

House Democrats, TSA at Odds over Cargo Screening Mandate

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A dispute surfaced Tuesday between House Democrats and Homeland Security officials over whether a 2007 congressional mandate requires the government to ensure that all U.S.-bound cargo carried by commercial airliners has been screened for weapons of mass destruction.

During a hearing, House Homeland Security Transportation Security Subcommittee Chairwoman Sheila Jackson Lee, D-Texas, called for GAO to do an assessment to clarify the reach of the mandate, which was included as part of a major bill that was enacted to implement unfulfilled recommendations of the 9/11 Commission.

The Transportation Security Administration has interpreted the mandate to mean that only air cargo being shipped from an airport inside the United States must be screened, John Sammon, an assistant administrator at the agency, told the subcommittee.

Democrats disputed that interpretation. "The interpretation would seem quite contrary to the intention of the Congress," Jackson Lee said.

Rep. Edward Markey, D-Mass., read the language of the mandate to the officials.

According to the bill, the department "shall establish a system to screen 100 percent of cargo transported on passenger aircraft operated by an air carrier or foreign air carrier in air transportation or intrastate air transportation to ensure the security of all such passenger aircraft carrying cargo."

"The system applies to foreign air carriers," Markey said.

GAO will do an assessment of TSA's interpretation compared to the language in the law, said Cathleen Berrick, the agency's director of homeland security and justice issues.

Jackson Lee said the House Homeland Security Committee might need to draft "immediate" legislation if the TSA interpretation stands.

House Democrats have been waged in a pitched battle with the Bush administration and some congressional Republicans for several years over requiring all air cargo to be screened.

The mandate in the 2007 law requires that 50 percent of all air cargo is screened by February 2009 and 100 percent is screened by August 2010.

Sammon said TSA expects to meet that mandate for air cargo being shipped from a U.S. airport.

He said the agency is seeking \$104 million in fiscal 2009 for the certified cargo screening program, which will use dogs, technology and inspectors to screen cargo.

The program will allow cargo screening facilities around the country to volunteer to screen cargo before it is transferred to aircraft operators and put aboard commercial aircraft.

Sammon said TSA plans to certify up to 80 shipping sites by February and 15,000 locations by August 2010.

He added that his agency intends to issue an interim final rule for the program by the end of the year.

"This program, which we anticipate deploying in fiscal 2009 will establish full supply chain security of air cargo and play a major role in overcoming the hurdles inherent in a 100 percent screening requirement," Sammon said in written testimony to the subcommittee.

Berrick said TSA still needs to complete vulnerability assessments at airports and develop more specific plans for the program.

"The devil's in the details," she said.