



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

November 15, 2010

The Honorable Janet Napolitano  
Secretary  
Department of Homeland Security  
Washington, D.C. 20528

Dear Secretary Napolitano:

Recent events involving explosive devices shipped on aircraft originating in Yemen have demonstrated, yet again, the current and persistent terrorist threat to aviation and have revealed vulnerabilities in the air cargo transportation system. Developing, implementing and updating a risk-based strategy for securing the transportation sector is a statutory requirement authorized in Section 4001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (P.L. 108-458), which directed the Department of Homeland Security (DHS) to establish a National Strategy for Transportation Security. In our continuing oversight of aviation security, we are writing to you concerning the development of an effective strategy for addressing current and emerging threats to the air cargo transportation system.

In recent years, significant improvements have been made to secure cargo on domestic aircraft. For passenger aircraft operating within and outbound from the U.S., DHS has implemented Section 1602 of the Implementing Recommendations of the 9/11 Commission Act (P.L. 110-53), which requires a system for screening all cargo transported on passenger aircraft. Domestic all-cargo carriers have adopted increased security measures established by the Transportation Security Administration's (TSA) Final Rule for Air Cargo Security Requirements. However, questions remain about the security of U.S. – bound cargo originating in foreign countries. It is this threat vector – cargo on inbound all-cargo and passenger aircraft – that is of great concern.

While TSA has increased security measures for inbound cargo through its Security Directive authority, DHS must also implement a comprehensive, risk-based approach for securing inbound cargo that mitigates risk while ensuring the continued flow of cargo that is critically essential to the domestic and worldwide economies. In light of the fact

that DHS lacks regulatory authority regarding supply chain security in foreign countries and that international harmonization agreements for cargo screening and supply chain security are still in development, a comprehensive approach to inbound cargo security should be established that leverages existing air carrier security programs with security and targeting programs being implemented by TSA and Customs and Border Protection (CBP), respectively.

To that end, there is a need for improvement of the Department's policies and programs concerning air cargo security risk analysis and information sharing between TSA, CBP, the Intelligence Community and private sector cargo industry stakeholders. Cargo and passenger air carriers are vitally important stakeholders in ensuring aviation security, particularly with respect to cargo shipped from foreign countries destined for the U.S. We are concerned that the primary mechanism for input from these essential industry stakeholders, the Aviation Security Advisory Committee (ASAC), has not been re-established by TSA on an ongoing basis for several years.

In 2003, the ASAC created three air cargo working groups, which included representatives from industry, organized labor and victims groups, to examine and recommend improved security protocols related to shipper acceptance procedures, indirect air carriers, and security of all-cargo airliners, respectively. We understand that recommendations from these working groups were incorporated into an Air Cargo Strategic Plan that formed the foundation for TSA's Final Rule on Air Cargo Security Requirements authorized in Section 4053 of P.L.108-458. The Final Rule required airports, air carriers, and indirect air carriers to adopt specific security measures for the air cargo supply chain, from shipper to air carrier. As ASAC's cargo working groups appeared to be instrumental in crafting many of the security measures currently in place, it is unclear how TSA can effectively address the evolving nature of the terrorist threat without consistent and institutionalized input from critical industry stakeholders that are on the front lines of aviation security.

As you know, Section 209 of H.R. 2200, the Transportation Security Administration Authorization Act which was overwhelmingly passed by the House of Representatives, would reauthorize the ASAC and an Air Cargo Security Working Group. We continue to support this provision as an integral component for the development of an effective risk-based approach to inbound cargo security. Further, as CBP plays an integral role in assessing and targeting cargo shipments originating in foreign countries, DHS must include CBP into any working group that reviews and develops air cargo security policies and procedures. Leveraging synergies between TSA and CBP security and targeting programs will improve security and reduce unnecessary regulatory redundancies to the private sector.

We strongly urge you to establish under the Federal Advisory Committee Act an aviation security working group and an air cargo security working group that include TSA, CBP and relevant stakeholders. Specifically, the mission of the air cargo security working group should include the development of a freight assessment system for assigning risk metrics to cargo shipped on all-cargo and passenger aircraft. Further, as intelligence

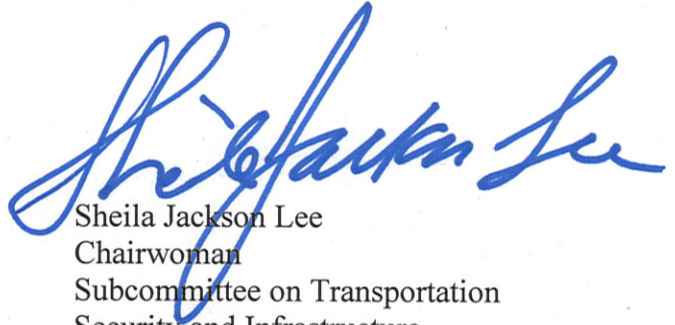
played a critical role in intercepting two packages mailed from Yemen that contained explosives, we urge you to increase information sharing between DHS and air carriers and other stakeholders in the air cargo supply chain. Increased information sharing will significantly assist both the public and private sectors in addressing specific threats to the aviation system. Finally, we request you continue research and development into cargo screening technologies, particularly for detecting new generation explosives threats, and expedite the Department's efforts to fully implement Section 1602 of P.L. 110-53 with respect to the screening of cargo on inbound passenger aircraft.

If you have any questions, please contact Cherri Branson, Chief Oversight Counsel for the Committee on Homeland Security, at 202-226-2616.

Sincerely,



Bennie G. Thompson  
Chairman  
Committee on Homeland Security



Sheila Jackson Lee  
Chairwoman  
Subcommittee on Transportation  
Security and Infrastructure  
Protection