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SECURING AIR COMMERCE FROM THE THREAT OF TERRORISM

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BEFORE THE

SUBCOMMITTEE ON TRANSPORTATION SECURITY

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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SECURING AIR COMMERCE FROM THE THREAT OF TERRORISM

Wednesday, March 9, 2011

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TRANSPORTATION SECURITY,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to call, at 2:44 p.m., in Room 311, Cannon House Office Building, Hon. Mike Rogers [Chairman of the subcommittee] presiding.

Present: Representatives Rogers, Brooks, Jackson Lee, and Richmond.

Mr. ROGERS [presiding]. I would like to welcome everybody. The subcommittee is going to come to order now.

This is our subcommittee's second hearing in the new Congress, and I want to thank our witnesses taking the time to be with us today.

Today's hearing is on "Securing Air Commerce from the Threat of Terrorism." The strength of our economy depends on the safe and secured flow of commerce, and air cargo security is the important element of this effort. This hearing is an opportunity to examine the state of air cargo security and the many challenges that still exist in this environment.

We know that air cargo was a terrorist target. Last October, two packages containing explosives originating from Yemen were discovered in route to the United States. Both packages were scheduled to fly on both passenger and all cargo planes.

Fortunately due to an intelligence tip, both packages were discovered and removed before they could explode but this terrorist plot for which al-Qaeda in the Arabian Peninsula, AQAP, claimed responsibility reinforced that terrorists are constantly looking for new ways to exploit our systems and kill innocent people. AQAP is one of the most significant threats we face today.

At the February 9 hearing of the Full Committee, Department of Homeland Security Secretary Janet Napolitano reported that the terrorist threat to the United States is at its most heightened state since September 11, 2001. Michael Leiter, Director of the National Counterterrorism Center added that AQAP is probably the most significant risk to United States Homeland.

It has been nearly 5 months since the Yemen attack was thwarted. Since that time, TSA has worked in collaboration with the industry to prevent this type of incident from happening again. This collaboration is extremely important to prevent an air cargo attack and similar steps need to be taken with TSA's foreign partners to

ensure that resources are being developed and allocated in an intelligence-driven, risk-based manner with an appropriate technology in place.

Recently, Secretary Napolitano announced that by December 2011, her department would be able to meet the mandate to screen 100 percent of inbound cargo of international passenger flights. While I applaud the DHS and TSA's progress in securing cargo, we cannot lose sight of the fact that all cargo is not treated equal. All packages should not necessarily be screened the same way, particularly as it distracts us from the real threats and result unduly slows commerce.

There is one thing for sure, no package will ever complain about being profiled. For example, a package that is dropped off in a country known to be a hot bed for terrorism by an unknown individual who pays cash to have it shipped should not be treated the same way as cargo being shipped by a trusted shipper or business. Just like other areas of aviation security, TSA in partnership with industry and its foreign partners must focus its resources on the cargo that has been deemed the highest-risk cargo in order to get ahead of the next attempted attack.

Our witnesses today are Mr. John Sammon, Assistant Administrator of the Office of Transportation Security Network Management at TSA; and Mr. Stephen Lord, Director of Homeland Security and Justice Issues at the Government Accountability Office.

Mr. Sammon brings over 25 years of transportation experience to his position. Mr. Lord is a recognized expert on aviation security issues and has provided his expertise to the committee on numerous occasions through several important states.

Thank you both for your service to our Nation and for being here. Before I recognize the Ranking Member for her opening statement, I would like to add that over the next several months, this subcommittee will continue its oversight of TSA on air cargo and work toward developing legislation to improve the air cargo security. I look forward to a continued dialogue with both of the witnesses on this as well as our private stakeholders.

I would like to state on record that this hearing should serve as an opportunity to discuss any areas where Congress can be helpful in improving the tools and authorities TSA has at its disposal to carry out its mission to secure air cargo—a vital sector of our economy.

The Chairman now recognizes Ranking Member of the subcommittee, the gentlelady from Texas and my friend, Ms. Sheila Jackson Lee, for any statements she may have.

Ms. JACKSON LEE. Mr. Chairman, thank you for that courtesy and it is certainly a pleasure to work with you and we have worked together as friends for a number of years. I want to complement you for caring for the mission of this subcommittee and the mission of this full committee. This is truly an important hearing.

If I might be a little humorous, it doesn't ring the bells and whistles. There are not 49 cameras here to hear us our due diligence, but this is the kind of work that our constituency assumes us to do a steady diligent, consistent oversight that really answers the major question. For example, I will just simply say no one would have expected the creativity of individual franchising terrorist to

pick out air cargo and small packages and typewriters, if I might say another item that might be without description to do harm to the United States. That is why this hearing is so very important because we are looking at the weeds and trying to work to find solutions and to ensure that the homeland is safe.

So let me thank you again and thank the witnesses, Sammon, Lord for testifying today on this issue. I know that both of them know a great deal about it.

Mr. Lord, you have been before us before as has Mr. Sammon with a number of insightful suggestions.

Today, the subcommittee will continue its oversight into air cargo security. In the last Congress, we had two hearings on the statutory mandate contained in the implementing recommendations of the 9/11 Commission Act directing that all cargo on passenger aircraft is screened for explosives. Without doubt, this cargo screening mandate is critical to aviation security. TSA has informed us that for domestic and out-bound flights, industry has implemented screening procedures such that all of the belly cargo on passenger aircraft is being screened. We are certainly glad of this.

Might I say, even with that representation, I want to see a TSA diligently overseeing that 100 percent cargo inception/representation because that is what we are supposed to do.

In October of last year, we learned of a terrorist plot to ship explosives from Yemen via passenger and all air cargo craft to address this in the United States. Creative, unique, not a lot of, if you will, overhead but unfortunately getting the job done—the terrorist job done—the bad part of life.

Through intelligence and coordination between the U.S. Government and air carriers, the packages containing explosives were intercepted before being transported on flights to the United States. But the incident showed that the terrorists are still targeting aviation and that there is a potential vulnerability to address with respect to air cargo security.

Mr. Sammon will talk about the need to implement 100 percent cargo screening on passenger flights inbound to the United States, and I know TSA is working with the industry and foreign government to achieve its milestones by the end of this year. I look forward to receiving an update on this international work from you today as well as an assessment of the tools you need to accomplish this stance, what are the proper protocols that will ensure that we truly are getting the best response to the desires that we have made.

As I have said before, if enacted properly, fulfillment of the passenger planes' cargo screening mandate will be a major milestone in aviation security. Building and pointing out previous mandates to conduct 100 percent screening of checked bags, fortify cockpit doors, deploy Federal air marshals, secure airport checkpoints and perimeters, and improve the way we check passengers against the terrorist watch list.

Mr. Lord, in your report last year, GAO raised concerns about TSA's ability to conduct effective oversight of domestic certified cargo screening program known as CCSP. I look forward to hearing an update from you on TSA's verification and compliance efforts in ensuring that the private sector is fulfilling the cargo screening re-

quirement as well as TSA's progress in certifying new and effective couriering technology.

Chairman, I know we share the same interest in securing the aviation system while TSA has made great progress in establishing security systems for cargo. This is not a time to take our eyes off the ball. In fact, it is also important that we assess and confirm that we are at the percentages that our airline industry suggests and help them if we are not.

We must ensure that there is domestic compliance by the private sector. We must work with foreign governments in establishing a credible cargo screening system for air cargo inbound to the United States, and we must emphasize Mr. Chairman to our foreign friends and others that this is crucial and we mean business. We are happy to work with them. We are happy to work with them as we have goods traveling there but we mean business about securing the homeland.

I would like to thank our witnesses for coming before us today and helping us to shed light on this critical issue. With that, Mr. Chairman, I yield back to balance up my time.

Mr. ROGERS. I thank you, the Gentlelady.

We are again pleased to have two distinguished witnesses with us today. I want to remind the witnesses that their entire statements have been submitted for the record, and if you would like to summarize them in 5-minute increments.

We will start with Mr. John Sammon. The floor is yours.

STATEMENT OF JOHN SAMMON, ASSISTANT ADMINISTRATOR, TRANSPORTATION SECTOR NETWORK MANAGEMENT, TRANSPORTATION SECURITY ADMINISTRATION

Mr. SAMMON. Good afternoon, Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. I would like to echo Ranking Member Jackson Lee's commitment to—this committee has always been a partner working on—focused on better security and we really do appreciate that from TSA's standpoint.

I appreciate the opportunity to appear before you today to discuss the progress we have made in air cargo security. TSA has put regulatory and compliance programs in place to ensure that the industry meets the requirements to screen 100 percent of air cargo transported on passenger aircrafts and flights originating in the United States.

In the international arena, a different set of challenges confront TSA. The discovery of explosive devices last October on-board aircraft bound for the United States demonstrated the need for continued vigilance in detecting terrorist devices on-board all cargo as well as passenger aircraft. The Certified Cargo Screening Program, CCSP, established in 2009 has been the center of industry's overall ability to screen 100 percent of U.S. air cargo. The program achieves our primary goal of improving security without negatively impacting the movement of goods.

Currently, we have 1,167 entities serving as CCSFs contributing over 54 percent of the total screening volume. TSA must remain vigilant in ensuring that certified companies properly screen air cargo.

In fiscal year 2010, TSA increased its cargo inspection for us from 450 to 500, plus we have 110 of the 120 deployed cargo K–9 teams and conducted 6,000 inspections on CCSF and airline screening operations. The CCSP program is voluntary and relies on trust and verification. To that end, TSA has a vigorous inspection and compliance program to ensure that participants are screening as expected.

Our inspections have found several entities who were violating the spirit and letter of the program requirements. We have taken a wide range of enforcement actions ranging from voluntary withdrawal from the program to civil enforcement, and if necessary we will undertake criminal enforcement. TSA takes the CCSP program very seriously and we intend to vigorously protect its integrity.

For international air cargo, TSA has requested industry comment on the feasibility of screening 100 percent of air cargo on passenger air craft bound for the United States by December 31, 2011. Air carriers were given a 45-day period in which to comment on the proposed 100 percent screening requirement after which TSA will review and evaluate comments prior to making a final determination. We recognize that closing the final gap poses operational challenges for the airlines.

More importantly, however, TSA does not have the same inspection and compliance authorities overseas that it has in the United States. While TSA can inspect and aggressively pursue enforcement action in the United States, any inspection of air cargo screening overseas requires the voluntary cooperation of our foreign partners.

To progress in that regard, TSA continues to review other countries' National security programs. TSA's recognition of other countries' cargo programs will provide us with Government oversight of supply chain and screening process.

Last October, the global counterterrorism community disrupted a potential attack when individuals in Yemen with ties to al-Qaeda in the Arabian Peninsula attempted to ship explosive devices in cargo on-board aircraft bound for the United States. We have been working closely with air carriers to continue to refine our counterterrorism strategy based upon focused, measured intelligence-driven protocols.

The terrorists who are intended upon doing us harm would like nothing more for the United States to adopt the reactive and defensive posture in lieu of crafting thoughtful focused approach. Our measures are designed to produce maximum security capability without disrupting critical supply chains.

In conclusion, thank you for the opportunity to appear before the subcommittee today, and I look forward to your questions.

[The statement of Mr. Sammon follows:]

PREPARED STATEMENT OF JOHN SAMMON

MARCH 9, 2011

Good afternoon Chairman Rogers, Ranking Member Jackson Lee, and distinguished Members of the subcommittee. I appreciate the opportunity to appear before you today to discuss the progress that the Transportation Security Administration (TSA) is making in fulfilling air cargo security requirements established by Congress. I thank the subcommittee for its leadership role in promoting transportation

security for the American public, and I look forward to our dialogue today and your thoughts about how we can further improve air cargo security.

TSA is pleased to report that, in conjunction with the air cargo industry, we met the August 2010 mandate included in the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Act) to screen 100 percent of cargo transported on flights of passenger aircraft originating within the United States. A different set of challenges confronts TSA as we continue to make substantial progress toward achieving the 100 percent screening mandate on all international inbound passenger flights to the United States. Additionally, the discovery of explosive devices last October on-board aircraft originating in Yemen and ultimately bound for the United States further demonstrated the need for continued vigilance in detecting terrorist devices on-board all-cargo aircraft as well as on-board passenger aircraft.

Going forward, we need to utilize all available means at our disposal for countering the terrorist threat, developing initiatives with other Department of Homeland Security (DHS) components and offices, and continuing to work collaboratively with our partners internationally and in the private sector. As we pursue intelligence-driven initiatives both domestically and internationally, we will continue to work closely with the subcommittee in examining how best to protect the traveling public, facilitate the flow of commerce, and guard against the actions of terrorists.

DOMESTIC CARGO SCREENING INITIATIVES MEET STATUTORY REQUIREMENTS

In fulfilling a key provision of the 9/11 Act, last August TSA worked with partners in the air cargo industry to successfully meet the 100 percent cargo screening mandate on domestic and international outbound passenger aircraft on schedule.

We met the deadline within a 3-year period with the assistance from a wide spectrum of parties, including air carriers, the shipping industry, freight forwarders and major associations, such as the Air Forwarders Association and the Air Transport Association.

The Certified Cargo Screening Program (CCSP), which was permanently established in 2009 through an Interim Final Rule, has been at the center of industry's overall success. Under this program, responsibility for cargo screening is voluntarily distributed throughout the supply chain to improve security and minimize the bottleneck and potential negative impact on the integrity and movement of commerce that would be created by screening 100 percent of air cargo at the Nation's airports. Currently, we have 1,167 entities serving as Certified Cargo Screening Facilities (CCSF), contributing over 54 percent of the total screening volume. Without their participation, the 100 percent screening mandate could not have been met.

TSA must remain vigilant, however, in ensuring that certified companies properly screen air cargo. In fiscal year 2010, TSA increased its cargo inspection force from 450 to 500 and conducted 6,042 inspections on CCSF and airline screening operations. Our training must be comprehensive and compliance must be rigorously enforced. To assist in this effort, TSA recently created and released detailed screening training materials to industry partners. The materials ensure a consistent, high level of training industry-wide on TSA's requirements for cargo handling and screening, facilitate compliance with our security programs, and ultimately drive better security for air cargo.

Participation in the CCSP program is voluntary, but once accepted into the program, a CCSF becomes a regulated party. TSA has a vigorous inspection and compliance program to ensure that CCSP participants are screening as required. If inspections uncover entities violating the spirit and letter of the program requirements, there are a wide range of enforcement actions ranging from voluntary withdrawal from the program to civil enforcement, and if necessary we will undertake criminal enforcement. TSA takes the CCSP program very seriously and we vigorously ensure its integrity.

INTERNATIONAL CARGO SCREENING FACES UNIQUE CHALLENGES

All high-risk cargo on international flights bound for the United States is prohibited from being transported on passenger aircraft. All high-risk cargo goes through enhanced security procedures before being shipped on all-cargo aircraft. Nevertheless, complex challenges exist in reaching 100 percent screening of cargo loaded on passenger aircraft in-bound to the United States. TSA is working assiduously to meet the international requirement of the 9/11 Act mandate, and recent global events have only further demonstrated the compelling need to heighten security as soon as is practicable. In light of the latest threats and the considerable progress made by air carriers in screening international in-bound cargo, TSA has requested industry comment on the feasibility of a proposed deadline of December 31, 2011

to screen 100 percent of the cargo that is transported on passenger aircraft bound for the United States—2 years earlier than previously anticipated.

Air carriers were given a 30- to 45-day period (30 days for domestic, 45 days for international carriers) in which to comment on the proposed deadline, after which time TSA will review and evaluate the industry comments prior to making a final determination.

Since passenger air carriers began providing detailed reports on in-bound screening percentages in June 2010, it is apparent that more cargo is being screened than TSA had earlier estimated. Many air carriers, including a high number of wide-body operators, are already at or close to 100 percent screening of air cargo in-bound to the United States. However, we recognize that closing the final gap poses some operational challenges for airlines. More importantly, TSA does not have the same inspection and compliance authorities overseas that it has in the United States. While TSA can inspect and aggressively pursue enforcement action in the United States under the Interim Final Rule, any inspection of air cargo screening overseas requires the full voluntary cooperation of our foreign partners.

To address these challenges, TSA will continue to review other countries' National Country Security Programs (NCSP) to determine whether their programs provide a level of security commensurate with the level of security provided by existing U.S. air cargo security programs. TSA's recognition of other countries' NCSPs will provide us with Government oversight of the supply chain and screening process. We are aware that many country programs support a supply chain approach similar to our CCSP. Since we cannot establish a CCSP program overseas, the NCSP approach is a key element in helping industry to accomplish the 100 percent screening goal while also enabling TSA to ensure that inspections and compliance actions are well established by the host government programs and commensurate with U.S. security standards. We are renewing our efforts to ensure broader international awareness of TSA's Congressional screening mandate, and to encourage countries to share their NCSPs with us for review.

In addition, air carriers will be able to use Authorized Representatives to perform screening on their behalf. Authorized Representatives will allow for cargo to be screened by entities such as freight forwarders, operating under the airline program, enabling them to screen the cargo at various points in the supply chain.

SECURITY ARRANGEMENTS FOLLOWING THE AIR CARGO PACKAGES INCIDENT FROM YEMEN

Last October, the global counterterrorism community disrupted a potential attack when individuals in Yemen with ties to al-Qaeda in the Arabian Peninsula attempted to conceal and ship explosive devices in cargo on-board aircraft that traveled through several foreign nations, and ultimately were bound for the United States.

TSA joined with another DHS agency, U.S. Customs and Border Protection (CBP), and immediately initiated additional measures to enhance existing protocols for screening in-bound cargo. These included temporarily disallowing all air cargo shipments originating in Yemen destined for the United States and expanding the same policy to include shipments originating in Somalia. TSA has also taken appropriate measures to enhance security requirements for in-bound air cargo shipments on passenger and all-cargo planes, and, together with CBP, is in close collaboration with the international shipping community to provide additional security measures for in-bound shipments on all-cargo aircraft.

DHS has been working closely with air carriers to continue to refine our counterterrorism strategy based upon focused, measured intelligence-driven protocols. Our measures are designed to produce the maximum security capability without disrupting critical shipping supply chains.

TECHNOLOGY AND EXPLOSIVES DETECTION CANINE TEAMS

TSA's on-going layered efforts to ensure the highest possible level of security for both domestic and international air cargo include a variety of innovative and cost-effective programs, including an on-going analysis of technology and the inclusion of authorized representatives to screen on an airline's behalf. We will continue to partner with our international partners and will remain an intelligence-driven agency focused upon detecting, deterring, and dismantling attempted terrorist attacks.

Technology will continue to play an important role in screening air cargo. We will continue to evaluate screening technologies to ensure that industry has the most effective equipment at its disposal. Currently, approximately 80 equipment models are fully certified for cargo, up from 20 in February 2009. In 2010, TSA added a new

category of technology, Electro Magnetic Detection (EMD), which has proven to be an effective means of screening products such as perishable commodities.

Our explosives detection canine teams are one of our most reliable resources for cargo screening. These highly effective, mobile teams can quickly locate and identify dangerous materials that may present a threat to cargo and aircraft. Our Proprietary Explosives Detection Canine Teams pair TSA Cargo Inspectors and explosive detection canines to search cargo bound for passenger aircraft. These teams have been deployed to several of our Nation's largest airports. They can also be deployed anywhere in the transportation system in support of TSA's mission during periods of heightened security.

Currently, TSA's proprietary canines in the United States perform both primary and secondary (backup) screening at airline facilities in 20 major air cargo gateway cities, screening more than 53 million pounds per month as of January 2011. TSA, working closely with the private sector, has also launched a private sector canine pilot program which, if successful, would enable industry to utilize privately operated teams that meet the same strict standards to which TSA teams are trained and maintained.

CONCLUSION

Thank you for the opportunity to appear before the subcommittee today to discuss TSA's on-going efforts to increase air cargo security. I look forward to your questions.

Mr. ROGERS. Thank you, Mr. Sammon.

Mr. Lord, you are recognized for 5 minutes.

STATEMENT OF STEPHEN LORD, DIRECTOR, HOMELAND SECURITY AND JUSTICE ISSUES, GOVERNMENT ACCOUNTABILITY OFFICE

Mr. LORD. Thank you, Mr. Chairman. Chairman Rogers, Ranking Member Jackson Lee, and other Members of the subcommittee, thanks for inviting me here today to discuss air cargo screening issues.

This is an important issue as each year over 6 billion pounds of air cargo is shipped via U.S. passenger flights, and the October 2010 incident in Yemen also highlights the importance of establishing an effective air cargo screening system. Today, I would like to discuss two issues—TSA's progress as well as its related challenges in screening 100 percent of air cargo on passenger flights per the 9/11 Act mandate.

As you know, the act required TSA to establish a system to screen 100 percent of cargo not only on domestic passenger flights but in-bound passenger crafts as well. The key message I want to convey today is that TSA has taken several important steps to establish a system to screen domestic air cargo but still faces some important challenges related to screening the in-bound air cargo.

In terms of progress in screening domestic air cargo and as noted by Mr. Sammon, TSA created the voluntary—the so-called certified cargo screening program to allow screening to take place earlier in the air cargo supply chain essentially away from airports. And TSA has also expanded its explosive detection K–9 program and as Mr. Sammon noted, as of February of this year, TSA has 113 explosive detection K–9 teams and is in the process of adding seven more.

There is also a new rainfall regarding K–9s. TSA established a new pilot program to test the feasibility of using private sector K–9 teams train the TSA standards to help inspect air cargo. These steps have helped TSA meet the screening mandate as it applies to domestic cargo. However, I would like to discuss some of the in-

bound air cargo screening issues I alluded to earlier and this merits special attention.

In terms of progress, TSA reports they will now meet the 9/11 Act mandate as it applies to in-bound by December of this year. This is 2 years earlier than the TSA administrator reported to Congress back in November. What accounts for the new optimism?

According to TSA, air carriers have changed their business practices after TSA introduced new screening requirements for shrink-wrapped and banded cargo. Shrink-wrapped and banded cargo is a major method to move air cargo on wide body aircraft. As a result of this, TSA says air cargo is now being screened—more cargos being screened at the point of origin before it is assembled into pallets, which has resulted in higher levels of screening.

However, I think it is really important to hear industry viewpoints on this matter because there is an old management adage you spend 80 percent of your time worried about 20 percent of the problem, and TSA is reporting about 80 percent of the in-bound cargos being screened. I think that last 20 percent could be problematic.

Moreover, as we previously reported, TSA does not have a mechanism to verify the accuracy of the data reported air carriers to judge whether, in fact, the mandate is actually being met. Given the new deadline, it becomes even more important for them to have good data. As Mr. Sammon noted, another challenge is that TSA has limited authority to regulate foreign government and entities. Foreign governments generally cannot be compelled to implement or mutually recognize U.S. security measures. It is all done on a voluntary basis.

A third very important challenge related to in-bound is there is no technology that is currently approved or qualified to screen large so-called ULD pallets and containers. Again, as we previously reported, this is a major method of moving air cargo from abroad. Thus, we have several open questions about how this system is going to work in practice and whether they are going to be able to meet this new December deadline.

In closing, an effective air cargo screening system not only requires effective technology, timely intelligence, capable and well-trained staff but also clearly define policies and procedures and regular oversight such as by this committee to help ensure the system works this design.

Mr. Chairman, this concludes my statement. I look forward to answering any questions that you or Ranking Member Jackson Lee or other distinguished Members of the committee may have.

[The statement of Mr. Lord follows:]

PREPARED STATEMENT OF STEPHEN LORD

MARCH 9, 2011

GAO HIGHLIGHTS

Highlights of GAO–11–413T, a testimony before the Subcommittee on Transportation Security, Committee on Homeland Security, House of Representatives.

Why GAO Did This Study

The Department of Homeland Security's (DHS) Transportation Security Administration (TSA) is the Federal agency with primary responsibility for securing the air cargo system. The Implementing Recommendations of the 9/11 Commission Act of

2007 mandated DHS to establish a system to screen 100 percent of cargo flown on passenger aircraft by August 2010. GAO reviewed TSA's progress in meeting the act's screening mandate, and any related challenges it faces for both domestic (cargo transported within and from the United States) and inbound cargo (cargo bound for the United States). This statement is based on prior reports and testimonies issued from April 2007 through December 2010 addressing the security of the air cargo transportation system and selected updates made in February and March 2011. For the updates, GAO obtained information on TSA's air cargo security programs and interviewed TSA officials.

What GAO Recommends

GAO has made recommendations in prior work to strengthen air cargo screening. Although not fully concurring with all recommendations, TSA has taken or has a number of actions underway to address them. Continued attention is needed to ensure some recommendations are addressed, such as establishing a mechanism to verify screening data. TSA provided technical comments on the information in this statement, which GAO incorporated as appropriate.

AVIATION SECURITY.—PROGRESS MADE, BUT CHALLENGES PERSIST IN MEETING THE SCREENING MANDATE FOR AIR CARGO

What GAO Found

As of August 2010, TSA reported that it met the mandate to screen 100 percent of air cargo as it applies to domestic cargo, but as GAO reported in June 2010, TSA lacked a mechanism to verify the accuracy of the data used to make this determination. TSA took several actions in meeting this mandate for domestic cargo, including creating a voluntary program to facilitate screening throughout the air cargo supply chain; taking steps to test technologies for screening air cargo; and expanding its explosives detection canine program, among other things. However, in June 2010 GAO reported that TSA did not have a mechanism to verify screening data and recommended that TSA establish such a mechanism. TSA partially concurred with this recommendation and stated that verifying such data would be challenging. As GAO reported in June 2010, data verification is important to provide reasonable assurance that screening is being conducted at reported levels. As GAO further reported in June 2010, there is no technology approved or qualified by TSA to screen cargo once it is loaded onto a pallet or container-both of which are common means of transporting domestic air cargo on passenger aircraft. As a result, questions remain about air carriers' ability to effectively screen air cargo on such aircraft.

TSA has also taken a number of steps to enhance the security of inbound air cargo, but also faces challenges that could hinder its ability to meet the screening mandate. TSA moved its deadline for meeting the 100 percent screening mandate as it applies to inbound air cargo to the end of 2011, up 2 years from when the TSA administrator previously reported the agency would meet this mandate. According to TSA officials, the agency determined it was feasible to accelerate the deadline as a result of trends in air carrier reported screening data and discussions with air cargo industry leaders regarding progress made by industry to secure cargo on passenger aircraft. TSA also took steps to enhance the security of inbound cargo following the October 2010 Yemen air cargo bomb attempt—such as requiring additional screening of high-risk cargo prior to transport on an all-cargo aircraft. However, TSA continues to face challenges GAO identified in June 2010 that could impact TSA's ability to meet this screening mandate as it applies to inbound air cargo. For example, GAO reported that TSA's screening percentages were estimates and were not based on actual data collected from air carriers or other entities, such as foreign governments, and recommended that TSA establish a mechanism to verify the accuracy of these data. TSA partially agreed, and required air carriers to report inbound cargo screening data effective May 2010. However, TSA officials stated while current screening percentages are based on actual data reported by air carriers, verifying the accuracy of the screening data is difficult. It is important for TSA to have complete and accurate data to verify that the agency can meet the screening mandate. GAO will continue to monitor these issues as part of its ongoing review of TSA's efforts to secure inbound air cargo, the final results to be issued later this year.

Mr. Chairman and Members of the subcommittee: I appreciate the opportunity to participate in today's hearing to discuss the security of the Nation's air cargo system. In 2009, about 6.5 billion pounds of cargo were transported on U.S. passenger flights-approximately 56 percent of which was transported domestically (domestic cargo) and 44 percent of which was transported on flights arriving in the United

States from a foreign location (inbound cargo).[1] The October 2010 discovery of explosive devices in air cargo packages bound for the United States from Yemen, and the 2009 Christmas day plot to detonate an explosive device during an international flight bound for Detroit, provide vivid reminders that civil aviation remains a key terrorist target. According to the Transportation Security Administration (TSA), the security threat posed by terrorists introducing explosive devices in air cargo shipments is significant, and the risk and likelihood of such an attack directed at passenger aircraft is high.

The Aviation and Transportation Security Act (ATSA), enacted into law shortly after the September 11, 2001, terrorist attacks, established TSA and gave the agency responsibility for securing all modes of transportation, including the Nation's civil aviation system, which includes air carrier operations (domestic and foreign) to, from, and within the United States.[2] For example, ATSA requires that TSA provide for the screening of all passengers and property, including cargo, transported on passenger aircraft.[3] ATSA further requires that a system be in operation, as soon as practicable after ATSA's enactment (on November 19, 2001), to screen, inspect, or otherwise ensure the security of the cargo transported by all-cargo aircraft-generally, aircraft that carry only cargo and no passengers—to, from, and within the United States.[4] To help enhance the security of air cargo, the Implementing Recommendations of the 9/11 Commission Act of 2007 (9/11 Commission Act) mandated the Department of Homeland Security (DHS) to establish a system to screen 100 percent of cargo on passenger aircraft—including the domestic and inbound flights of foreign and U.S. passenger operations—by August 2010.[5] The 9/11 Commission Act defines screening for purposes of the air cargo screening mandate as a physical examination or nonintrusive methods of assessing whether cargo poses a threat to transportation security.[6] The act further requires that such a system provide a level of security commensurate with the level of security for the screening of checked baggage. According to TSA, the mission of its air cargo security program is to secure the air cargo transportation system while not unduly impeding the flow of commerce. Although the mandate is applicable to both domestic and inbound cargo, TSA stated that it must address the mandate for domestic and inbound cargo through separate systems because of limitations in its authority to regulate international air cargo industry stakeholders operating outside the United States.

My statement today addresses TSA's progress and challenges in meeting the 9/11 Commission Act mandate to screen air cargo on passenger flights, both domestic cargo and cargo transported from a foreign location to the United States, known as inbound air cargo. My comments are based primarily on our prior reports and testimonies issued from April 2007 through December 2010 addressing the security of the air cargo transportation system, with selected updates in February and March 2011.[7] For these reports, we reviewed documents such as TSA's air cargo security

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[1] For the purposes of this statement, domestic cargo refers to cargo transported by air within the United States and from the United States to a foreign location by both U.S. and foreign air carriers, and inbound cargo refers to cargo transported by both U.S. and foreign air carriers from a foreign location to the United States. These cargo statistics were provided by the Transportation Security Administration from the Bureau of Transportation Statistics.

[2] See Pub. L. No. 107–71, 115 Stat. 597 (2001).

[3] See Pub. L. No. 107–71, § 110(b), 115 Stat. at 614–15 (codified as amended at 49 U.S.C. § 44901).

[4] See 49 U.S.C. § 44901(f) (requiring the system to be in operation as soon as practicable after the date of enactment—November 19, 2001—but without establishing a firm deadline).

[5] See Pub. L. No. 110–53, § 1602(a), 121 Stat. 266, 477–79 (2007) (codified at 49 U.S.C.§ 44901(g)).

[6] Although TSA is authorized to approve additional methods for screening air cargo beyond the physical examination or nonintrusive methods listed in the statute, the statute expressly prohibits the use of methods that rely solely on performing a review of information about the contents of cargo or verifying the identity of a shipper. See 49 U.S.C. § 44901(g)(5).

[7] See GAO, *Aviation Security: DHS Has Taken Steps to Enhance International Aviation Security and Facilitate Compliance with International Standards, but Challenges Remain,* GAO–11–238T (Washington, DC: Dec. 2, 2010); *Aviation Security: Progress Made but Actions Needed to Address Challenges in Meeting the Air Cargo Screening Mandate,* GAO–10–880T (Washington, DC: June 30, 2010); *Aviation Security: TSA Has Made Progress but Faces Challenges in Meeting the Statutory Mandate for Screening Air Cargo on Passenger Aircraft,* GAO–10–446 (Washington, DC: June 28, 2010); *Homeland Security: Better Use of Terrorist Watchlist Information and Improvements in Deployment of Passenger Screening Checkpoint Technologies Could Further Strengthen Security,* GAO–10–401T (Washington, DC: Jan. 27, 2010); *Aviation Security: Foreign Airport Assessments and Air Carrier Inspections Help Enhance Security, but Oversight of These Efforts Can Be Strengthened,* GAO–07–729 (Washington, DC: May 11, 2007); and *Aviation Security: Federal Efforts to Secure U.S.-Bound Air Cargo Are in the Early Stages and Could Be Strengthened,* GAO–07–660 (Washington, DC: Apr. 30, 2007).

policies and procedures and conducted site visits to four category X airports and one category I airport in the United States that process domestic and inbound air cargo.[8] We selected these airports based on airport size, passenger and air cargo volumes, location, and participation in TSA's screening program. For the updates, we obtained information on TSA's air cargo security programs and interviewed senior TSA officials regarding plans, strategies, and steps taken to meet the 100 percent screening mandate since December 2010. More detailed information about our scope and methodology is included in our reports and testimonies. We conducted this work in accordance with generally accepted Government auditing standards. We shared the information in this statement with TSA officials who provided technical comments that were incorporated as appropriate.

TSA REPORTS THAT IT MET THE SCREENING MANDATE AS IT APPLIES TO DOMESTIC CARGO, BUT PREVIOUSLY IDENTIFIED DATA LIMITATIONS AND OTHER CHALLENGES PERSIST

TSA took several actions to address the 9/11 Commission Act mandate to screen 100 percent of air cargo as it applies to domestic cargo transported on passenger aircraft by August 2010. As of August 2010, TSA reported that it met the 9/11 Commission Act mandate to screen 100 percent of air cargo as it applies to domestic cargo, although in June 2010 we reported that TSA lacked a mechanism to verify the accuracy of the data used to make this determination.

To help meet the mandate, TSA took several actions, among them:

TSA created a voluntary program to facilitate screening throughout the air cargo supply chain.—Since TSA concluded that relying solely on air carriers to conduct screening would result in significant cargo backlogs and flight delays, TSA created the voluntary Certified Cargo Screening Program (CCSP) to allow screening to take place earlier in the shipping process, prior to delivering the cargo to the air carrier. Under the CCSP, facilities at various points in the air cargo supply chain, such as shippers, manufacturers, warehousing entities, distributors, third-party logistics companies, and freight forwarders that are located in the United States, may voluntarily apply to TSA to become certified cargo screening facilities (CCSF).[9] TSA initiated the CCSP at 18 U.S. airports that process high volumes of air cargo, and then expanded the program to all U.S. airports in early 2009.

TSA is taking steps to test technologies for screening air cargo..—To test select screening technologies among CCSFs, TSA created the Air Cargo Screening Technology Pilot in January 2008, and selected some of the Nation's largest freight forwarders to use these technologies and report on their experiences.[10] In a separate effort, in July 2009, DHS's Directorate for Science and Technology completed the Air Cargo Explosives Detection Pilot Program that tested the performance of select baggage screening technologies for use in screening air cargo at three U.S. airports. In March 2009, TSA initiated a qualification process to test these and other technologies for air carriers and CCSP participants to use in meeting the screening mandate against TSA technical requirements. In December 2009, TSA issued to air carriers and CCSFs its first list of qualified technologies which included X-ray and explosives detection systems (EDS) models that the agency approved for screening air cargo under the 9/11 Commission Act. Over the past several years, TSA has evaluated and qualified additional technologies and has issued subsequent lists, most recently in February 2011. These technologies were in addition to the canine and physical search screening methods permitted by TSA.

TSA expanded its explosives detection canine program.—As of February 2011, TSA officials stated that the agency had 113 dedicated air cargo screening canine teams—operating in 20 airports—and was in the process of adding 7 additional canine teams. TSA headquarters officials explained that two CCSFs are participating in a pilot program to test the feasibility of using private canine teams—that meet

[8] There are 462 TSA-regulated airports in the United States. TSA classifies the airports it regulates into one of five categories (X, I, II, III, and IV) based on various factors, such as the total number of takeoffs and landings annually, the extent to which passengers are screened at the airport, and other special security considerations. In general, category X airports have the largest number of passenger boardings, and category IV airports have the smallest.

[9] A freight forwarder is a company that consolidates cargo from multiple shippers onto a master air waybill—a manifest of the consolidated shipment—and delivers the shipment to air carriers for transport. For the purpose of this statement, the term freight forwarder only includes those freight forwarders that are regulated by TSA, also referred to as indirect air carriers.

[10] Initially, the Air Cargo Screening Technology Pilot was limited to high-volume freight forwarders (i.e., freight forwarders processing at least 200 shipments annually per location that contain cargo consolidated from multiple shippers). However, in November 2008, TSA issued a second announcement seeking additional high-volume freight forwarders and independent cargo screening facilities to apply for the pilot.

TSA standards—to inspect air cargo. Officials stated that the pilot is expected to continue through summer 2011.

Even with these actions, TSA continues to face challenges that, among other things, could limit the agency's ability to provide reasonable assurance that screening is being conducted at reported levels. Among the challenges and recommendations previously identified in our June 2010 report are the following.

- *Reported screening data*.—TSA does not have a mechanism to verify screening data—which are self-reported by industry representatives. In our June 2010 report, we recommended that TSA develop a mechanism to verify the accuracy of all screening data through random checks or other practical means.[11] TSA partially concurred with our recommendation, and stated that verifying the accuracy of domestic screening data will continue to be a challenge because there is no means to cross-reference local screening logs—which include screening information on specific shipments—with screening reports submitted by air carriers to TSA that do not contain such information. Given that the agency uses these data to report to Congress its compliance with the screening mandate as it applies to domestic cargo, we continue to believe that verifying the accuracy of the screening data is important so that TSA will be better positioned to provide reasonable assurance that screening is being conducted at reported levels.
- *Screening technology*.—TSA has not approved or qualified any equipment to screen cargo transported on unit-load device (ULD) pallets or containers—both of which are common means of transporting air cargo on wide-body passenger aircraft—both domestic and inbound aircraft.[12] Cargo transported on wide-body passenger aircraft makes up 76 percent of domestic air cargo shipments transported on passenger aircraft. The maximum size cargo configuration that may be screened is a 48×48×65 ″ skid—much smaller than the large pallets that are typically transported on wide-body passenger aircraft. Prior to May 1, 2010, canine screening was the only screening method, other than physical search, approved by TSA to screen such cargo configurations. However, effective May 1, 2010, the agency no longer allows canine teams to screen ULD pallets and containers given TSA concerns about the effectiveness of this screening method for those cargo configurations. In addition, TSA is working to complete qualification testing of additional air cargo screening technologies; thus, until all stages of qualification testing are concluded, the agency may not have reasonable assurance that the technologies that air carriers and program participants are currently allowed to use to screen air cargo are effective. TSA is conducting qualification testing to determine which screening technologies are effective at the same time that air carriers are using these technologies to meet the mandated requirement to screen air cargo transported on passenger aircraft. While we recognize that certain circumstances, such as mandated deadlines, require expedited deployment of technologies, our prior work has shown that programs with immature technologies have experienced significant cost and schedule growth.[13]

Inspection resources.—As we reported in June 2010, for domestic air cargo, TSA amended its inspections plan to include inspections of CCSP participants, but the agency had not completed its staffing study to determine how many inspectors will be necessary to provide oversight of the additional program participants that would support the screening mandate. In our June 2010 report, we recommended that TSA create milestones to help ensure completion of the staffing study. TSA concurred and stated that as part of the staffing study, the agency is working to develop a model to identify the number of required transportation security inspectors and that this effort would be completed in the fall of 2010. As of February 2011, TSA officials stated that the study was in the final stages of review.

TSA HAS TAKEN STEPS TO ENHANCE THE SECURITY OF INBOUND AIR CARGO, BUT PREVIOUSLY IDENTIFIED SCREENING DATA LIMITATIONS AND OTHER CHALLENGES PERSIST

TSA has taken a number of steps to enhance the security of inbound air cargo, as discussed below.

TSA moved its deadline for meeting the 100 percent screening mandate as it applies to inbound air cargo.—TSA officials stated that they plan to meet the 9/11

[11] GAO–10–880T.

[12] Qualified technologies have undergone a TSA-sponsored test process. Approved technologies are conditionally approved for screening operations for a period of 36 months from the date added to the approved technology list while continuing to undergo further testing for qualification.

[13] See GAO, *Defense Acquisitions: Measuring the Value of DOD's Weapons Programs Requires Starting with Realistic Baselines,* GAO–09–543T (Washington, DC: Apr. 1, 2009).

Commission Act mandate as it applies to inbound air cargo transported on passenger aircraft by December 2011—2 years earlier than the TSA administrator reported to Congress in November 2010. According to TSA officials, the agency determined it was feasible to require air carriers to meet a December 2011 screening deadline as a result of trends in carrier reported screening data and discussions with air cargo industry leaders regarding progress made by industry to secure inbound cargo on passenger aircraft.

Effective May 1, 2010, air carriers were required to submit inbound screening data to TSA. According to TSA officials, in analyzing this self-reported screening data, TSA found that carriers were screening a higher percentage of air cargo than TSA had initially estimated. For example, TSA previously estimated that 65 percent of inbound cargo by weight would be screened by August 2010. Based on data submitted to TSA by the air carriers, TSA officials stated that the agency estimates that about 80 percent of inbound cargo by weight was screened for the same time period. In addition to requiring air carriers to submit screening data to TSA, in May 2010, TSA also required air carriers to screen a certain percentage of shrink-wrapped and banded inbound cargo.[14] TSA officials stated that in implementing this requirement, air carriers determined that it was more efficient to screen larger groupings of cargo at the point of origin, which resulted in more than the required percentage being screened. Therefore, according to TSA officials, continued progress made by industry will help TSA to meet its December 31, 2011, deadline to screen 100 percent of inbound passenger cargo.

TSA is working with foreign governments to draft international air cargo security standards and to harmonize standards with foreign partners.[15] According to TSA officials, the agency has worked with foreign counterparts over the last 3 years to draft Amendment 12 to the International Civil Aviation Organization's (ICAO) Annex 17, and to generate support for its adoption by ICAO members. The amendment, which was adopted by the ICAO Council in November 2010, will set forth new standards related to air cargo such as requiring members to establish a system to secure the air cargo supply chain (the flow of goods from manufacturers to retailers). TSA has also supported the International Air Transport Association's (IATA) efforts to establish a secure supply chain approach to screening cargo for its member airlines and to have these standards recognized internationally. Moreover, following the October 2010 bomb attempt in cargo originating in Yemen, DHS, and TSA, among other things, reached out to international partners, IATA, and the international shipping industry to emphasize the global nature of transportation security threats and the need to strengthen air cargo security through enhanced screening and preventative measures. TSA also deployed a team of security inspectors to Yemen to provide that country's government with assistance and guidance on their air cargo screening procedures.

In November 2010, TSA officials stated that the agency is coordinating with foreign countries to evaluate the comparability of their air cargo security requirements with those of the United States. According to TSA officials, the agency has developed a program, the National Cargo Security Program (NCSP), that would recognize the air cargo security programs of foreign countries if TSA deems those programs provide a level of security commensurate with TSA's programs. TSA plans to coordinate with the top 20 air cargo volume countries, which, according to TSA officials, export about 90 percent of the air cargo transported to the United States on passenger aircraft. According to officials, TSA has completed a review of one country's air cargo security program and has determined that its requirements are commensurate with those of the United States. TSA considers air carriers adhering to NCSP approved programs as being in compliance with TSA air cargo security requirements, according to TSA officials. As of February 2011, TSA continues to evaluate the comparability of air cargo security programs for several other countries. TSA officials stated that although the December 31, 2011, deadline to achieve 100 percent screening is independent of this effort, the agency plans to recognize as many commensurate programs as possible by the deadline.

TSA implemented additional security measures following the October 2010 Yemen air cargo bomb attempt.—On November 8, 2010, DHS announced security measures in response to the Yemen incident. TSA banned cargo originating from Yemen and Somalia from transport into the United States; banned the transport of cargo

[14] Details on TSA's screening requirements are Sensitive Security Information and are not discussed in this statement. Banded cargo is cargo with heavy-duty metal, plastic, or nylon bands that secure all sides of the cargo shipment or secure the cargo shipment to a skid.

[15] Harmonization, as defined by DHS, refers to countries' efforts to coordinate their security standards and practices to enhance security as well as the mutual recognition and acceptance of existing security standards and practices aimed at achieving the same security outcome.

deemed high risk on passenger aircraft; prohibited the transport of toner and ink cartridges weighing 16 ounces or more on passenger aircraft in carry-on and checked luggage; and required additional screening of high-risk cargo prior to transport on an all-cargo aircraft. In addition, TSA is working closely with CBP, industry and international partners to expedite the receipt of advanced cargo data for international flights to the United States prior to departure in order to more effectively identify and screen items based on risk and current intelligence. Further, in December 2010, TSA, CBP, and the air cargo industry launched a new joint technology pilot project referred to as the air cargo advance screening program to enhance the sharing of electronic shipping information to improve the identification of high-risk cargo. In February 2011, TSA officials stated that this effort is currently focused on all-cargo carriers and will expand to passenger carriers in the future.

Even with these steps to improve the security of inbound air cargo, as we previously reported in June 2010, TSA faces challenges that could hinder its ability to meet the 9/11 Commission Act screening mandate as it applies to inbound cargo.

TSA lacks a mechanism to verify data on screening conducted on inbound air cargo.—As we reported in June 2010, questions exist about the reliability of TSA's reported screening data for inbound cargo because TSA does not have a mechanism to verify the accuracy of the data reported by industry. In June 2010, we reported that TSA's screening percentages were estimated based on screening requirements of certain countries and were not based on actual data collected from air carriers or other entities, such as foreign governments. In this report, we recommended that TSA develop a mechanism to verify the accuracy of all screening data through random checks or other practical means and obtain actual data on all inbound screening. TSA concurred in part with our recommendation and issued changes to air carriers' standard security programs that required air carriers to report inbound cargo screening data to TSA. However, these requirements apply to air carriers and the screening that they conduct or that may be conducted by a foreign government, but does not reflect screening conducted by other entities throughout the air cargo supply chain. As of March 2011, TSA officials stated that current screening percentages are based on actual data reported by air carriers, but stated that it is difficult to verify the accuracy of the screening data reported by air carriers. Given that TSA now plans to meet the 9/11 Commission Act screening mandate as it applies to inbound air cargo by December 2011, it will be important for TSA to have complete and accurate data in hand to verify that this mandate is being met.

TSA has limited authority to regulate foreign governments or entities.—TSA may require that foreign air carriers with operations to, from, or within the United States comply with any applicable requirements, including TSA-issued emergency amendments to air carrier security programs, but foreign countries, as sovereign nations, generally cannot be compelled to implement specific aviation security standards or mutually accept other countries' security measures. International representatives have noted that National sovereignty concerns limit the influence the United States and its foreign partners can have in persuading any country to participate in international harmonization efforts, or make specific changes in their screening procedures. Thus, TSA authority abroad is generally limited to regulating air carrier operations, including the transport of cargo, into the United States. It has no other authority to require foreign governments or entities to, for example, screen a certain percentage of air cargo or screen cargo using specific procedures.

No technology is currently approved or qualified by TSA to screen cargo once it is loaded onto a unit-load device.—As we noted earlier for domestic air cargo, TSA has not approved any equipment to screen cargo transported on unit-load device (ULD) pallets or containers—both of which are common means of transporting air cargo on wide-body passenger aircraft—on both domestic and inbound aircraft. As a result, questions remain about air carriers' ability to effectively and efficiently screen air cargo bound for the United States. This is particularly important because, as we reported in June 2010, about 96 percent of inbound air cargo arrives on wide-body aircraft, and TSA has limited authority to oversee the screening activities of foreign governments or entities. We will be examining these issues as part of our on-going review of TSA's efforts to secure inbound air cargo for the House Committee on Homeland Security and Senate Committee on Homeland Security and Governmental Affairs. We plan to issue the final results later this year. Mr. Chairman, this concludes my statement. I look forward to answering any questions that you or other Members of the subcommittee may have.

Mr. ROGERS. Thank you, Mr. Lord. We appreciate your testimony. Both of you have taken the time to be here.

At this time, without objection, there is unanimous consent to insert into the hearing record a statement from the Airforwarders Association regarding on-going efforts to secure air cargo and its recommendation.

Ms. JACKSON LEE. No objection.

Mr. ROGERS. That is excellent. So inserted.

[The information follows:]

LETTER SUBMITTED FOR THE RECORD BY THE AIRFORWARDERS ASSOCIATION

MARCH 9, 2011.

The Honorable MIKE ROGERS,
Chair, Subcommittee on Transportation Security, Committee on Homeland Security, U.S. House of Representatives, Washington, DC 20510.

The Honorable SHEILA JACKSON LEE,
Ranking Member, Subcommittee on Transportation Security, Committee on Homeland Security, U.S. House of Representatives, Washington, DC 20510.

DEAR CHAIRMAN ROGERS AND RANKING MEMBER JACKSON LEE: The Airforwarders Association (AfA), the voice of the freight forwarding industry representing over 300 dues-paying member companies with 1,260 facilities and 6,300 employees, respectfully submits the following comments in advance of the March 9 hearing on air commerce. Our members include a broad range of businesses including both multinational logistics companies with hundreds of employees and facilities as well as small, "mom and pop" operations with a single facility.

We applaud the committee's dedication to active oversight of TSA and engagement of industry stakeholders. The recent 100% screening deadline for domestic cargo was a monumental achievement for homeland security and was achieved through the hard work of all in the industry, supported by TSA and Congress. As the next Herculean task is now at hand, it is perhaps even more important that this committee continues to work collaboratively and innovatively with TSA, CBP, and stakeholders.

In December 2010, the Transportation Security Administration announced that, due to the recent bomb plots originating in Yemen, all international in-bound air cargo on passenger flights must be screened by December 2011. This announcement was a notable departure from previous estimates provided by TSA; with key administrators including today's witness, John Sammon, stating that screening would not be possible until 2013 at the earliest.

The Airforwarders Association is committed to improving aviation security and understands that the seriousness of the recent threats necessitates a change in TSA policies. It is this commitment to ensuring real security—both physical and economic—is provided that we urge the committee to examine a few areas of particular importance. With today's hearing, it is our hope that you will be provided satisfactory answers to updates on domestic screening, progress on international screening, and the nature of the plan in place to achieve screening by the deadline proposed.

These areas of concern are:

Harmonization of Screening and Security Programs.—TSA has worked diligently with our international partners to reach agreements on security protocols. However, this multilateral diplomatic effort is not swift enough to include the majority of cargo passing through the global supply chain en route to the United States.

Recommendations:

1. TSA should continue to aggressively review existing security programs, including screening technologies and policies like Known Consignor, and identify points of commonality to streamline the international screening process. TSA should approve other nation's security programs and immediately list the locations where a level of security commensurate to domestic cargo screening can be verified.
2. TSA must be directed to harmonize security standards and programs. For example, several European nations are using pallet-screening technologies that have met security standards within their nation. These methods should be recognized and approved by TSA for a limited duration of time leading up to and beyond the 2011 deadline to ensure cargo continues to move efficiently through the supply chain.
3. We encourage Congress to be vigilant in their oversight, and regularly review both progress and policy details as agreements are reached. Industry feedback

would be particularly valuable to evaluating the progress, efficacy, and unforeseen impacts of reaching such an ambitious goal in such a short period of time.

Harmonization of Passenger and All-Cargo Security Programs.—While the volume of international cargo carried by all-cargo aircraft and integrated carriers is considerable, this should not be an excuse for developing two distinct and separate levels of security for cargo. As learned in Yemen, cargo is a target, regardless of the type of aircraft it is flying.

Recommendations:

1. TSA should continue to work on the existing pilot program in place internationally to obtain data manifest information, and participants should be expanded to include the full universe of air carriers and forwarders rather than just all-cargo aircraft.
2. The working groups established by TSA should be made permanent and carry reporting requirements in their charters. These groups include participants of both passenger and all-cargo operations and facilitate dialogue that will surely improve aviation security.
3. Screening should include the methods being explored by CBP and the pilot program. We suggest that data mining and risk targeting be included in the definition of screening, as defined in the "Implementing the Recommendations of the 9/11 Commission Act."

Defraying Costs of an Unfunded Mandate.—It is widely believed within the industry that the cost of international screening will be borne by air carriers and forwarders, as it was with domestic screening. Indeed, to accomplish 100% international screening in a year, it seems inevitable that carriers, forwarders, and shippers will bear additional responsibilities and costs to conduct screening prior to loading with no financial assistance from TSA or Congress.

Recommendations:

1. Congress should direct GAO to work with TSA and the industry to prepare a report on the state of the industry no less than 6 months after the December deadline. A full report detailing the economic impact on industry, areas of concern as well as areas for improvement will assist in ensuring that Congressional intent—providing a more secure air cargo environment without disrupting commerce—has been achieved with the existing programs and technology.
2. Funding for industry-led screening initiatives should be provided, be it through low-interest loans, grants, or tax incentives. Without this funding, U.S.-based air carriers transporting cargo to the United States are at a distinct competitive disadvantage, in terms of time for screening and additional costs passed on to the shipper due to screening.

The Airforwarders Association looks forward to continuing our dialogue on these issues with the committee. The Airforwarders Association is the only dues-based association that represents the full spectrum of the forwarding industry and regularly polls our membership to assess a true sense of the issues that affect forwarders.

BRANDON FRIED,
Executive Director.

Mr. ROGERS. Now, we are going to move to our normal question time. I will start with me and then we will alternate between each side 5 minutes apiece in the order that Members were here to follow the gap.

First, Mr. Lord, you just talked about achieving 100 percent cargo screening of in-bound cargo but that was just on passenger planes. Am I right?

Mr. LORD. Yes, sir.

Mr. ROGERS. Okay. That is not anywhere close on cargo. Just air cargo planes?

Mr. LORD. Yes. The 9/11 Act mandate only pertains to cargo moved on passenger aircrafts. There is no 100 percent screening requirement related to all cargo.

Mr. ROGERS. Do you have any idea? If you don't, that is fine. But do you have any idea of what percentage of air cargo that is not on a passenger plane is being screened at present, both domestic and in-bound foreign air cargo.

Mr. LORD. I have a general estimate in our June report, we estimated there is about 18 to 19 million pounds are moved a day on passenger aircrafts. That represents about 20 percent of the total. So just doing the math, about 90 million pounds are moved each day on the—in all cargo—you know, non-passenger aircrafts. So the bulk of the cargo is moved on all-cargo carriers that are not subject to the 9/11 Act requirements.

Mr. ROGERS. Right. A few minutes ago in your opening statement, you talked about how many pounds were being moved. But how many packages that are crates or whatever they have shaped in?

Mr. LORD. You know, I don't know. The way they measure how much is moved is by weight, so it is not broken down in terms of pieces. Perhaps Mr. Sammon would have a ballpark estimate. I certainly don't.

Mr. ROGERS. Do you, Mr. Sammon? Put your microphone.

Mr. SAMMON. I don't have an estimate with me but we can get one for the committee in terms of——

Mr. ROGERS. Yes.

Mr. SAMMON [continuing]. The pieces. It varies by segment of business. The all-cargo folks will have much heavier weight, fewer pieces. Federal Express, UPS will have—they have about 25 percent of the weight but their piece—low. It is probably—maybe half over.

Mr. ROGERS. Okay. Thank you very much.

In line of the recent air cargo bomb threat originating out of Yemen, can you provide an update to this committee on the work that TSA has done over the last 4½ months to secure international airborne cargo? Obviously, you have made great strides and you think you are going to get that target. Can you describe for us what you have done, Mr. Sammon to have that success?

Mr. SAMMON. Well, we have—first of all, in Yemen, we have had a team who have traveled to Yemen to provide screening and training assistance to the Yemenis, offer of screening equipment, to test their screening equipment, to calibrate it but spend time with Yemenis to actually have cargo screened.

In addition to on-the-ground work, we have put in specific security protocols for cargo coming out of Yemen, still concerned in terms of the level of activity and terrorist activity in Yemen, and so there are specific protocols in place for Yemen.

Beyond Yemen, we realized that this threat is not confined to that one country. Many more countries, these folks have affiliates and friends throughout the Middle East, North Africa, Europe, South Asia that we have been working closely with the air carriers. I personally have been leading efforts to work with the carriers to focus on how we stop the next attempt.

The goal we have started everyone of those conversation is that we don't want to lose a plane. It is a common goal, it is the Government's goal, it is their goal, and it is not imposed regulatory exercise. It is something that we have to figure out how we do that.

We have developed with our intelligence people and carriers a series of protocols. Those protocols were published last Friday to carriers and secured WebBoards, become effective this coming Thursday. But we do think it is—they are just both focused, measured,

and directed to what we perceive to be the current intelligence-based threat.

Mr. ROGERS. Great. Mr. Sammon, I understand that the latest version of TSA's security directive and emergency amendment related to the Yemen cargo incident will go into effect tomorrow at March 10. I know that TSA has worked very hard and collaboratively with industry stakeholders such as UPS, FedEx, and DHL to develop a meaningful security directive to address the current threat environment in a manner that makes sense.

Yet I am being told by some in industry that the latest version of the security directive and emergency amendment is a bit confusing to understand and subject to different interpretations by different private sector entities. Can you explain or offer some reasoning as to why the version is confusing? Will TSA be working with industry in the coming days to revise that?

Mr. SAMMON. Again, we have—the amendment has it—or the security directive as it went out, first of all, we did separate mails—upon request to the mail, upon request to carriers. There is a security directive, which applies specifically to mail. That was again at the request of the postal service and the carriers who handle automail.

Next is that these directives are actually legal documents. So again, they are not—in all these security directives, the easiest things the world understand because they are basically have to serve as a legal regulatory document.

We have hosted a—Doug Brittin is our General Manager of Air Cargo, call us with the passenger carriers and the postal service on Monday. We have hosted—we have published—we have put them on the WebBoard on Friday night and we can read it over. Monday, we had a call at PASMA carriers. In the postal service, we had a call of the all-cargo carriers yesterday. We will have another call, I think——

Mr. ROGERS. If you have the conference call, you may insert it.

Mr. SAMMON. Okay. Yes, sir. It was upon invitation of the ATA or the Cargo Aircraft Association, and so we are going through this.

In this document, it is designed to be very specific. It is not just go screen everything. We are trying to get very specific in it and there are references to things that we need to explain and we are going through in developing aids that will describe in a flowchart how that actually works. But the legal documents are—they are somewhat painstaking to read. I don't disagree with the folks but we are taking the time.

Mr. ROGERS. Yes. Well, I am glad to hear the detail. I just want to make sure that, you know, when it is read, the person knows exactly the message is being communicated and it is not subject to really much interpretation or variance and interpretation.

My time is up. I yield to Ranking Member Ms. Jackson Lee of Texas.

Ms. JACKSON LEE. Chairman, thank you very much. For the witnesses, again thank you for both of your service and your testimony.

Mr. Chairman, while I am—before open hearing, I wish to offer my sympathy to the U.S. Marshals Service that encountered an incident last 24 to 48 hours. We understand that one of the U.S. mar-

shals did not survive, and I offer my sympathy to their families and wounded families, local officers and to all those who serve in the National service, which we are greatly indebted to.

I appreciate that there is a lot of hard work that is going on on-air cargo screening. I think the GAO provides enormously valuable service. It helps us that it raises some enormously serious questions.

Let me, Mr. Sammon, go to you on the question of certification of the airline industry on in-bound flights and how comfortable we are with the protocols that are in place for certification now.

Mr. SAMMON. That is a——

Ms. JACKSON LEE. This is a self-certification.

Mr. SAMMON. That is a very good question. The issue as we—in my statements, we talked about our authority and our ability to inspect. In the United States, we have broad and we are vigorously exercising that.

Overseas, we are relying upon people certifications and statements as to what they are doing. It is very difficult. There are a number of countries who have country programs. We are certifying, approving. I will say we are a handful now and we are going to continue but that risk will grow. In that case, you will have a government inspector who will be inspecting the carrier's activity according to program which is either the same or very similar to our standards, but absent those country certifications were based on someone's statement.

Ms. JACKSON LEE. Let me be clear, absent countries or absent a way to confirm airline certification. Are you saying you want an extra level of oversight where the countries are engaged given the inspector process?

Mr. SAMMON. Yes, ma'am. What we found in the United States is unless our inspectors are in that facility and see what is going on and able to observe specific records in that facility, you really don't know what is happening to be able to certify that it is all being screened. Yes, ma'am.

Ms. JACKSON LEE. To follow up, how much cargo screening is going on at the large gateway airports? Do you believe airlines are still at the 80 percent level?

Mr. SAMMON. That is the figure that has been reported on a monthly basis that they are reporting. Now, we have found—in going through this process, and I think as Chairman Rogers alluded to with security directors that people are—we are finding that the questions referring back to their existing programs, they may not be doing all of the things we thought they were doing.

Ms. JACKSON LEE. Well, let me quickly move to Mr. Lord. Your last words were, "We need technology, intelligence stamp. Define policy and procedures and oversight." Does it trouble you that we are dependent upon self-certification on in-bound cargo coming in? What are you seeking to when you walk for those five bullet points?

Mr. LORD. In terms of the in-bound issue, I think it is going to be exceedingly difficult to set up a system to screen that cargo. So the fallback is you mutually recognize other countries' programs that is providing a commensurate level of security. TSA, to your

credit, they are working that angle as well. So it is just a fact of life.

Ms. JACKSON LEE. If we don't have treaties or corporation or the ability of our officers to go in or ability to assess the kind of trained inspectors that are in France, Germany, or anywhere else, isn't that a problem?

Mr. LORD. Well, it is a problem if you don't have access. The good news is that air cargo flow is heavily concentrated in 20 countries. So if you establish some sort of treaty or system to ensure that cargo is screened, you are dealing with about 90 percent of the problem.

Ms. JACKSON LEE. So you think we at least leave that kind of cooperative treaty that would include the opportunity maybe for our officers to select three inspects or to have an inspection over a number of months or some involvement of our TSO officers?

Mr. LORD. It is a very sensitive issue. Obviously, there are some sovereignty concerns. Foreign governments are raised. So I know TSA is working this angle as part of their inspection program.

Obviously, if you can conduct joint inspections, that would work effectively, or if you could be involved in some capacity. But foreign countries in general, including our friends in the European Union are very sensitive about given the appearance that we have access a full regulatory authority in our market.

Ms. JACKSON LEE. I understand that. Let me just quickly say this. Mr. Sammon, if you can just give me a yes or no. We have had some perimeter questions, intrusion on perimeter in terms of incidences. Do you think we need to begin to look at the perimeter security of airports?

Mr. SAMMON. Yes, ma'am. We are doing a—setting standards where the best practice standards for perimeter security and doing a review of airports to see where they are. There is a wide variety of technologies at JFK and New York. They are spending a lot of money on radar detection systems that they can detect whatever is at the perimeter.

At other airports, they have installed a wire they called guillotine wire that as they try to drive to the fence, it basically takes the car off. There is a wide range of—and some places do not very good and they just have a fence.

So but we will—your question is extremely appropriate. There is not a common understanding of what are all of the standards in place, what should the standard be, and how specific airports relate to that standard. A very good question.

Ms. JACKSON LEE. I yield back. Thank you, Mr. Chairman, for your indulgence.

Mr. ROGERS. Thanks, Ranking Member.

My colleague and friend from Alabama, Mr. Brooks, is recognized for 5 minutes.

Mr. BROOKS. Thank you, Mr. Chairman. Mr. Sammon and Mr. Lord, I am going to ask questions but feel free to volunteer, they're directed to both of you and whoever wishes to field that, go ahead and please do so.

What percentage of incoming international passenger planes carry cargo shipments in their holds?

Mr. SAMMON. In some fashion, from a single box to a large pallets and—virtually—I would say virtually all.

Mr. BROOKS. That being the case, how long in your judgment will it be before TSA has arranged some kind of system or agreement by which all of the cargo coming into United States on passenger planes has been adequately screened?

Mr. SAMMON. I think that is the issue that we are discussing here in terms of whether it is self-certification and how well you can verify it. I think that is why, in my statement, I had the discussion of our own program and the inspection and compliance aspects of it. We find that the majority of folks, the large percentage of people all right are complying with the program and doing what they want. Some are misunderstood or confused and there are other who were out like—outright trying the cheaper programs.

So we have a wide range and unless you can inspect on the ground, it is very difficult to get—to be able to come back to this committee and say I know that 100 percent is screened.

Mr. BROOKS. Well, do you have a judgment as to how long it will be before TSA has a process in place by which 100 percent of all incoming cargo on international passenger flights is screened?

Mr. SAMMON. So what we have done right now is we have out for comment that very issue in front of the carriers to see the feasibility from the carriers. We are reviewing our comments and we will be examining those comments and making a determination on that to get that very answer because there has to be the carriers and host governments who actually has to do the screening. TSA personnel will not be doing the screening overseas.

Mr. BROOKS. Fair to say then that as of now you have no judgment as to when we will be in position to safely screen all cargo and incoming passenger flights?

Mr. SAMMON. I think we have to digest those comments and assess the feasibility because two issues are——

Mr. BROOKS. My question is really a yes or no.

Mr. SAMMON. Yes.

Mr. BROOKS. As of now, you have no judgment as to when?

Mr. SAMMON. Yes. Right.

Mr. BROOKS. All right. Thank you.

You mentioned something about who will actually be doing the inspections of cargo coming in from overseas. If I understood you correctly, you said that there would be no TSA personnel involved in that process?

Mr. SAMMON. TSA personnel do inspections today upon invitation in cooperation with the host government. Generally, that involves the entity being aware of these inspections. So if—you know, today you are going to be inspected, things might look just fine. Tomorrow might be a different story.

Mr. BROOKS. How much of the in-coming cargo international passenger flights is now being screened by TSA personnel?

Mr. SAMMON. None is being screened by TSA personnel.

Mr. BROOKS. How comfortable are you with that situation?

Mr. SAMMON. That is why we are working with the countries diligently to try to get in place specific approvals of their programs that will be comparable to our standards. That takes time, and we believe that it is a timely process. That is why we have asked the

carriers for comments to see what their opinion of that is because the carriers are the ones who actually will have to screen the cargo—either the carrier or the host government.

Mr. BROOKS. My question is: How comfortable are you with that situation?

Mr. SAMMON. I am not comfortable with that. I know that I can look at you in the eye and say it is all being screened 100 percent.

Mr. BROOKS. I yield the remainder of my time, Mr. Chairman.

Mr. ROGERS. I thank the gentleman.

Mr. Richmond is recognized for 5 minutes.

Mr. RICHMOND. Thank you, Mr. Chairman and Ranking Member.

Let's go back to that—from where my colleague just left off and in terms of how comfortable you are with either the carrier or the host country. I guess, what I would like to know in your opinion, do you think the world is there on their part to reach our same goal which is 100 percent screening?

Mr. SAMMON. I think it is in many countries. For instance, the European Union has a program very similar to our program—a supply chain-based program but they have a 3-year window in terms of getting other countries on—who are members of the European Union up to that standard. So they are in a different time frame than the end of this year.

Mr. RICHMOND. Another question that was already raised with the perimeter security and you said that just setting standards for perimeter security, what about once you enter the confines of an airport in terms of security around a passenger plane or that immediate area in the same security that would be around a cargo plane because most of the time, when they are in a different part of the airport to strictly cargo planes?

Mr. SAMMON. Yes. But in terms of the security or the personnel background check, badges and whatever they should be comparable. The question, I think, is: How secure is the fence? Can people throw things over the fence? Do people have access through the fence—openings? There are vendor deliveries through the fence and that is an issue, I think, that may vary airport-to-airport, and I think that is one thing we want to have awareness of and have standards so we know what should be in place.

Mr. RICHMOND. So you would wanted to vary airport-to-airport but you are comfortable in saying that it is consistent within the airport with cargo and passenger planes?

Mr. SAMMON. The standards are consistent. Yes, in terms of the requirements for airport perimeter security, they are not—there isn't a standard requirement. So we are looking at it as what are the best—we have just completed a survey with the Homeland Security Institute in terms of what are the best practice perimeter requirements.

Some of these are very expensive, some of these are low-cost and what we are doing is looking at that and then measuring the airports and assessment by the airports to say where do I stand vis-á-vis these elements of security. Perimeter security is one of them.

Then to go back to say what are the gaps and we may come back to this committee and say, here is what we see, here are various airports that meet the standard and here are a number of the

don'ts, and how do you think we should see with that to fix it. That is a very good question.

Mr. RICHMOND. What about cockpit security in terms of cargo planes? I know in our passenger planes that we have gone through just more enormous tries to make sure that it is safe.

On cargo planes, do you have the same strictly secured cockpit on pallets? What do we have on?

Mr. SAMMON. It varies. Some are air carriers have just put it in and some has not.

Mr. RICHMOND. So for at least domestic or United States, we don't have a standard—we don't have a rule.

Mr. SAMMON. There is not hardened cockpit door requirement. Again, the current requirement that is in place for the passenger carrier is put in by the FAA but they are going to—the security issue as you—you are getting to which is proper. But there is not a standard for cargo aircraft in terms of the door's security. No, sir.

Mr. RICHMOND. But many times, the cargo planes are transporting things that require human escort. So you will passengers on a strictly cargo plane.

Mr. SAMMON. Yes, sir. There are—each cargo operator has a cargo security program and those kinds of situation, I think we will say live animals, horses, whatever else——

Mr. RICHMOND. Right.

Mr. SAMMON [continuing]. Have trainers and attendants and so on and so forth. But there are specific protocols they need to follow for those situations, yes.

Mr. RICHMOND. Do you think that is something we need to address in terms of making sure that those cockpits are secured?

Mr. SAMMON. It has been an issue we have had with the conversations with the industry over the years. At this point in time, we don't have it at the highest point on our focus at this point in time but it is certainly something that comes up. Again, the fact that certain carriers have felt that it is a necessary thing and others haven't had a wide range of opinions on that.

Mr. RICHMOND. Those that don't have it, are they required to have a security personnel on the plane or——

Mr. SAMMON. There are again security protocols, and I don't want to give them ideas in terms of what they are but specific security protocols in terms of what they are required to do in terms of securing the aircraft and the contents that they are flying.

Mr. RICHMOND. Mr. Sammon, thank you for your answers.

Mr. Lord, I apologize that I didn't get any to you.

I yield back, Mr. Chairman.

Mr. ROGERS. Thank you, gentlemen.

Mr. Lord, I noticed you will say something in response to Mr. Brooks' inquiry a little while ago.

Mr. LORD. Yes, I did. Thank you for the opportunity. In terms of perimeter security and access, we issued a major report in September 2009, which addressed this issue. The basic point we raised in our report was we recommended that TSA do a better job of assessing the nature of the problem at the Nation's airports.

When we first went—started the engagement, we asked, "Well, how big is the problem? And where does it vary?" They weren't able to answer the question. We asked, "Have you completed a vul-

nerability assessment?" which basically shows you why you are weak, and we found only 13 percent of the airports we have looked at had completed a vulnerability assessment, which basically shows you, you know, where the problem areas are.

So in our report, we recommended and to TSA's credit, they agreed with our recommendation to do a better job of studying these airports to determine where the weak points where in terms of perimeter access and security.

Mr. ROGERS. Do you have an idea as to when they might have that study complete?

Mr. LORD. No, they did not, and we will continue to monitor that as we do with all our report recommendations. But I mean, it is a basic question that difficulty answering, you know, where are you weak by airport. Most of the airports did not have a formal, what we call, a joint vulnerability analysis.

Mr. ROGERS. Mr. Sammon, how are you addressing that? Is that something you are just charging each airport for to have done on their own dime or what?

Mr. SAMMON. What we are doing right now is we—and we retained Homeland Security Institute to do the complete assessment of study that is about over 100 airports compiling what are the best practices for—how you do secure the perimeters? We are creating a tool to do evaluation airport by airport and to go back, in that way we will have, as Mr. Lord is recommending, a standard or baseline of knowing what is out there, what are the gaps? Not only what are the gaps, but how people have approached that problem and done in the best practice way as we——

Mr. ROGERS. I noticed—on the same question, I will ask—Mr. Lord, I want to ask you do you have a time line?

Mr. SAMMON. The time line—I believe the initial assessment in terms of the practice is complete, I believe the assessment tool is going out next month or so, so hopefully by the end of the year, we will have a better assessment of where this stand.

Mr. ROGERS. Is this something you are doing in concert with the Airport Executive Association?

Mr. SAMMON. Yes, completely. For instance, one use of this will be, I think, in terms of pointing out that those vulnerabilities as airports apply for FAA funds were physical improvements. This would be an excellent way to use that—to get these things improved.

I think one of the more dangerous or misleading phrases I have heard post-9/11 talking about airport security people say, if you have seen one airport, you have seen one airport. I have heard that a million times in the security, it is ridiculous because there are standards, processes, protocols that are—it doesn't matter where you are. We ought to be able to compare LAX to O'Hare to JFK for those kinds of standards that you are asking about.

Mr. ROGERS. Excellent.

Now, when you talked just about air cargo planes and no passengers, I know that there has been an effort to dramatically increase the percentage of that cargo that is being screened. I know that this committee has worked with your Department to make sure that energy as primarily focused on intelligence-driven, risk-

based efforts but still there are many who are planning for 100 percent screening of that air cargo.

Tell me where you are in that area of your responsibilities and what do you think is realistic, and what are some of the means by which we can achieve 100 percent if it is physically possible?

Mr. SAMMON. Okay. I think—again, as I stated, in terms of where we are going with this whole process, I personally have been dealing with all the carriers, dealing with the carrier calls, coming up with solutions, briefing the Secretary, briefing the White House, briefing various other parties.

Basically, al-Qaeda in the Arabian Peninsula is a clear war on U.S. aviation. They fired the first two shots December 2009, the cargo plot October 2010. So we are in the deadly serious fight. It is no longer hypothetical. It is real.

So what—the question is: Do we push everybody to screen everything everywhere, or do we try to focus on what we really think they are coming at?

On the protocols we are rolling out, and I would love to brief your committee in a private session of where the intelligence—the discussions for the carriers, what we have come up with, and why because what we are trying to do is actually look at if not from a—we do this for passenger, we do this for cargo. Here is the problem regardless of whether it is passenger, it is all cargo, it is express carrier, it is mail. We are trying to deal with it that way regardless of the way people try to introduce into the stream.

So I guess, the question is and that we are getting feedback from the carriers in terms of our—as I said, for the 100 percent, we did ask for comments. One thing in the comment is: Do you want us to do everything, or do you want us to focus on the real problem—the tactical problem we have right now with people we are trying to take down aircraft? So I would say that that is the issue, I think, we are facing with.

That is real. We have to deal with it. We have to make sure that whether it is UPS, or whether it is American Airlines, or whether it is Federal Express that we have protocols in place so we don't lose a plane. That is the big issue we have.

Mr. ROGERS. Yes. To what extent do you—and you know what extent but to what extent do you think canines are being used in air cargo screening and how effective are they?

Mr. SAMMON. So in the United States, I would say about 17 percent of the cargo that has been screened has been screened by K–9s. K–9s are very flexible and versatile, particularly for pallets and individual packages also.

Overseas, there are programs—E.C., European Commission. European Union has a set of standards. They have approved, I believe, about six countries that have met those standards and we have—we are recognizing those also. But I think, particularly for larger skids and things like this, the K–9s are a very effective tool.

I think they—we think highly of them. We have 120—about 130 teams right now that are dedicated to cargo because we think that is a—K–9s are effective.

Mr. ROGERS. Great. Thank you very much.

Ms. JACKSON LEE. Let me ask—the gentleman ask one more thing, and this is for both of you. You are very interested and I

know I am very interested and several other Members on the committee talked to me about their interest in trying to prove a way needless and unnecessary rules and regulations.

In your discussions with your private sector counterparts—our partners rather: Do you find that there are some particular things that we can work to eliminate as far as redundancies are antiquated regulations or rules that will make their lives simpler and therefore like to spend more time on the stuff that really needs to be done?

Mr. SAMMON. We have—just in general, we do continuously—we engage with the carriers, have a working group that is involved and specifically getting rid and kind of taken out the spring cleaning and taking out the old stuff and trying to clean up what is relevant. I think again the old issue here is given our ability to inspect overseas and given our focus in terms of what people are actually trying to do is going forward here is we focus on specific things or do—and do everything, and that is really the big question at—before the House here.

Mr. ROGERS. Mr. Lord, have you found anything in your review of the Department that would leave you—leave the best in pruning to do?

Mr. LORD. Sure. In some of our past reports, although I have to give TSA credits for addressing that, we found at least in the early years, TSA would announce a security directive and it would never sunshine. It would still be on the books even though the carrier industries thought there was no additional need for it or needed to be modified.

But under the current process as Mr. Sammon described it, they have regular meetings with industry where they revisit the need for the security directives and that has effectively proven to—some on the regulation.

Although in terms of redundancy, I find when you are discussing sensitive security issues, sometimes it is okay to have some redundancy in terms of the actual layers. In case you miss something on one layer, you may pick it up on another layer. So on the security side, that is okay.

But at the same time, when you mentioned a need for 100 percent screening of all cargo, I think it is very important to also assess the effect on commerce. Obviously, there is a tension there. You could require very rigorous screening but if commerce come screeching to a halt, you know, that would be problematic, so you have to really decide where do you draw the line. It is a delicate balance——

Mr. ROGERS. That is the question the way I framed it, you know, is in fact realistic. You know, as many on this committee realized I am a big believer that canines are going to be the only way that we ultimately ever to achieve anything close to 100 percent screening of air cargo so quick. It is an expensive and it is effective, and it allows us to then spend the bulk of our energy on risk-based intelligence-driven searches of things that we need to be focused on.

You know, if Acme Widget Company is sending a crate of widgets so they have been sending them every 3 days for 30 years, we have put a lot of attention on that crate from Acme Widget Company.

But this guy that walks up from Yemen with cash and buys a one-way ticket, you know, puts—or send it by the—pays to send $100 printer to United States and it cost $200 of shipping cost, we kind of not want to focus on that. That is all.

Mr. SAMMON. I agree. I totally agree, sir.

Mr. ROGERS. Thank you. Now, I recognize Ranking Member.

Ms. JACKSON LEE. I am going to put on the record several questions and if you can give me as quick an answer that is accurate as possible. I guess, I would just comment that in the world of security, we live in a far more difficult structure and have less latitude to talk about where regulations are not valid.

I think it is important when the agency itself constructively looks back what maybe, if you will, a regulation that has been utilized sufficiently and there is stark and non-debatable evidence that we don't need to move in that direction anymore.

I would be very cautious in the security business to talk about what we might and might not be able to live without. So I think it is valid. The Chairman has made a point that we streamline to the extent that we know that works and does not work.

My questions travel along those—that line of reasoning.

To you, Mr. Lord, in your testimony here today, do you think there is about 80 percent of screening on in-bound and that is where you suggested the elements of technology intelligence that define policies, and procedures, and oversight, but you said the 20 percent was troubling. If you can just hold the question, I am going to put out several questions and I would like you to start with that one first.

Mr. Sammon, one of the continued date in front of us is December 31, 2011 of which you believe that you will meet dealing with 100 percent cargo on in-bound passenger aircraft. What is your time line for reviewing industry comments and making a final determination? What rule—excuse me—what role is the DHS Office of Private Sector playing in the process?

Very quickly then, in addition, TSA has been criticized. One of the issues that we—let me just change that. One of the issues that is important to me is working with science and technology. Particularly, as we work with these certified screening facilities here in the United States, so to what extent do you feel that you have worked with the most sophisticated level of technology and to what extent are you comfortable with the certification of your outside cargo screeners?

Then last, to you, Mr. Lord, you had reported last time a concern with TSA's resources for inspecting and otherwise verifying that the private sector is effectively conducting screening through the CCSP program. Does TSA now have enough inspectors, regulatory administrative personnel, and is that reflected in the President's budget request for fiscal year 2012?

Why don't I start with Mr. Lord on those two questions?

Mr. LORD. Sure. Your first question pertaining to 20 percent——

Ms. JACKSON LEE. You are troubled?

Mr. LORD. Yes, I was troubled because the 20 percent includes all the difficult items to screen. It includes perishables, fresh produce, sealed pharmaceutical containers, household appliances that are banded, or large items that are shrink-wrapped or banded.

So how did you screen these items if it is originating not only in the last point of departure but in another city that TSA literally has no access to? So that, to me, is going to be challenging to do.

TSA reports that their deadline is for the new 100 percent of the in-bound is December of this year, and to me that is not a lot of time. I think it is important to note TSA has received over 100 comments on this new deadline. So obviously, industry have some concerns about being able to do this by December.

I can't reveal what the comments are that as sensitive information, but there has been a large volume of comments submitted on this new proposed move.

Ms. JACKSON LEE. So that 20 percent is sufficiently of concern. It may have an impact on securing the homeland.

Mr. LORD. Well, it is a—I am not saying they can't do it, but another issue we haven't discuss is I am also concerned about a possible mode ship. This is cargo shipped on passenger aircraft that you make it too difficult or too expensive to screen cargo on passenger. It could be a shift to the old cargo mode. The question I would go to, are you any safer if shippers simply transfer to the old cargo mode to the extent that is possible?

Ms. JACKSON LEE. Then, are there resources?

Mr. LORD. The resources—I am glad you raised this, madam. This is something an issue we have been looking at for a couple of years. We made a recommendation to TSA many, many months ago. We thought that it is important that they complete an analysis showing how many inspectors they would need to cover this new business model when you have all these new entities helping with the screening.

TSA still reports that they are in the process of preparing the studies. We are getting a little impatient. I would like to—you know, in general, like how to be patient. But I think this study is needed to show how many additional inspectors you need to provide adequate oversight as I indicated in my closing remarks.

Ms. JACKSON LEE. So you think—what you said that—what is your comment on the individual proposed budget coming forward either here in the House or the President's budget?

Mr. LORD. I have no basis to judge whether it is a number of inspectors that are seeking the—they want support of what funding is too many about the right amount or too few. I am seeing the supporting analysis to judge.

Ms. JACKSON LEE. Either report from TSA?

Mr. LORD. Yes.

Ms. JACKSON LEE. So why don't you jump in, Mr. Sammon, and take that one and the other two questions that I asked you?

Mr. SAMMON. That is a very good question, and I will just use some simple math. In terms of the total number of the CCSF, the certified cargo screening facilities, are just under 1,200. There are about 500 or so airport cargo handlers. So if you went to a large airport and there are people that will screen either the airline they are screening or they are screening for the airlines.

So their total about 1,700 facilities. We have 500 inspectors plus 110 inspectors with a dog. So we have for 1,600 facilities 610 people. I think that we should be able to make their rounds. We have

conducted with our current people, just on the CCSFs 6,000 inspections.

So I think it is pretty well—originally, we have stood up the program. We thought we have many more thousands of shippers who were participating the program when we would need a much larger group as well.

Ms. JACKSON LEE. But you have not answered Mr. Lord and giving him a report on how many TSA——

Mr. SAMMON. I will double-check in terms of what that report is. But I think the math to me appears it is 600 people for 1,600 facilities should be a ratio of about 3 to 1—three facilities we need to inspect for every person that seems reasonable.

Ms. JACKSON LEE. All right. You want to go on to the other questions, the DHS office to private sector and what role it plays and then——

Mr. SAMMON. Yes, the private——

Ms. JACKSON LEE [continuing]. Products and technology cooperation.

Mr. SAMMON. The private sector offers—there are a number of working groups in cargo security. I think there are four that we stood up back in January in terms of mail, in terms of information sharing, in terms of cargo generally. Those groups are working forward.

A number of people are involved in those groups that I think they are due to report out some time later this month. So there have been—and a particular issue that they have been—for instance, I will give you an example of one particular issue on the mail business we have, that mail bags, for instance, if they come to the United States out of Frankfurt, Germany, also Frankfurt may receive mail from—through the Czech Republic. It may be trucked over to Frankfurt from the Czech Republic to go air-bound.

If there is a problem with that air bag under mail treaties, they can't open it in Germany. So this group is focusing on some of those issues and never those kinds of things that are impediments and issues that we have to do—have to work on and go forward. They are due for their initial report out in, I believe, the end of March.

Science and technology, we have had an open request for new technologies for screening that has been up for about a year. We just have not had a lot of response for that—to that request. The time line that when you do with TSA in terms of application coming in with the new product, we do laboratory testing and field testing. It does seem like a long time. Sometimes it is 6 months, sometimes it maybe up to a year.

But in the end, what we want to make sure is that those machines can pass Mr. Lord's inspections, and if they will meet all the criteria they were setup to be capable of. So it is a long process, and I know it is rigorous. But again, we have tried to set something up so in the end it is certifiable by GAO and other entities would need to look at what you are doing.

Ms. JACKSON LEE. I think my message is that it is important work. You need to be diligent and energetic——

Mr. SAMMON. Yes.

Ms. JACKSON LEE [continuing] About new technology. It is going to lead us into the 21st Century and it certainly impacts on security.

With that, Mr. Chairman, let me than you and just indicate that I think this is front-line work and crucial. One slip-up can cause a loss of life, and I think this is a process of security that we should continue our oversight on. With that, I yield back.

Mr. ROGERS. Thank you, the Gentlelady. I had one last question. It has to do with unused equipment. Unfortunately, we are seeing the Department buy some screening equipment that is still in warehouses that has never been used as it has been reported.

My question is: We have unused equipment or equipment that maybe we have now bought something that is better and we don't need the equipment we have been using previously. Is there an impediment to us donating that to a foreign country that we would like to see step up their game a little bit?

Mr. SAMMON. No. Your—it is a very good observation. We have been, I think, working protocols with the State Department to get the equipment, and there have been a limited number of requests. Another mode of transportation, for instance, with the Greyhound Bus Lines, they are—we have TSA equipments that they are using to screen people as Houston and in Los Angeles and for—a pilot period. So we will make it available under whatever protocols or we just have not had a lot of request from foreign governments for that, but we would be happy to do it for you.

Mr. ROGERS. Would you like me to invite on this committee legislatively to make that permissible?

Mr. SAMMON. No, sir. No, sir.

Mr. ROGERS. Excellent. Ms. Jackson Lee, do you have anything else?

Ms. JACKSON LEE. I don't, Mr. Chairman. I yield back.

Mr. ROGERS. Thank you. Again, I want to thank the witnesses. I know it takes time to prepare for these, and you go out—you know, both have a lot of things you could be doing so I appreciate you coming and helping us out, and also put this information on the record, which I think is critically important to do.

I will remind you that I may have—in fact, I know I have some additional questions and some other Members may as well but we are going to hold the hearing open for 10 days for written questions to be submitted to you. I would ask if you receive those to try to get a time to response back to the committee Members at your earliest convenience.

With that, the hearing is adjourned.

[Whereupon, at 3:48 p.m., the subcommittee was adjourned.]

APPENDIX I

STATEMENT OF DOUGLAS A. SMITH, ASSISTANT SECRETARY, PRIVATE SECTOR, OFFICE OF POLICY, DEPARTMENT OF HOMELAND SECURITY

MARCH 9, 2011

INTRODUCTION

I would like to thank Chairman Rogers, Ranking Member Jackson Lee, and the distinguished Members of the subcommittee for the opportunity to provide testimony to discuss the U.S. Department of Homeland Security's (DHS) efforts and activities to build genuine partnerships with relevant stakeholders to improve air cargo security. Further, I would like to thank the subcommittee for its leadership role in promoting air cargo security for the American public.

In order to successfully advance the Department's core missions, we must utilize all available resources, including a robust engagement and partnership with the private sector. This is especially true for an issue as complex and as critical to the global economy as air cargo security. As the Assistant Secretary for the Office of the Private Sector (PSO), I serve as the Secretary's principal advisor on the Department's interaction with the private sector and coordinate the Department's engagement with private industry, academia, and the nonprofit community—both domestically and internationally—to foster an on-going dialogue on how we can work together to best meet our collective security challenges.

Security threats to air cargo are not new, but recent events serve as an important reminder that we face an adversary who is patient, adaptive, and relentless in its pursuit to inflict physical harm and economic disruption wherever possible. There are a number of ways that public-private partnerships play an integral role in countering critical security and economic threats, including air cargo security. Before discussing the benefits of a robust public-private partnership, I want to stress the importance of avoiding the false choice between security and economic prosperity—they are not mutually exclusive ideas.

Security is a vital goal. But security cannot—and need not—come at the expense of undermining the systems that facilitate legitimate trade and commerce and enable the livelihoods and progress for so many of the world's citizens. The challenge—to chart a middle course that balances risk while facilitating the free flow of goods, people, and information—is not one that can be met solely by Government or industry, but only through partnership. I am an unapologetic optimist who believes that by working together, we can secure both our country and our economy.

It is in this spirit that Secretary Napolitano and DHS senior leadership has approached air cargo security. The Department's effort to engage stakeholders demonstrates our commitment to this principle of collaboration. This is not to say that there will always be agreement on every issue; we recognize though, that only by working together will we find the best solutions to challenges.

The threats that we face today have little regard for borders. In today's globalized world, the very nature of travel, trade, and our interconnected economies means that vulnerabilities or gaps anywhere have the ability to affect the entire supply chain. DHS is committed to partnering with key stakeholders who have a role in ensuring a secure and efficient international air cargo system that can adapt to the evolving terrorist threat.

PROGRESS IN AIR CARGO SECURITY SINCE 2010

It is clear that the threats we face in the aviation sector, including air cargo, are real and evolving, and we must confront them with strong and dynamic security measures including intelligence, technology, and screening processes to stay ahead of this constantly evolving threat.

One recent example that illustrates the evolving and global threat that we continue to face is the plot involving air cargo shipments filled with explosives being shipped through Europe and the Middle East to the United States. This failed attack in October 2010 made it clear that significant, collaborative improvements in the air cargo system were necessary to not only secure lives but also to ensure against disruptions to the system that could result in severe economic consequences.

In cooperation with the private sector and our international partners, we have taken significant steps to strengthen the security of international air cargo on all aircraft. This work on both passenger and cargo security in the aviation sector continues today. I would like to highlight some of the ongoing projects that DHS is working on, in concert with industry partners, to address the more complex challenges associated with the broader global supply chain.

AIR CARGO SECURITY WORKING GROUP

Following the October 2010 attempted attacks on the air cargo system, PSO arranged meetings for Secretary Napolitano with the key industry partners involved in the air cargo sector. Informed and encouraged by these initial discussions, the Secretary asked PSO to organize a process through which DHS could receive advice and input from all stakeholders on a frequent, on-going basis. In January of this year, DHS hosted the kickoff meeting of what we are now referring to as the Air Cargo Security Working Group (ACSWG).

This private-public working group includes domestic and international stakeholders from throughout the air cargo community. Participation in the initial meeting was extensive, with representatives from key stakeholders in the air cargo industry and several other Federal partners. The ACSWG was established to ensure close coordination between private and public stakeholders to establish long-term policies, procedures, and programs that will further ensure the security, efficiency, and resilience of the air cargo system.

Because we wanted to get this dialogue started quickly, we chose to organize the ACSWG under the National Infrastructure Protection Plan (NIPP) Critical Infrastructure Partnership Advisory Council (CIPAC) process, which provides a unifying structure for the integration of a wide range of efforts for the enhanced protection and resilience of the Nation's critical infrastructure and key resources into a single National program.

Serving as the organizational chair of the ACSWG, I work closely with Commissioner Bersin from U.S. Customs and Border Protection (CBP) and Administrator Pistole from the Transportation Security Administration (TSA), who are jointly serving as co-chairs, to ensure that the expertise and experience of both agencies is best utilized.

Due to the range and complexity of the issues to be addressed, the ACSWG divided into four subgroups to focus on specific areas of cargo security. Each subgroup is chaired by a DHS official and co-chaired by an industry representative. The four subgroups are:

1. Information Subgroup.—The objective of this group is to examine opportunities to leverage resources and expertise and enhance intelligence and information-sharing among Federal stakeholders and between the U.S. Government and private sector partners. The group examines ways to ensure that timely and actionable information is available, communicated to the appropriate stakeholders, and can be acted upon to secure the goods transported by air.

2. Technology and Capacity Building Subgroup.—The objective of this group is to review technical standardization activities and develop technologies to fill capability gaps and ultimately build greater capacity.

3. Global Cargo Programs Subgroup.—The objective of this group is to review and explore opportunities for enhanced public-private coordination as DHS works to address statutory requirements for 100 percent screening of in-bound air cargo.

4. Global Mail Subgroup.—The objective of this group is to review and examine refinements in current procedures specific to mail, identify potential vulnerabilities for mail moving globally on passenger and all-cargo aircraft, and to propose alternative processes and procedures to ensure the safety of mail on air cargo and passenger aircraft.

The input that DHS receives from these four sub-groups and from the full ACSWG will help inform the Department's policies, procedures, and programs to address security gaps in air cargo while maintaining a robust and efficient air cargo system.

INTERNATIONAL MAIL

There are unique and complex issues associated with the transport of international mail within the air cargo system that are important to highlight. Immediately following the air cargo incident this past October, TSA issued emergency security procedures to air carriers regarding the transport of mail to the United States. TSA has continued its work with National and international stakeholders, including the United States Postal Service, to refine these security measures. Moreover, TSA and other DHS components continue to evaluate the threat and revise security procedures as necessary, while also monitoring the impact on commerce through continued dialogue with industry stakeholders.

It is through this continuing dialogue with industry that revised procedures were issued specifically to address international mail and facilitate the continued safe and secure transport of international mail to the United States. The ACSWG Global Mail subgroup represents an important part of that effort.

This ACSWG subgroup is currently drafting recommendations on private sector coordination regarding international mail. These recommendations will help improve information sharing and enhance targeting capabilities, while ensuring the efficient and secure movement of global mail. The ACSWG international mail subgroup will also make recommendations to develop state-of-the-art technological solutions and help the Department meet legislative requirements. DHS looks forward to providing updates to Congress on the progress of these efforts as we move forward.

CONCLUSION

While DHS and others across both the public and private sectors will continue to identify and address vulnerabilities in the aviation system, we know that some level of risk will always exist. Therefore, it remains essential that we not only work collaboratively to mitigate risk and close security gaps but also to develop policies and processes to ensure the continuity of the system should a disruption occur.

Regardless of whether this disruption is caused by a terrorist attack or a natural event, the time to find the best possible answers to these questions is now—not reactively. As we continue to look beyond the horizon of addressing the near-term security gaps and work to create a more resilient supply chain, I look forward to an on-going and robust dialogue with industry and other interested partners.

Again, I want to thank the distinguished Members of the subcommittee for the opportunity to provide this testimony.

APPENDIX II

QUESTIONS FROM CHAIRMAN MIKE D. ROGERS OF ALABAMA FOR JOHN P. SAMMON

Question 1. Given the new time frame, what efforts are currently underway at TSA to meet the 2011 deadline to screen 100 percent of international in-bound air cargo on passenger planes? What are the reasons for the modified time frame in achieving 100 percent screening by the end of this year?

Answer. Complex and sensitive challenges exist in reaching 100 percent screening of international in-bound air cargo on passenger aircraft. The Transportation Security Administration (TSA) is working hard to meet the international requirement of the 9/11 Act.

In accordance with the requirements of the 9/11 Act, and in line with early screening reports from industry, TSA released proposed security program changes in January 2011 that would require industry to screen 100 percent of all in-bound passenger cargo by December 31, 2011. TSA is currently reviewing the comments received in response to these proposed changes.

As TSA continues its on-going efforts in achieving the highest possible level of security for both domestic and international air cargo, it is diligently working on a variety of innovative initiatives. This requires an on-going analysis of technology as well as the expansion of the use of authorized representatives to screen on the air carriers' behalf. Authorized representatives can play a key role in helping carriers attain 100 percent of cargo screening, if these freight forwarders are permitted to screen cargo in accordance with the carriers' security program requirements prior to consolidation and delivery to the airports. Technology will continue to play an important role in screening cargo, and TSA continues to evaluate screening technologies. TSA is also evaluating and studying how to best utilize and approve explosives detection canine teams at non-U.S. locations.

TSA also continues to communicate the benefits of National Cargo Security Program (NCSP) mutual recognition to foreign government counterparts. Such recognition would allow air carriers to comply with a single security program, while still ensuring the highest level of security and screening of in-bound air cargo. To date, TSA has received interest from most of the top 20 high-volume countries shipping into the United States, and has received the NCSPs of four of these countries for evaluation.

TSA acknowledges that verifiable attainment of the 100 percent screening mandate for international in-bound passenger cargo will require additional time. TSA will have a better indication of the time frame within which industry can meet the 100 percent in-bound screening requirement once the industry comments and program changes have been fully analyzed.

Question 2. In addition to the Secretary's high-level discussions with members of the international community on this important topic, what is TSA doing to help implement the increased security measures that have been proposed?

Answer. Since October 2010, the Transportation Security Administration (TSA) has released multiple Security Directives and Emergency Amendments based on intelligence analysis that is focused on addressing the threat to air cargo and mail in-bound to the United States. TSA also continues to communicate the benefits of National Cargo Security Program mutual recognition to foreign government counterparts. Such recognition would allow air carriers to comply with a single security program, while still ensuring the highest level of security control and screening of in-bound air cargo. Authorized representatives can play a key role in helping air carriers attain 100 percent screening of international in-bound, if these freight forwarders are allowed to screen cargo in accordance with the carriers' security program requirements prior to consolidation and delivery to the airports. TSA will continue to partner with our international partners and remain an intelligence-driven agency focused on detecting, deterring, and disrupting attempted terrorist attacks.

In addition to aligning enhanced security measures with TSA's Standard Security Programs, TSA works closely with U.S. Customs and Border Protection (CBP) on multiple Department of Homeland Security (DHS) initiatives to secure in-bound air cargo and the international supply chain, in line with the Secretary's high-level discussions. Specifically, TSA and CBP are working side-by-side on the Air Cargo Advance Screening pilot. This pilot is testing the feasibility of pre-departure advance information collection, as well as baseline threshold risk targeting for all in-bound air cargo prior to departing non-U.S. locations. These coordinated efforts are in support of on-going DHS discussions regarding global supply chain security.

Question 3. What is your perspective on the feasibility and timing of developing international standards for air cargo? Can you give us an update on the plans of the International Civil Aviation Organization (ICAO), an arm of the United Nations in setting increased aviation security standards among its member nations?

Answer. The Transportation Security Administration (TSA) has directly engaged industry and foreign governments through the Global Cargo Programs Working Group, one of the four sub-committees of the Air Cargo Security Working Group (ACSWG) formed by Secretary Napolitano. Through informal and formal dialogue with international organizations, foreign governments, and international industry associations, TSA aims to more effectively address current issues regarding air cargo security.

TSA works with international organizations and partner countries, including the European Commission (EC), the International Civil Aviation Organization (ICAO), and the Quadrilateral Working Group (QUAD), to enhance and harmonize international aviation security standards. ICAO recently strengthened air cargo supply chain security measures in Amendment 12 to Annex 17 (Security) to the Convention on International Civil Aviation (Chicago Convention), adopted by ICAO Council in November 2010. Annex 17 outlines the requirements that ICAO Member States must adhere to for aviation security matters through Standards and Recommended Practices (SARPs). TSA is currently working through ICAO's Aviation Security (AVSEC) Panel of Experts to continue to develop SARPs on air cargo security to be included in the next Amendment to Annex 17 to address the current threat level. Specifically, two Working Groups were developed during the last AVSEC Panel meeting in March 2011 to address the creation of more robust air cargo SARPs, the Air Cargo Security Working Group and the Working Group on Amendment 13 to Annex 17. TSA is a participant in both working groups, and therefore will assist in both the development of ICAO air cargo best practices and new international standards. Due to the nature of ICAO's review and approval structure, adoption of new SARPs may take place in late 2012 at the earliest. However, the new and stronger air cargo security SARPs adopted in November 2010 will go into effect in July 2011, and TSA, as the U.S. representative to the ICAO AVSEC Panel, will continue advancing more robust international air cargo security controls. The EC Standards, for instance, are expected to be complied with by the end of 2013.

Question 4. Can you describe for this subcommittee, the level of coordination TSA has had with stakeholders on air cargo since the Yemen cargo incident? Specifically, what is the status of the DHS working group on air cargo and what progress has been made through that working group?

Answer. During and since the Yemen events in October 2010, the Transportation Security Administration (TSA) has been in constant communication with industry stakeholders, international partners, and other Department of Homeland Security (DHS) components concerning the continuing threat to air cargo and the enhancement of security measures to counter that threat. This communication has been effectuated through myriad forums, including frequent meetings, conference calls with air carriers and other stakeholders, working groups, pilot activities, and personnel deployment focusing on strategies to mitigate and respond to the on-going threat to cargo security. TSA continues on multiple levels to reach out to industry partners, such as the International Air Transport Association, the Air Transport Association, the International Air Cargo Association, the Cargo Airlines Association, and the Air Forwarders Association. TSA also participates in working groups within the International Civil Aviation Organization and the World Customs Organization that are focused on enhancing and developing robust international air cargo security systems.

In March 2011, TSA Administrator, John Pistole, met with officials from the Universal Postal Union (UPU), an arm of the United Nations, to discuss the challenges encountered by postal operators of other countries. Mr. Pistole committed that TSA will continue to work with the UPU in developing long-tem sustainable security measures for mail. Follow-up discussions with the UPU took place most recently on May 12, 2011, where Mr. Douglas Brittin, General Manager for TSNM Air Cargo, briefed the UPU on various TSA initiatives to secure mail such as the National

Postal Security Program (NPSP) recognition program, and the Secretary's Workgroup on International Mail Security. Additional bilateral discussions were held later with the French, Dutch, and German postal authorities. Each were provided additional information on NPSP, and currently preparing documentation for review by TSA.

Additionally, DHS components, including TSA and U.S. Customs and Border Protection (CBP), are actively engaged in the DHS air cargo security working groups. These working groups are a partnership between DHS and industry, whereby each working group is co-chaired by either a TSA or a CBP official and an industry representative. Over the past few months, these working groups have held substantive discussions regarding technology, advance information, global cargo programs, and mail security. The working groups collectively presented recommendations to the Secretary on April 12, 2011.

Question 5. How will TSA ensure that it does not waste vital time and resources on known shippers and instead look more closely at those shippers for whom we don't have adequate information?

Answer. For domestic air cargo, under the Transportation Security Administration's (TSA) Known Shipper Program, shippers that transport cargo using air transportation are vetted and become known shippers if certain requirements are met. TSA has designed an automated system that retrieves available data on companies. This data is retrieved from publically available information.

TSA is working jointly with Customs and Border Protection (CBP) in pursuing the Advanced Air Cargo Screening pilot to test the feasibility of utilizing baseline threshold targeting for additional scrutiny of cargo at non-U.S. locations. TSA and CBP are also collaboratively working on the Department of Homeland Security Trusted Trader program, which includes a TSA Trusted Shipper concept for incorporation into TSA's overall in-bound air cargo security strategy. Although in the initial stages, TSA's Trusted Shipper concept would provide an ability to focus on higher-risk cargo to establish appropriate security measures for mitigation.

Question 6. What criteria will be used to determine whether screening of international in-bound air cargo is achieved to an acceptable standard?

Answer. The Transportation Security Administration (TSA) continues to work multilaterally and bilaterally with its international partners, and through its regulatory authority to validate and verify the application of security requirements in the international in-bound environment. TSA has established a risk-based scheduling methodology to assess airports and conduct air carrier inspections as frequently as possible at locations with the highest risks. While TSA can inspect and aggressively pursue enforcement action in the United States, any inspection of air cargo screening overseas requires the full voluntary cooperation of our foreign partners.

TSA continues to review other countries' National Cargo Security Programs (NCSP) to determine whether their programs provide a level of security commensurate with the level of security provided by U.S. cargo security programs.

Question 7. Can you describe the technology requirements for screening air cargo? Also, can you describe the efforts under way within both the Department and the private sector in developing technologies that can adequately screen large palletized cargo units?

Answer. The Transportation Security Administration (TSA) would be happy to provide a classified briefing on cargo screening. The Department of Homeland Security's Science and Technology Directorate have an on-going Research and Development program to develop technologies that can adequately screen palletized cargo. Private sector companies fully recognize the commercial potential for such systems and are actively pursuing their development.

Question 8. To what extent is TSA looking to expand its work under CCSP to the international arena?

Answer. The Transportation Security Administration (TSA) does not have the same authority to conduct inspections and enforce compliance in other countries as it has in the United States. Lack of extraterritorial jurisdiction limits our ability to implement the Certified Cargo Screening Program (CCSP) internationally. TSA is working on multiple initiatives that incorporate supply chain security and screening concepts. These initiatives include the use of Authorized Representatives (AR) at non-U.S. locations, the development of a Trusted Shipper program, and the National Cargo Security Program recognition program. Additionally, working through the International Civil Aviation Organization (ICAO), TSA is advancing enhanced international standards for cargo security, and ensuring that countries have the appropriate tools to implement their own supply chain security programs.

The use of ARs would allow air carriers to designate trusted business partners, including freight forwarders, as entities to perform screening on their behalf. ARs

will allow for cargo to be screened by these entities while operating under the air carriers' security programs, and enable them to screen the cargo at various points in the supply chain. Although not established as a CCSP, it provides similar benefits by enabling cargo to be screened prior to consolidation.

Question 9. What suggestions do you have for how Congress can help you in your mission to secure air cargo?

Answer. In support of the Transportation Security Administration's (TSA) mission in securing both the domestic and international cargo chains, TSA believes there are multiple areas and avenues where Congressional support and assistance will be essential. TSA requests that Congress continues its support of air cargo screening programs and pilots that focus on technology for screening consolidated cargos and the use of canines within the United States. At the international level, TSA believes that Congress can continue to show strong support for TSA's and the Department of Homeland Security's overall strategy of engaging both the international community and private industry, as TSA continues to pursue security initiatives that focus on the evolving threat clearly demonstrated by the events of October 2010.

Question 10. What processes does the Transportation Security Administration (TSA) have in place to identify high-risk cargo?

Answer. Since October 2010, the Transportation Security Administration (TSA) has released multiple Security Directives (SD) and Emergency Amendments (EA) focused on addressing the threat to in-bound air cargo and mail to the United States. Measures contained in SD/EAs are based on intelligence and analysis of threats within the cargo supply chain. SDs and EAs issued throughout November and December 2010, and in January, February, and March 2011, focused on identifying high-risk cargo, and the appropriate mitigation of potential threats to aviation. Methods of identifying and screening such cargo are provided in these SDs and EAs. These methods are considered Sensitive Security Information, therefore, TSA would be happy to provide a security brief at the committee's convenience.

In addition, TSA is working side-by-side with Customs and Border Protection (CBP) on the Air Cargo Advance Screening (ACAS) pilot project as well as the Department of Homeland Security's (DHS) Trusted Trader Program, which includes a TSA Trusted Shipper component.

The ACAS pilot focuses on utilizing advance information provided by the air carrier to target and identify high-risk cargo shipments for screening and further mitigation. Both TSA and CBP are piloting this effort in order to develop a long-term comprehensive strategy to apply baseline threshold targeting to all in-bound air cargo. Although in the initial stages, TSA's Trusted Shipper concept would provide an additional layer of focus on higher or elevated risk cargo and establish appropriate security measures for mitigation.

Question 11. What is the status of the TSA and CBP new joint technology pilot project referred to as the air cargo advance screening program (ACAS)? Do you think this program will be more successful than if TSA developed its own targeting system to support the international air cargo mission?

Answer. Immediately following the cargo-related incidents out of Yemen in October 2010, the Transportation Security Administration (TSA) and U.S. Customs and Border Protection (CBP) accelerated efforts to test and implement baseline threshold targeting through the Air Cargo Advance Screening (ACAS) pilot. This pilot will include three phases. Initially, the pilot will focus on the express air cargo carriers, then move into the passenger air carrier environment, and then the all-cargo environment. Pilot activities are focused on a proof of concept for each of the key building blocks: Data, targeting, and enhanced screening. These proof of concept activities are expected to culminate in the implementation of a comprehensive pre-departure targeting and screening regime.

Since November 2010, TSA and CBP have established a joint targeting unit at the National Targeting Center—Cargo, where both TSA and CBP targeting analysts review advance cargo information and perform threshold targeting side-by-side. Leveraging existing systems provides synergies between TSA and CBP programs, promotes efficiencies and cost-effectiveness for both the Federal Government and industry, and will expedite the implementation of this initiative.

QUESTION FROM RANKING MEMBER BENNIE G. THOMPSON OF MISSISSIPPI FOR JOHN P. SAMMON

Question. In the past, the Transportation Security Administration has been criticized for its lack of coordination with the Department of Homeland Security Science and Technology Directorate, in particular, in its role in developing and approving technologies for cargo screening and security. What steps have been taken to enhance the Transportation Security Administration's coordination with the Depart-

ment of Homeland Security's Science and Technology Directorate? Within the past year, have there been any notable developments with respect to identifying or certifying new technologies for air cargo screening?

Answer. The Department of Homeland Security's Science and Technology Directorate (DHS S&T) and the Transportation Security Administration (TSA) collaborate on the research and development of air cargo screening technologies. In addition to daily staff coordination, S&T and TSA maintain a formally chartered Integrated Product Team that meets monthly to coordinate a wide range of technology activities. S&T and TSA also mutually conduct semi-annual formal technology program reviews. Within the past year, S&T and TSA qualified large aperture Enhanced Metal Detectors (EMD), which can screen up to skid-sized cargo configurations. Use of EMDs is particularly desired for screening of highly perishable commodities such as fresh fruit and flowers.

QUESTIONS FROM RANKING MEMBER SHEILA JACKSON LEE OF TEXAS FOR JOHN P. SAMMON

Question 1. In response to my question during the hearing regarding airport perimeter security you stated that while there is work being done by the Transportation Security Administration to enhance airport perimeter security, there is not a common understanding of the standards in place, what the standards should be and how specific airports relate to the existing standards. Please describe the work currently being conducted by the Transportation Security Administration, including vulnerability assessments at airports, to address airport perimeter security protocols and inform the committee of the extent to which stakeholder input is being solicited and provided to address the issue of perimeter security at airports.

Answer. The Transportation Security Administration (TSA) Security Assessment Division within the Office of Law Enforcement/Federal Air Marshal Service is responsible for conducting Joint Vulnerability Assessments (JVA) at U.S. commercial airports. The assessments are conducted in conjunction with the Federal Bureau of Investigation (FBI) and are in compliance with 49 U.S.C. § 44904, Domestic Air Transportation System Security. The FBI conducts a threat assessment, while TSA conducts the physical security assessment. The JVA consists of a comprehensive review of five areas of the airport: Perimeter, terminal, airport operations, airport services, and infrastructure systems. When conducting the assessment of the perimeter, the assessment team evaluates the effectiveness of the perimeter fence, access controls, security patrols, lighting, signage, culverts, clear zones, and closed circuit television systems. The makeup of the JVA team consists of law enforcement personnel, Transportation Security Specialists, Transportation Security Inspectors (TSI), and stakeholder representatives (airport operations or airport police). The Success of the JVA process depends upon the cooperative relationship TSA enjoys with its airport stakeholders. The role of the stakeholders usually consists of assisting the JVA team with escorting, setting up interviews, and explaining the security posture of the airport. They are also encouraged to identify areas of concern that they believe to be vulnerable.

Airports are required to develop an Airport Security Program (ASP) which is approved by TSA under 1542.101 of 49 CFR Chapter XII. The ASP outlines the security posture in which the airport must operate. For example, it will identify the security requirements for the airport perimeter. TSA TSIs are assigned to the airports and are responsible for inspecting the airport for compliance with its ASP and ensure it adheres to all regulatory requirements as provided in 49 CFR 1542 and all current and applicable security directives.

Question 2. Please describe the respective roles and responsibilities of an airport authority and the Transportation Security Administration in addressing problems or vulnerabilities raised in periodic perimeter security joint vulnerability assessments. How much time is recommended for corrective action of vulnerabilities raised in joint vulnerability assessments?

Answer. Vulnerabilities identified by the Joint Vulnerability Assessment (JVA) process are presented to the Federal Security Director (FSD) during an out brief at the conclusion of the assessment, where representatives from the airport authorities are invited to participate. A comprehensive report is submitted to the FSD within 60 days of the assessment. The report includes the vulnerabilities observed, recommendations for mitigation, and any best practices identified. The Security Assessment Division works collaboratively with the Transportation Security Administration's (TSA) Office of Security Operations to identify and implement strategies to mitigate vulnerabilities identified by the JVA process.

Airports are required to develop an Airport Security Program (ASP) which is approved by TSA under 1542.101 of 49 CFR Chapter XII. The ASP outlines the secu-

rity posture in which the airport must operate. For example, it will identify the security requirements for the airport perimeter. TSA TSIs are assigned to the airports and are responsible for inspecting the airport for compliance with its ASP and ensure it adheres to all regulatory requirements as provided in 49 CFR 1542 and all current and applicable security directives.

There is no regulatory requirement for airports to implement recommendations from the JVA findings. As the acceptance of the recommendations is voluntary, there is no established time line for implementation; however, if an airport decides to accept the recommendations, the FSD works to establish changes to the ASP and these changes may or may not have a specific time line.

Question 3. What is the status of the Aviation Security Advisory Committee (ASAC)? Will ASAC be re-chartered and will it be a forum for stakeholders to have input on the Transportation Security Administration's security programs and policies?

Answer. As part of the Department of Homeland Security's efficiency review of advisory committees, charter renewal actions were placed on hold, and the charter for the Aviation Security Advisory Committee (ASAC) subsequently expired on April 3, 2010. However, the efficiency review re-affirmed the need for the ASAC, and the Transportation Security Administration is in the process of re-establishing the committee (i.e. charter approval, membership appointment). It is anticipated that the ASAC will meet in 2011 to provide advice and recommendations for improving aviation security measures.

Question 4. The President's budget request for fiscal year 2012 essentially level-funded the cargo security programs carried out by the Transportation Security Administration. Are you adequately resourced to provide oversight both domestically and abroad to ensure that cargo shipments are being properly screened and that the screening data provided can be validated?

Answer. The President's 2012 budget fully supports TSA's air cargo activities.

Question 5. The Transportation Security Administration has established a system to certify independent facilities and firms to screen cargo. Please tell us what provisions you are requiring of these firms in terms of securely transporting screened cargo to the aircraft and whether there exists vulnerability in this process?

Answer. Once the Transportation Security Administration (TSA) certifies an entity as a Certified Cargo Screening Facility (CCSF), it must follow the specific Chain of Custody (CoC) requirements mandated in its TSA-approved Standard Security Program (SSP). The SSP requires that all personnel who handle screened cargo at CCSFs undergo a Security Threat Assessment. The SSP also requires certification and verification procedures for cargo, tamper-evident technology requirements, and vehicle security requirements. If any single element of these processes is missing or incomplete, the cargo must be fully rescreened before loaded on an aircraft. In addition, passenger airlines and indirect air carriers have acceptance procedures outlined in their TSA-approved SSPs to ensure that proper CoC procedures are maintained. TSA continually evaluates established SSP requirements for further security enhancements.

Transportation Security Inspectors for Cargo (TSIC) conduct inspections throughout the U.S. air cargo supply chain on a regular basis. TSICs perform a thorough review of cargo screening, as well as implementation of CoC measures throughout the supply chain and during ground movement. TSA acknowledges that there are violations of the CCSF Program requirements, and TSA ensures that any instance of non-compliance is immediately corrected and is aggressively addressed through appropriate enforcement action.

Question 6. How are employees at certified screening facilities trained in the screening and secure transport process? Does the Transportation Security Administration train the employees or does it train the trainer at these facilities? With staff turnover, how will the Transportation Security Administration ensure that employees at these facilities remain compliant?

Answer. The Certified Cargo Screening Facilities (CCSFs) are required to either develop their own training or use the Transportation Security Administration's (TSA) developed training to train their employees. TSA training covers TSA's mission, general program requirements, personnel and facility security, screening requirements, Chain of Custody (CoC) procedures, Improvised Explosive Device (IED) recognition, and technology screening protocols. If a CCSF decides to create its own training program, TSA requires that the CCSF's training curriculum covers all areas outlined in the TSA-developed training. TSA does not train private sector employees directly, as it is the responsibility of the regulated entity to comply with all security requirements (including training requirements); the entity must ensure that its employees are cognizant of such requirements and competent to abide by

them. Furthermore, TSA Transportation Security Inspectors (TSIs) provide routine regulatory oversight for quality control.

To ensure that employees at these facilities remain compliant, TSA's Air Cargo Compliance Office also conducts unannounced and regular inspections of CCSFs. These inspections involve, among other things, a thorough review of air cargo security training and cargo screener training. TSA TSIs review training records, observe employees and agents carrying out security functions, conduct interviews to assess knowledge base and competence, and conduct tests to ensure compliance. When discrepancies are noted, the TSIs initiate investigations and take enforcement action as appropriate. These actions could include resolution of noncompliance through on-the-spot counseling, development of a corrective action plan, monetary civil penalties, or suspension of operations (withdrawal of certification) depending on the nature and extent of noncompliance. All CCSFs must be inspected twice per year at a minimum, but most are inspected more often based on the Air Cargo Compliance Office's risk-based approach to inspections; entities deemed higher-risk are inspected more often.

QUESTIONS FROM CHAIRMAN MIKE D. ROGERS OF ALABAMA FOR STEPHEN M. LORD

Question 1. Given the new time frame, what efforts are currently underway at TSA to meet the 2011 deadline to screen 100 percent of international inbound air cargo on passenger planes? What are the reasons for the modified time frame in achieving 100 percent screening by the end of this year?

Answer. As of March 23, 2011, TSA officials were in the process of evaluating industry comments on DHS' proposal to accelerate the deadline to December 31, 2011 for screening 100 percent of cargo bound for the United States on passenger aircraft. TSA officials stated that they plan to complete their review by the end of April 2011. TSA moved its deadline for meeting the 100 percent screening mandate as it applies to inbound air cargo on passenger aircraft to December 2011 as a result of reported air carrier screening data and discussions with air cargo industry leaders regarding progress made by industry to secure inbound cargo. Based on data submitted to TSA by the air carriers, TSA estimates that about 80 percent of inbound cargo by weight was screened as of August 2010. One factor contributing to increased screening levels is TSA's May 2010 decision to require air carriers to screen a certain percentage of shrink-wrapped and banded inbound cargo. In implementing this requirement, air carriers determined that it was more effective to screen larger groupings of cargo at the point of origin, which resulted in more than the required percentage being screened. Therefore, according to TSA officials, continued progress made by industry would help TSA to meet its proposed December 31, 2011 deadline to screen 100 percent of inbound passenger cargo.

Question 2. In addition to the Secretary's high-level discussions with members of the international community on this important topic, what is TSA doing to help implement the increased security measures that have been proposed?

Answer. TSA has taken several steps to enhance the security of air cargo on domestic and inbound flights. Following the October 2010 Yemen air cargo bomb attempt, TSA banned cargo originating in Yemen and Somalia from transport into the United States; banned the transport of cargo deemed high-risk on passenger aircraft; prohibited the transport of toner and ink cartridges weighing 16 ounces or more on passenger aircraft in carry-on and checked luggage; and required additional screening of high-risk cargo prior to transport on an all-cargo aircraft.

As we reported in December 2010, TSA has worked with foreign partners to enhance security standards and practices by, among other things, drafting Amendment 12 to International Civil Aviation Organization (ICAO's) Annex 17 which will set forth new standards related to air cargo such as requiring ICAO members to establish a system to secure the air cargo supply chain. TSA has also worked with foreign governments to address other areas of aviation security. For example, TSA has coordinated with foreign governments to develop enhanced screening technologies that will detect explosive materials on passengers. According to TSA officials, the agency frequently exchanges information with its international partners on progress in testing and evaluating various screening technologies. For example, in November 2010, TSA hosted an international summit that brought together approximately 30 countries that are deploying or considering deploying advanced imaging technology (AIT) units at their airports in order to discuss, among other things, AIT policy, protocols, and best practices. In addition, following TSA's decision to accelerate the deployment of AIT in the United States, the Secretary of Homeland Security encouraged other nations to consider using AIT units to enhance passenger screening globally. As a result, several nations have begun to test or deploy AIT units, and one country, Australia, has committed to introducing AIT at

international terminals in 2011. Finally, TSA conducts foreign airport assessments, which serve to strengthen international aviation security. Through TSA's foreign airport assessment program, TSA assesses the security measures used at foreign airports to determine if they maintain and carry out effective security practices. During assessments, TSA provides on-site consultations and makes recommendations to airport officials or the host government to immediately address identified deficiencies.

Question 3. What is your perspective on the feasibility and timing of developing international standards for air cargo? Can you give us an update on the plans of the International Civil Aviation Organization (ICAO), an arm of the United Nations in setting increased aviation security standards among its member nations?

Answer. On a global basis, ICAO has established security standards and recommended practices to help ensure a minimum baseline level of international aviation security among member nations. These international aviation security standards and recommended practices are detailed in Annex 17 to the Convention on International Civil Aviation, as adopted by ICAO. Amendment 12 to Annex 17 will set forth new standards related to air cargo such as requiring members to establish a system to secure the air cargo supply chain. Although Amendment 12 has been approved by the ICAO council, it is not expected to become applicable until July 2011.

Question 4. Can you describe for this subcommittee, the level of coordination TSA has had with stakeholders on air cargo since the Yemen cargo incident? Specifically, what is the status of the DHS working group on air cargo and what progress has been made through that working group?

Answer. As we reported in our March 9, 2011 testimony, following the Yemen cargo incident, DHS and TSA reached out to international partners, IATA, and the international shipping industry to emphasize the global nature of transportation security threats and the need to strengthen air cargo security through enhanced screening and preventative measures. TSA also deployed a team of security inspectors to Yemen in late 2010 to provide that country's government with assistance and guidance on their air cargo screening procedures. We also reported that TSA is working closely with CBP, industry, and international partners through the air cargo advance screening program pilot project, initiated in December 2010, to expedite the receipt of advanced cargo data for international flights to the United States prior to departure in order to more effectively identify and screen high-risk cargo. According to TSA officials, two all-cargo carriers are included in the pilot and are examining the feasibility of transmitting pre-departure manifest data in advance of the current requirement, which is 4 hours prior to flights landing in the United States. TSA officials stated that early test results have been positive, but that providing manifest data in advance may prove challenging for some air carriers. Before expanding the pilot to include passenger carriers, TSA is working to establish written protocols to determine the appropriate course of action following the identification of a high-risk shipment. The DHS Air Cargo Security Working Group consists of four "sub" working groups focusing on the areas of global mail, global cargo programs, information, and technology/capacity building. According to industry stakeholders, the sub groups plan to report their findings to the DHS Secretary and CBP Commissioner in April 2011, which will include recommendations to enhance air cargo security and identifying opportunities for private-public cooperative action.

Question 5. How will TSA ensure that it does not waste vital time and resources on known shippers and instead look more closely at those shippers for whom we don't have adequate information?

Answer. Suggest directing question to TSA.

Question 6. What criteria will be used to determine whether screening of international inbound air cargo is achieved to an acceptable standard?

Answer. GAO assumes this question refers to the requirement to screen 100 percent of inbound passenger cargo by the proposed December 31, 2011 deadline. As we reported in March 2011, TSA is coordinating with foreign countries to evaluate the comparability of their air cargo security requirements with those of the United States. According to TSA officials, the agency developed the National Cargo Security Program (NCSP) to recognize air cargo security programs of foreign countries that TSA deems provides a level of security commensurate with TSA's programs. TSA plans to coordinate with the top 20 air cargo volume countries, which according to TSA officials, export about 90 percent of the air cargo transported to the United States on passenger aircraft. According to officials, TSA has completed a review of one country's air cargo security program and has determined that its requirements are commensurate with those of the United States. As of March 2011, TSA continues to evaluate comparability of air cargo security programs for several other countries. TSA officials stated that although the December 31, 2011, deadline to

achieve 100 percent screening is independent of this effort to review the air cargo security programs of other countries, the agency plans to recognize as many commensurate screening programs as possible by the December 2011 deadline.

Question 7. Can you describe the technology requirements for screening air cargo? Also, can you describe the efforts under way within both the Department and the private sector in developing technologies that can adequately screen large palletized cargo units?

Answer. TSA allows air carriers transporting cargo to the United States to use a variety of methods and non-intrusive technologies to screen such cargo. For example, air carriers are allowed to use physical search, X-ray and explosives detection systems to screen inbound air cargo. However, in March 2011, we reported that TSA has not approved any equipment to screen cargo transported on unit-load device (ULD) pallets or containers—both of which are common means of transporting air cargo on wide-body passenger aircraft—both domestic and inbound aircraft. The maximum size cargo configuration that may be screened is a 48×48×65-inch skid, much smaller than the large pallets typically transported on wide-body passenger aircraft. This is particularly important because as we reported in June 2010, about 96 percent of inbound air cargo arrives on wide-body aircraft, and TSA has limited authority to oversee screening activities of foreign governments or entities. We will continue to review TSA's efforts to secure inbound air cargo, including TSA's efforts to test technologies that could be used to screen ULD pallets or containers.

Question 8. To what extent is TSA looking to expand its work under CCSP to the international arena?

Answer. Suggest directing question to TSA.

Question 9. What suggestions do you have for how Congress can help you in your mission to secure air cargo?

Answer. Suggest directing question to TSA since TSA is charged with this mission. We are currently reviewing TSA's efforts to secure inbound air cargo for the House Committee on Homeland Security and Senate Committee on Homeland Security and Governmental Affairs and will report on opportunities to enhance these efforts later this year.

Question 10. What processes does the Transportation Security Administration (TSA) have in place to identify high-risk cargo?

Answer. As discussed in the response to question 4 above, TSA is working with CBP, industry, and international partners through the air cargo advance screening program pilot project to examine the feasibility of expediting the receipt of advanced cargo data for international flights to the United States prior to departure in order to more effectively identify and screen high-risk cargo. In the interim, TSA implemented additional security measures following the Yemen cargo incident, such as banning the transport of cargo deemed high-risk on passenger aircraft, and requiring additional screening of high-risk cargo prior to transport on an all-cargo aircraft.

Question 11. What is the status of the TSA and CBP new joint technology pilot project referred to as the air cargo advance screening program (ACAS)? Do you think this program will be more successful than if TSA developed its own targeting system to support the international air cargo mission?

Answer. As discussed in questions 4 and 10 above, in December 2010, TSA, CBP, and the air cargo industry launched the air cargo advance screening program pilot project to enhance the sharing of electronic shipping information to improve the identification of high-risk cargo. In March 2011, TSA officials stated that two all-cargo carriers were voluntarily participating in the pilot, and the pilot will expand to additional all-cargo carriers and passenger carriers in the future. Given that this pilot is new, it is too soon to evaluate its effectiveness, but we will monitor the pilots' progress as part of our on-going review of TSA's efforts to secure inbound air cargo for the House Committee on Homeland Security and Senate Committee on Homeland Security and Governmental Affairs.

QUESTION FROM RANKING MEMBER SHEILA JACKSON LEE OF TEXAS FOR STEPHEN M. LORD

Question 1. In previous testimony before the committee, the Government Accountability Office has expressed concerns about the Transportation Security Administration's ability to verify domestic cargo screening data. What steps has the Transportation Security Administration taken to implement mechanisms that strengthen the verification of cargo screening data?

Answer. As we reported in June 2010, questions exist about the reliability of TSA's reported screening data for in-bound cargo because TSA does not have a mechanism to verify the accuracy of the data reported by industry. We recommended that TSA develop a mechanism to verify the accuracy of all screening

data through random checks or other practical means and obtain actual data on all inbound screening. TSA concurred in part with our recommendation, stating that as of May 1, 2010, the agency issued changes to air carriers' standard security programs that require air carriers to report inbound cargo screening data to TSA. As of March 2011, TSA officials stated that current screening percentages for inbound air cargo are now based on actual data reported by air carriers rather than estimates. However, the agency has not yet developed a mechanism to verify the accuracy of this data, as called for in our recommendation.