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July 18, 2012

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

Dear Secretary Napolitano:

I am writing to express my continued concern with the failure of the Department of Homeland Security (DHS) to achieve 100 percent scanning of all foreign containers before they enter our ports by the statutory deadline. While I recognize your prerogative to exercise the temporary waiver authority, I respectfully request that you provide a clear, specific roadmap on how you plan to comply with this mandate over the next two years. As one of the key contributors to the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-5), I strongly believe it's critical that DHS work aggressively towards scanning 100 percent of all imported containers in order to protect the American people from a potentially devastating terrorist attack.

As you know, pursuant to the 9/11 Commission's recommendations, Congress mandated that DHS scan all imported containers by nonintrusive imaging equipment and radiation detection equipment at foreign loading ports by July 1, 2012. When you informed Congress in May about your intent to issue the waiver, you stated that implementing 100 percent scanning in foreign ports would be unfeasible and cumbersome, costing upwards of \$16 billion. Even taken at face value, this amount pales in comparison to the unimaginable levels of destruction and loss of life that would occur if a nuclear, chemical, or biological weapon were to reach our shores. Millions of Americans could perish; global trade would grind to a screeching halt; and the total cost of such an event could reach \$1 trillion. For the people of New Jersey, this is a nightmare we cannot afford to happen.

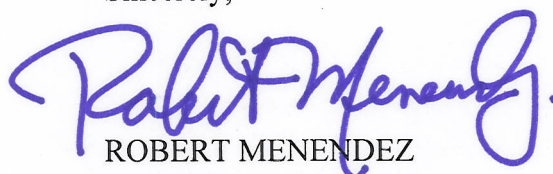
In addition, some outside experts believe implementing a system with 100 percent scanning capabilities can be done with current technology at a reasonable cost. In particular, the University of Pennsylvania's Wharton School released a report illustrating the viability of accomplishing this. While not endorsing any one particular approach, I strongly encourage you to examine different ways to reach the 100 percent standard. With the largest seaport on the East Coast and the highest population density in the nation, the people of New Jersey deserve to know that every effort is being made to keep them safe.

Initially released nearly 8 years ago, the warnings of the 9/11 Commission are as true today as they were then. And as we saw last month in Newark when a suspicious container made it all the way to our shores without raising flags, there are still gaps in our security apparatus that could pose a real threat to those living or working near our ports. While the event turned out to be a false alarm, we can't simply rely on luck and good fortune to ensure security.

Every day we fail to scan 100 percent of containers before they enter our ports is another day we play Russian roulette with our national security. Those who wish harm upon us will continue to scheme, adapt, and look for ways to circumvent our security measures, which is why we need concentric, reinforcing layers of security to prevent the unthinkable from occurring. Simply put, improving our efforts to better secure the cargo coming into our ports cannot wait.

I hope to work with you to ensure DHS has all the resources it needs to do everything possible to implement 100 percent scanning by 2014 deadline and fully secure our ports.

Sincerely,

A handwritten signature in blue ink, reading "Robert Menendez", with a stylized flourish at the end.

ROBERT MENENDEZ
United States Senator