

Executive Memorandum

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Safer Skies: Air Security Priorities for the Next Four Years

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Few subjects engender more controversy than the conduct, efficiency, and priorities of air security. While much has been accomplished, the need for additional measures, the efficacy of current screening systems, and the impact of security costs on commercial aviation remain subjects of heated debate.

Lacking a clear consensus on strategy and consolidated oversight by congressional committees, efforts are still piecemeal. The Administration and Congress need a common set of priorities, a focused effort not just to keep terrorists from attacking commercial airliners or using them as weapons, but to secure U.S. airspace against all manner of terrorist threats. A combination of five investments offers the greatest promise.

Priority #1: Reorganize the TSA. While most Americans associate the Transportation Security Administration (TSA) with airport baggage screeners, the Aviation and Transportation Security Act made it responsible “for security in *all modes* of transportation” (emphasis added), including ensuring the “adequacy of security measures for the transportation of cargo.”

This is too broad. The TSA should be solely an operational agency with no oversight or infrastructure protection policy functions. It should address

only commercial aviation security. Restructuring the TSA’s mission and renaming it the Aviation Security Administration would create a more focused agency that could concentrate on trying to do one thing well and would eliminate policy and regulatory conflicts with the Coast Guard, Customs

and Border Protection, and the Information Analysis and Infrastructure Protection Directorate.

Priority #2: Ensure that Secure Flight works and is properly integrated with other systems. Under Secure Flight, the TSA will check passenger information against identifying information

in the database of the Terrorist Screening Center (TSC). Because the TSA will operate the system, the government—not the airlines—will bear the implementation costs, and Secure Flight will be able to use a classified list rather than the unclassified list now shared with airlines.

However, Secure Flight and the TSC must also resolve a number of security, operational, and privacy concerns. Most important is creating a mech-

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- Air security efforts are still advancing in a piecemeal fashion because the Administration and Congress have not reached a clear consensus on an appropriate strategy.
 - They should first reorganize the Transportation Security Administration and refocus its mission.
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anism for redress so that individuals who are incorrectly flagged by the system can have their complaints addressed quickly and fairly. In addition, the system must be made to work with other screening measures used by the Department of Homeland Security (DHS) to create a network of pre-screening systems that share technology, infrastructure, and information efficiently.

Priority #3: Invest in DHS air assets. The U.S. military faces daunting challenges at home and abroad and is further stressed by the use of Air National Guard fighter and tanker aircraft in missions that relate more to “air security” than traditional air defense. This is a waste of expensive, overstretched military assets for missions that civilian law enforcement aircraft could conduct just as well and at a lower cost. These tasks are more properly suited to the DHS, which already has a number of law enforcement, counterterrorism, border and maritime security, and intelligence and early warning missions that require a similar mix of airplanes. DHS assets also provide aviation law enforcement support to other federal agencies, negating their need to have their own “air forces.” Furthermore, general aviation is the fastest growing aviation sector, and the demand for forces to police the skies is growing.

However, the modernization and acquisition programs for the DHS air arm have not kept pace with increased demands, even though such investments would probably provide the “biggest bang for the buck” in improving overall air security. The DHS needs to develop, and Congress should fund, robust modernization programs for DHS aviation at the expense of less critical DHS programs. In addition, general aviation needs an infrastructure and support program, including development of the “gateway” concept to allow pre-screening of private aircraft before they enter high-security areas such as New York and Washington, D.C.

Priority #4: Define a reasonable role for the private sector. Security activities should be dictated by a comprehensive assessment of risks. Washington—not the private sector—is responsible for preventing terrorist acts through intelligence gathering, early warning, and counterterrorism efforts. The private sector is responsible for taking

reasonable anti-terrorism precautions in much the same way as society expects it to take reasonable safety and environmental precautions.

The DHS has a role in defining what is “reasonable” and facilitating information sharing that enables the private sector to perform due diligence (i.e., protection, mitigation, and recovery) in an efficient, fair, and effective manner. A model public-private regime for the aviation industry would (1) define what is reasonable through clear performance measures, (2) create transparency and the means to measure performance, (3) establish ways for the market to reward good behavior, and (4) ensure that any “fix” does not cripple the economic viability of the aviation industry. The DHS needs to focus on developing reasonable measures to improve aviation security overall—measures that enable each private-sector entity (e.g., manufacturers, commercial shippers, airports, and airlines) to take reasonable steps to reduce vulnerabilities.

Priority #5: Develop a comprehensive strategy to address shoulder-fired missile threats. Man-portable air defense systems were developed to defend against military aircraft. However, they are now globally available, and terrorists have used them to target passenger aircraft. It is only a matter of time until a terrorist attempts to shoot down a commercial airliner in the United States or one of its friends and allies. The response in the wake of such a tragedy would likely be knee-jerk, ineffective, and costly—a cheap win for the terrorist. The United States and other countries should not wait until such an event to develop contingency plans (e.g., additional ground security measures) and countermeasures (e.g., commercial technologies that can defeat missile threats).

Homeland security challenges in the air are strategic in character and thus require strategic responses. By prioritizing efforts, the Administration and Congress can take great strides in making the skies safer.

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