

WebMemo



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100 Percent Air Cargo Screening Continues to Infect Homeland Security

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On July 31, Congressman Bennie Thompson (D-MI), chairman of the House Homeland Security Committee, along with several other majority members of committee, sent a letter to Kip Hawley, head of the Transportation Security Administration (TSA), expressing discontent over the agency's interpretation of the air cargo screening provisions of the 9/11 bill. Essentially, TSA has interpreted the act's provisions to only include 100 percent screening for domestic cargo but not international cargo. Unfortunately, when it comes to the act's language, Chairman Thompson is right to contend that recent air cargo screening standards in the 9/11 bill do require 100 percent screening of all passenger air cargo, whether domestic or international. But when it comes to the efficacy of this type of legislation, the result is quite the opposite. Congress has taken a completely wrong path with regards to cargo screening and should reverse course immediately.

Scanning All Cargo. The 9/11 Commission Act of 2007 requires 100 percent screening of cargo transported on passenger aircraft. The act demands implementation within three years, a short time considering that current screening is minimal and very little of non-carryon cargo is actually scanned. The TSA has made efforts to comply with the legislation, including the development of a risk-based strategic plan; however, Congress seems dissatisfied with the agency's level of progress, and TSA has indicated that it is unlikely to meet the three-year goal. This dissatisfaction was highlighted, along with the agency interpretation issue, in the letter sent to Administrator Hawley.

The language of the bill, taken plainly, does indicate that the House Homeland Security Committee is correct in its complaints over TSA interpretation. The law does not differentiate between domestic or international cargo, nor does it state anything in particular with regards to the origin of the cargo. Instead, it uses the word *all* to indicate blanket scanning. Therefore, under the current statutory regime, TSA should attempt to make strides to comply with scanning requirements for both domestic and international passenger air cargo.

Workable Solutions. The problem with House Homeland's rebuke of TSA efforts is that the 9/11 Commission Act is simply poor legislation. In the end, poor legislation will produce poor results. It should not come as a surprise to Congress that TSA is not likely to meet the three-year deadline considering the structural changes that must occur.

Furthermore, there is simply nothing to suggest that once this program is "implemented," the program will produce any homeland security gains—the blanket requirement lures the public into believing that 100 percent cargo scanning makes the public 100 percent safe—without ensuring that precious government resources are directed at the highest risk targets. An effort to scan everything

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seems more like a political daydream than solid homeland security strategy. Instead of political posturing and bureaucratic infighting between Congress and TSA, Congress should:

- **Base screening on risk:** Instead of the current system of blanket screening for all cargo, Congress should adopt a system where inspection is commensurate with risk, meaning that cargo is prioritized based on starting point, declared contents, etc. This type of prioritization is currently used successfully in Britain and should be a model for U.S. screening.
- **Reform congressional oversight:** The letter's tone demonstrates the clear disconnect between TSA and Congress, a byproduct of inefficient congressional oversight. Not only is there an urgent need for consolidation of congressional oversight, but the present system is plagued with attempts to implement politically "feel good" measures by Congress—the 100 percent measure is merely one such example. Congress must reassess its use of oversight power and take directed measures to reform the current system.
- **Increase public awareness of the general aviation industry:** Congress should be careful

that its actions do not further distort the skewed public perception of the aviation industry. There is a need to educate the public regarding to the general aviation industry and the realistic risks and challenges facing the sector. Measures such as the 100 percent screening requirement result from unwarranted anxiety over security incidents—specifically in the general aviation domain.

The Blanket Screening Disease. Congress does have a right to question the implementation of legislation within its oversight power. The act's language seems to favor the position of the House Homeland Security Committee, but focusing on these issues continues to deemphasize the fundamental flaws of 100 percent cargo screening. Until Congress stops the progression of the blanket screening disease, TSA will continue to choke in its implementation efforts.

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