



One Hundred Twelfth Congress
U.S. House of Representatives
Committee on Homeland Security
Washington, DC 20515

July 25, 2012

The Honorable Janet Napolitano
Secretary
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear Madam Secretary:

At today's Committee on Homeland Security hearing, I was dismayed that you were unable to provide basic data in response to my questions regarding the percentage of maritime cargo containers scanned for nuclear or radiological materials or other threats before arriving at U.S. ports. Your inability to provide this basic data was particularly disappointing given our longstanding engagement on the issue of maritime cargo security over the course of numerous Committee hearings.

The Department of Homeland Security (DHS) position with respect to the mandate in the "Implementing Recommendations of the 9/11 Commission Act of 2007," which requires 100 percent of maritime cargo containers be scanned before their arrival in the U.S., is well understood. You, like your predecessor, refuse to implement the law, as evidenced most recently by your signing of a blanket two-year waiver of the requirement. Instead, you have stated that you support an alternative approach – what you call a layered, risk-based approach to maritime cargo security – targeting only those containers you believe to be "high-risk."

In my questioning, I was seeking clarity on how much U.S.-bound cargo is currently being scanned. In general terms, we know that the overwhelming majority of U.S.-bound maritime cargo containers are not scanned overseas and that some may be scanned upon arrival in the U.S. As for so-called "high-risk" containers, it is my understanding that only a small fraction of those containers are inspected prior to their arrival at U.S. ports. The vast majority of high-risk containers are examined only upon arrival. Waiting to resolve a high-risk container until it reaches American shores, should it be carrying nuclear or radiological material, could have devastating consequences, in loss of life, infrastructure, and trade.

With that in mind, please respond in writing to the following questions, no later than August 8, 2012.

- What percentage of U.S.-bound maritime cargo containers are scanned prior to arrival in the U.S.?
- Of those containers not scanned overseas, what percentage is scanned upon arrival in the U.S.?
- What percentage of U.S.-bound maritime cargo containers are designated “high-risk” each year?
- How many maritime cargo containers are designated as “high-risk” each year?
- What percentage of these “high-risk” containers are inspected or otherwise resolved prior to arrival in the U.S.?
- If less than 100 percent of so-called “high-risk” containers are inspected or otherwise resolved prior to arrival in the U.S., what is DHS doing to address this security gap?

Should you have any questions about this request, please contact Lanier Avant of my staff at (202) 226-2616. Thank you for your attention to this matter.

Sincerely,



BENNIE G. THOMPSON
Ranking Member
Committee on Homeland Security