

# WebMemo



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## Scanning for Common Sense: Congressional Container Security Mandate Questioned

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Yesterday, in a hearing before a subcommittee of the Senate Science, Commerce, and Transportation Committee, Homeland Security officials briefed legislators on the results of the Secure Freight Initiative (SFI) test. Congressionally mandated, the SFI test evaluated the feasibility of scanning 100 percent of the over 11 million oceangoing containers shipped annually to the United States. The report concluded that such a requirement would be impractical and unwise.

The results of the SFI test create a problem for Congress, which just last year passed another law making 100 percent scanning of inbound containers mandatory. Yesterday's hearing should prompt Congress to take further action. At the very least, legislators should appoint a nonpartisan commission to study the issue and report back early next year. The commission should examine more practical, effective, and reasonable alternatives to the congressional mandate.

**Bad News Bearers.** For congressional advocates of 100 percent screening, yesterday's hearing brought sobering news. While the SFI demonstrated that 100 percent scanning of containers bound for the United States from low-volume, "high risk" ports such as Qasim in Pakistan was feasible, the assessment raised serious questions about the costs and delays that would be caused by implementing the measure at larger ports. For instance, ports like Hong Kong and Singapore not only deal with much larger volumes, but often transship cargo from waterside to landside, or even from ship to ship.

Hong Kong alone might have to add \$80 million in infrastructure just to accommodate screening.

The Government Accountability Office (GAO), which works for Congress, identified the following nine major problem areas in the mandate:

- Workforce planning;
- Host nation examination practices;
- Measuring the program's performance;
- Resource (cost) responsibilities;
- Logistics of space constraints at ports;
- Technology and infrastructure;
- Use and ownership of data when foreign seaports are involved;
- Consistency with risk management; and
- Reciprocity and trade concerns.

The testimony by GAO, Department of Energy, and Homeland Security officials raised serious questions about the efficacy of 100 percent screening. At a time when the price of food and transportation is skyrocketing, it is particularly unwise to increase the cost of delivering goods to the United States. The security measures proposed likely won't work and would be of little utility even if they did. There-

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fore, it seems unlikely that implementing such measures would justify imposing additional costs on already strained markets.

**Waiting for Godot.** What the SFI report did not address in detail was whether there is even a threat justifying these extreme security measures. Most security experts concluded that there is not. The “nuke-in-a-box” scenario, which is often touted as the primary domestic terrorist threat, is wildly unrealistic. If terrorists obtained a nuclear weapon, it is highly unlikely that they would choose to deliver it via shipping containers, which can be lost, misdirected, pilfered, dropped, crushed, or accidentally dumped overboard. Any other conceivable threat could just as easily involve a weapon that is put in a truck and driven into a port.

Whether the danger is from a nuclear warhead or a car bomb, the most effective techniques for thwarting terrorist attacks remain terrorist network disruption, targeted investigation and screening, and reasonable physical security measures—not trying to inspect everything.

**What’s Next?** Congress should establish an independent, bipartisan commission to study the results of the SFI and the mandate for 100 percent screening of shipping containers and air cargo. The commission should assess the likely threats and look into alternatives for securing global supply chains.

Additionally, the commission should report its findings after the 2008 presidential elections. Congress could then return to the issue in early 2009 with the politics of the election behind it. Based on the results of the commission's recommendations, Congress should then modify the 100 percent mandate so that U.S. policy provides an equal boost to both security and prosperity.

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