

One Year Later: A Progress Report on the SAFE Port Act
Senator Joe Lieberman
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Good morning and thanks to everyone for coming to our hearing today. We are here, in our committee's traditional role of oversight of government and the committee's responsibility to protect citizens here at home, to evaluate the state of the nation's port security one year after Congress passed, and the President signed into law, the bipartisan SAFE Port Act

I believe, and I think our witnesses will corroborate, that implementation of the SAFE Port Act over the past 12 months has brought not just focus and energy to the mission of building a robust security regime domestically and abroad but also a demonstrable improvement in port security.

In August, the Government Accountability Office rated the progress with which the Department of Homeland Security was fulfilling its core missions. GAO reported that the Department had made "substantial" progress *in just one* of 14 categories. That category was maritime security, and there can be no doubt that the SAFE Port Act contributed to that high ranking.

The GAO evaluation was especially good news given the challenges of securing our ports and the critical importance of doing so. Since aviation security was dramatically improved after 9/11, the experts have told us that terrorists may turn to the more vulnerable maritime sector to smuggle people or weapons into this country. Ninety five percent of our international trade flows through the ports. In the post 9/11 era, we must provide sufficient security without interrupting the smooth flow of commerce. The GAO report, I think, relieves some of the concerns we have had on this front.

Does this mean we can step back and relax? Obviously not. Twenty-one thousand containers enter U.S. ports every day. We are still physically inspecting just 5 or 6 percent of them. And there are other threats from the sea we are only beginning to think about. For example, the Department of Homeland Security recently began a pilot project to detect radiation from small vessels entering our vast coastal waters.

From my perspective, we should continue to pay particular attention to five key areas if our maritime security is going to continue on its upward arc of improvement.

The first is the Secure Freight Initiative – the pilot program set up at three major foreign ports to test the feasibility of 100 percent scanning of cargo headed for the U.S. Scanning uses imaging technology to identify the

contents of the container. This program was established by legislation that emanated from this Committee. It has been implemented over the past year, and we can begin to draw some conclusions about its effectiveness. Are foreign ports capable of this kind of blanket scanning? How is the requirement affecting the flow of commerce and at what cost? What are its limitations? Who conducts the scans and what checks are in place to ensure it is, in fact, a secure operation?

Just this August, Congress enacted the second phase of our post 9-11 reforms again, based on legislation we reported out of this Committee. The bill includes a provision calling for 100 percent cargo scanning by 2012. We need to know if we are on the right track to achieve that – and the pilot programs and evaluations required by the Safe Port Act will certainly help steer the Department towards achieving that goal.

Second, it's time to assess the effectiveness of the Container Security Initiative (CSI) and the Customs – Trade Partnership Against Terrorism (CTPAT). These two programs were established by the Department of Homeland Security in 2002 to screen – that is to examine the paperwork describing the cargo - of containers at overseas sea ports and, in concert with the private sector, to track containers as they traverse the oceans toward our ports. Three years later, we need to determine whether these two programs

have helped to secure the global supply chain and create an expedited shipping process -- or “greenlane” -- to the U.S.

Third, the TWIC program – the Transportation Worker Identification Credential – is critically important to the security of our ports. But the development of a federal credential for all U.S. port workers has been frustrated by technological and logistical problems. Approximately ¾ million will need to be credentialed by a September 2008 implementation deadline. We all want to know if the program - including an adequate appeals process – will be able to process all individuals by then and keep our ports running.

Fourth, we need to ensure that we are on schedule to create interagency operations centers at our major ports as required by the SAFE Port Act. These centers are designed to improve the collection and sharing of maritime security information at local ports as well as to coordinate operations among federal, state and local partners. So far, actual centers have been set up in Charleston, S.C., San Diego, Calif., and Miami, Fla., and a virtual center exists at the port of New York. My staff has toured the operations center in Charleston and was impressed by the information-sharing and coordination among DHS personnel, DOJ personnel, and state and local law officials. I will have questions about that program. Fifth, and

finally, I want to draw attention to the work of the Domestic Nuclear Detection Office (DNDO), which was created by the President in 2005 and formally authorized by Congress under the SAFE Port Act. DNDO's purpose is a critical one which is to develop, test, evaluate, and deploy a nuclear radiation detection architecture across this nation, including at our major ports, in order to prevent the nightmare scenario of a smuggled nuclear or radiological device or so called dirty bomb. Secretary Chertoff has said that the prevention of a nuclear or dirty bomb detonation is the department's top priority, which means successful deployment of the radiation detection monitors is the single most important task DHS has. I have been conducting – and will continue to conduct - careful oversight of this project because these radiation portal monitors absolutely must work. Success will depend largely upon the effectiveness of the technology. But DNDO must also work closely with Customs and Border Patrol to ensure that there's a seamless handoff from one agency to the another.

Bottom line, the GAO report shows enormous activity since 9/11 to secure our ports and the rest of our homeland from terrorist attack. The fact that there hasn't been another attack is good future, but also because we have raised our guard.

Again, the SAFE Port Act has moved us closer to a comprehensive, coordinated, and multi-layered maritime security regime that protects not just cargo and cargo containers, but ships, piers, ports, and maritime workers as well. The federal government must continue to press on to protect the American people and our global economy. Today, I am eager to hear our witnesses' assessment of the distance we have traveled and where we must go from here in order to accomplish this complex but critical goal.

I would like to thank all of our witnesses for agreeing to testify this morning; in particular Assistant Secretary Stewart Baker, who's been cooperative with the Committee and a key figure in determining the direction of a number of the port security programs we will discuss today. I remain supportive of DHS' efforts to elevate your position to that of an Under Secretary for Policy, and I will continue to do what I can to assist in that endeavor.

Thank you. Senator Collins?