

# WebMemo



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## Disaster of 100 Percent Maritime Cargo Scanning Not Lost on Napolitano

*Jena Baker McNeill*

Prior to her confirmation hearing, Secretary of Homeland Security Janet Napolitano released answers to a pre-confirmation questionnaire where she pinpointed the problems with scanning 100 percent of cargo entering the U.S. Napolitano indicated that she might use her authority to extend the deadline for implementation. But given the serious flaws in this mandate, the secretary should instead pressure Congress to find a workable alternative.

**Real Leadership.** After 9/11, Congress correctly recognized the vulnerability of America's maritime cargo. Thereafter, Customs and Border Protection (CBP) took steps to address these issues. It created a method of screening cargo containers that posed a high risk of hiding instruments of terrorism (also known as the Container Security Initiative), as well as the Customs-Trade Partnership against Terrorism (C-TPAT), a voluntary network of shippers who agreed to submit security information in exchange for expedited shipping.

In a span of two years, C-TPAT members imported as much as 30 percent of containers entering the U.S. As a result, CBP began to be recognized as a world leader in cargo security, pushing other nations to implement risk-based screening and entering into agreements to allow CBP agents at foreign ports. But in 2007, Congress enacted the 100 percent scanning mandate—an about-face on risk-based methodology. This provision of the 9/11 implementation bill abandons the idea of risk-based screening and requires, by 2012, scanning of *all* inbound cargo prior to entry into the United

States. This mandate is the wrong policy for the following reasons:

- ***It Adds No Additional Security.*** The 100 percent scanning mandate has the potential to alienate many of the allies that the U.S. works with on cargo security. CBP has long pushed its allies to adopt a risk-based strategy to cargo security rather than a blanket policy. This new mandate sends a message that the U.S. is backpedaling, and officials from both Asian and European countries have expressed that it could be a significant barrier to trade. And any good will generated by CBP would be lost due to a new policy that does not add additional security. Requiring scanning of low-risk cargo does not add more security to the process. And Congress's own test pilot, the Secure Freight Initiative, may even decrease cargo security by requiring DHS to divert resources away from other more important security measures in order to meet the congressional mandate.
- ***It Weakens the Economy and Supply Chain.*** Over 700 ports and more than 2,100 shipping lanes are affected by this requirement. The equipment alone would cost around \$8 million per shipping

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[www.heritage.org/Research/HomelandSecurity/wm2288.cfm](http://www.heritage.org/Research/HomelandSecurity/wm2288.cfm)

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(202) 546-4400 • [heritage.org](http://heritage.org)

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lane. Some have suggested that the private sector should carry these costs, but given the economic downturn, the last thing private businesses need is another forced expenditure. If the costs in themselves were not enough, the mandate will also impact the cargo screening process itself. The economy relies on a supply chain that operates smoothly. Adding more steps to the process would significantly impact America's ability to get goods to their destinations, causing millions of dollars in lost profits.

- ***It Ignores Infrastructure and Technology Limitations.*** Secretary Napolitano recognized that infrastructure limits could lead to a delay in implementing this mandate by 2012. Port facilities are having difficulties finding ways to do this scanning on-site without a significant cost burden or disruption of port operations.

**A New Way Forward.** Napolitano rightly recognized the weaknesses in the current mandate and that DHS is unlikely to meet the 2012 deadline. She has the authority to extend the deadline under the 9/11 Recommendations Act. But given the flaws of this mandate, pushing off the deadline seems like delaying the inevitable. Instead, Napolitano should pressure Congress to find an alternative, such as:

- ***Full Implementation of 10 Plus 2.*** DHS recently issued the final rule on a requirement called "10 plus 2" which would require shippers to file two pieces of data (a 10-point description of cargo with a vessel stow plan and any container status messages) 24 hours prior to the arrival of cargo on U.S. soil. While the rule exists in addition to the 100 percent screening mandate, its flexibility—letting CBP bend certain rules as needed, cost-efficiently (10 plus 2 does not require shippers to purchase additional technology)—minimizes the rule's impact on the supply chain. And it adds real security by allowing CBP to know what is in containers before the cargo enters the U.S. without intrusive scanning, making it an ideal alternative to the blanket mandate.
- ***Support for the Proliferation Security Initiative (PSI).*** The PSI is a volunteer effort of 90 nations

working together to implement interdiction efforts at airports and seaports, searching planes and ships for suspect cargo. While the PSI was created by the Bush Administration, President Obama has listed the PSI as one of his homeland security priorities, and he and Congress should follow through in this support. The PSI relies on the sovereignty of member countries, not an overarching authority, which helps to avoid the conflicts and political fights that often plague international institutions. An example of this success occurred in 2003, when the U.S. and the U.K. worked together to seize a shipment of goods containing parts used to make nuclear weapons headed to Libya.

- ***Fully Fund Coast Guard Modernization.*** At Napolitano's confirmation hearing, the tremendous job that the Coast Guard is doing was constantly reiterated. Senator Mary Landrieu (D-LA) emphasized the Coast Guard's role in helping to save lives after Hurricane Katrina. Senator Susan Collins (R-ME) called the Coast Guard an "absolute gem." Given that the Coast Guard operates out of the maritime domain, it essentially acts as law enforcement on the seas—often serving as the first line of defense against those who seek to harm America. Congress should recognize these successes and fully fund modernization, giving the Coast Guard the resources to replace out-of-date boats and equipment.

**Good for Her.** It is never easy to take views opposing one's own party. The fact that Secretary Napolitano has done just that, taking a contrary stance on the feasibility of the 100 percent mandate, is to her credit, and she now needs to develop an alternative. Finding a substitute for the 100 percent screening is urgent and will have a tremendous impact on America's economy and the global supply chain.

—Jena Baker McNeill is Policy Analyst for Homeland 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.