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March 4, 2009

The Honorable Janet Napolitano
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Napolitano:

I am writing to express my concern regarding your testimony before the House Homeland Security Committee where you expressed doubt that the Department of Homeland Security (DHS) would be able to meet the July 2012 deadline mandated by Congress to scan 100 percent of all containers entering U.S. ports. I urge you to do everything you can to either ensure this deadline is fully met or at least make significant progress towards fulfilling this Congressional mandate.

As you know, pursuant to the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53, section 1701), Congress mandated that DHS scan all imported containers by nonintrusive imaging equipment and radiation detection equipment at foreign loading ports by July 1, 2012. The purpose of this requirement is to protect the American people from terrorist attacks on our ports and transportation infrastructure, which the 9/11 Commission deemed to be at risk. As the original sponsor of this provision and the Senator from a state that is home to the largest seaport on the East Coast, I strongly believe we must do everything within our power to meet this deadline in order to provide the American people with the safety and peace of mind they deserve.

Over seven years have passed since that fateful day of September 11th, 2001. During this time, the Bush administration has dragged its heels on port security. As a result, we now find ourselves behind the curve – and as long as we fail to adequately invest in port security, our Nation will remain vulnerable to attack.

The fact remains that until we know what is inside every cargo container entering our ports, we cannot definitively say that we are secure. Our ports serve as the gateway to our nation, our commerce, and our economy. They are attractive targets because an attack could result not just in physical damage and lives lost, but unimagined loss to the economy and global supply chain. Simply put, improving our efforts to better secure the cargo coming into our ports cannot wait.

These security vulnerabilities did not appear overnight and there will be no shortcut to fully securing our Nation's ports. But as daunting as the task is before us, the consequences of inaction are unimaginable. That is why I hope to work with you to ensure DHS has all the resources it needs to do everything possible to meet this 2012 deadline and fully secure our ports.

If we simply resign ourselves to failure and refuse to take steps toward our ultimate goal out of the fear that the road ahead is too long and arduous, then we will never be capable of scanning all container ships, regardless of how far the deadline is from now.

Thank you for your attention to this matter. I look forward to working with you to ensure that all containers entering the U.S. are scanned in order to protect the American people from possible future attack.

Sincerely,

A handwritten signature in blue ink that reads "Robert Menendez". The signature is fluid and cursive, with a prominent initial "R" and a long, sweeping underline.

ROBERT MENENDEZ
United States Senator