

Executive Memorandum

No. 989
January 26, 2006



Published by The Heritage Foundation

GreenLane Maritime Cargo Security Act: A Good First Attempt

Alane Kochems

The GreenLane Maritime Cargo Security Act (S. 2008), recently introduced by Senators Susan Collins (R-ME) and Patty Murray (D-WA), has numerous laudable objectives. These include increasing security for cargo and seaports, minimizing closures of U.S. seaports in case of an accident or attack, providing layered security in the supply chain, “pushing out” U.S. borders, and focusing resources on suspect cargo. However, the legislation as written also contains provisions that should be removed or modified.

Security-Improving Provisions

Modifications to Existing Programs. Throughout the legislation, the Senators call for improvements in the Automated Targeting System (ATS), the Customs–Trade Partnership Against Terrorism (C–TPAT), and the Container Security Initiative (CSI). The bill requires the Secretary of the Department of Homeland Security (DHS) to fix deficiencies in C–TPAT and ATS that have been identified by federal oversight entities. The bill also modifies these programs to include a clear assessment method and inspection requirements for CSI and minimum requirements for participating in C–TPAT. These programs are useful in securing the nation’s supply chain, and improvements are welcome.

GreenLane Designation. Currently, C–TPAT and CSI rely on voluntary compliance by partici-

pants. The bill would have DHS establish a “GreenLane” in C–TPAT, which would confer additional benefits on participants that “demonstrate a sus-

-
- The GreenLane Cargo Security Act is a good first attempt at securing the international supply chain. However, there is room for improvement.
 - Congress should remove the bill’s wasteful, ineffective, and inefficient provisions. These include provisions on establishing a cargo security policy office, mandatory radiation checks for all containers entering the country, and the port security grant program.
-

tained commitment beyond the minimum [program] requirements.” The designation’s requirements include submitting shipping data before loading cargo, loading cargo at a CSI-designated port, having approved vessel security, making cargo available for screening and examination before loading, using supply chain visibility procedures, using container security devices

that meet regulations, and complying with any additional security measures that might be called for. Rewarding participants in voluntary programs is important to keeping them involved. The GreenLane designation appears to do that for C–TPAT members who exceed expectations.

Joint Operations Center. To promote enhanced information sharing and improved operational

This paper, in its entirety, can be found at:
www.heritage.org/research/homelanddefense/em989.cfm

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies
of the
Kathryn and Shelby Cullom Davis
Institute for International Studies

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
(202) 546-4400 • heritage.org

Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

coordination, the proposed legislation calls for the establishment of joint operations centers for maritime and cargo security. Participants would include relevant DHS members, the Department of Defense (where appropriate), and the Federal Bureau of Investigation. Other federal agencies; state, local, and international law enforcement and first responder agencies; and other private stakeholders may also be present depending on the situation. Joint Operations Centers have been effective in the past and should facilitate information sharing and provide all the stakeholders with a better picture of trade security-related activities on the seas.

An Insufficient Provision

Requirement for a Strategic Plan. Section 4(a) calls for the DHS Secretary “to submit a comprehensive strategic plan to enhance international supply chain security” for all transportation modes where containers encounter U.S. seaports. America desperately needs a comprehensive approach to supply chain security that considers the entire international trade and transport system (e.g., the people involved, the transportation systems used, and the cargo transported), but this provision limits any strategic plan to cargo containers. On the positive side, the bill mandates consultation between the Secretary and appropriate government agencies at all levels and private-sector stakeholders. Without buy-in and input from all the necessary parties, any plan will fall short of its goal of securing international trade into the United States.

Wasteful Provisions

Office of Cargo Security Policy. The Act would establish an office to coordinate all DHS policies and programs relating to cargo security and to consult with stakeholders and federal agencies on best practices and regulation. This office is redundant; the Assistant Secretary of Policy already coordinates policy across the department. This proposed office would stovepipe information and policy decisionmaking rather than addressing international supply chain security policy in the central

DHS policy office, which can coordinate policy among all of the department’s many components.

Radiation Detection and Radiation Safety. This provision would require that all containers entering the United States be inspected for radiation within one year of the Act’s signing. Such a mandate would waste scarce resources on scanning mostly innocuous containers. Time, money, and effort should go toward investigating and examining suspect containers rather than every piece of hay in the haystack.

Port Security Grant Program. The bill authorizes a grant program directed at improving port security that smacks of pork-barrel spending. Instead of building more fences and paying for more guards at individual ports, federal money should go to the larger goals of preventing terrorist attacks and pushing the security envelope farther from the country’s shores.

A Good First Draft

The GreenLane Cargo Security Act is a good first attempt at securing the international supply chain. However, there is room for improvement. The legislation contains some excellent provisions that should facilitate information sharing and the generation of actionable intelligence, but it also has provisions that squander limited federal resources on ineffective programs. Congress should remove the bill’s wasteful, ineffective, and inefficient provisions. There are better ways to use scarce resources to secure the supply chain. Congress should avoid getting caught up in parochialism or hype. Instead, Members need to legislate calmly in a manner that promotes effective and efficient trade security. Congress must continue to grapple with this issue and create a bill that promotes a sound approach to trade security.

—Alane Kochems is a Policy Analyst for National Security in the Douglas and Sarah Allison Center for Foreign Policy Studies, a division of the Kathryn and Shelby Cullom Davis Institute for International Studies, at The Heritage Foundation.