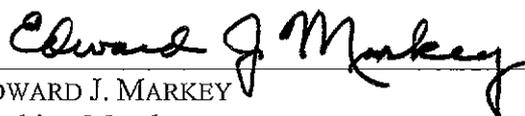
1. What is TSA's current view on the 100% air cargo screening mandate? Does the recent press statement to reflect TSA's view that "risk-based" screening is the ultimate security outcome or does it merely underscores a phased-in effort at ultimately achieving 100% screening?
2. What is the status of international negotiations in furtherance of Section 1602 in the international arena? In response to this question, please provide specific details on progress achieved with specific foreign governmental entities and barriers encountered in this negotiation process.
3. What were the factors involved in the decision to delay implementation of the 100 percent cargo screening mandate? Which TSA officials were involved in this decision? When was this decision made?
4. What is the current timeline for fulfilling the international air cargo screening mandate as set forth in the Implementing 9/11 Commission Recommendation Act of 2007 (P.L. 110-53)?
5. What screening methods is TSA considering for the screening of international inbound cargo? If TSA plans to use a "risk-based" approach, how will TSA determine whether inbound air cargo is "high-risk" and therefore must be screened?
6. What metrics, if any, does TSA intend to utilize to determine whether the 100 percent screening requirement is being met on inbound air cargo?

If you have questions about this request, please contact Rosaline Cohen, Chief Counsel for Legislation for the House Committee on Homeland Security, Democratic Staff at 202-226-2616 or Mark Bayer, Chief of Staff for Congressman Markey at 202-225-2836.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security



EDWARD J. MARKEY
Ranking Member
Committee on Natural Resources



SHEILA JACKSON LEE
Ranking Member
Subcommittee on Transportation Security
Committee on Homeland Security