STATEMENT OF

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ON BEHALF OF

MARITIME INFORMATION SERVICE OF NORTH AMERICA (MISNA)

BEFORE THE

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REGARDING

THE SAFE PORT ACT:
A SIX MONTH REVIEW

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CHAIRWOMAN SANCHEZ, RANKING MEMBER SOUDER, AND DISTINGUISHED SUBCOMMITTEE MEMBERS, it is my honor to have the opportunity to appear before you today to talk about what the maritime industry is doing to enhance maritime domain awareness, and specifically with regards to long range vessel tracking. My name is Manny Aschemeyer and I am the Executive Director of the Marine Exchange of Southern California. I am here representing the Maritime Information Service of North America (MISNA). I would like to begin by giving you a brief history of MISNA.

MISNA is a national coalition of non-profit maritime information sharing service organizations that are dedicated to providing information, communications and other services in order to ensure safe, secure, efficient and environmentally sound maritime operations. MISNA represents the commercial maritime community's shared commitment to proactively address the challenges faced by the maritime industry, as well as the U.S. Coast Guard, U.S. Customs and Border Protection (CBP), U.S. Maritime Administration (MARAD), the Office of Naval Intelligence (ONI) and other federal and state agencies in a cooperative and cost efficient manner.

MISNA membership includes maritime exchanges and associations from throughout the United States and in Canada. Maritime exchanges' operations are vital to the maritime industry and their government partners in Baltimore, British Columbia, Jacksonville, Alaska, Puget Sound, San Francisco Bay, Hawaii, Southern California, New York and New Jersey, the Delaware River and Bay, New Orleans, Virginia, Texas and Portland, Oregon. Several of the people who oversee the operations of these maritime exchanges are former Coast Guardsmen and have served as Captains of the Port at various places, and all the people who run these maritime exchanges have extensive maritime experience, including as licensed master mariners, and senior maritime industry executives.

MISNA represents a broad cross section of maritime interests in each of these regions. The work of these maritime exchanges supports vessel owners and agents, port authorities, pilots, towboat companies, stevedores and terminal operators, admiralty lawyers, customs brokers and freight forwarders, ship repair firms, employer associations, insurance agencies, marine surveyors, maritime unions (both afloat and ashore) and oil spill response organizations. Collectively, over 8,000 private and public maritime businesses, agencies and associations are represented by MISNA.

While MISNA was established as a non-profit maritime organization in 1995, several of the marine exchanges that make up MISNA have been in existence for over 125 years. Whereas the maritime exchanges in the 1800s used telescopes to spot vessels approaching the U.S. and communicated the locations of those vessels to the maritime community with messengers and semaphore, today we use state of the art technology to provide accurate and timely information on maritime operations 24 hours a day. In a sense, MISNA serves as the "eyes and ears" of the maritime community.

The maritime exchanges that make up MISNA work with every segment of the maritime and waterfront business communities, and they provide state, county and municipal law enforcement, and emergency responders with both a snapshot of river and harbor activity, detailed vessel

movement and position information, detailed terminal, pier and berth data, commodity information, lightering and bunkering activity, as well as in many cases local tide, weather and current conditions. But it is our work with the local Coast Guard Sector Commands and District Operations Centers that we view as being most critical to maritime operations in the U.S. and the Department of Homeland Security and the Coast Guard's efforts to maximize maritime domain awareness.

Maritime Domain Awareness (MDA) is defined in the National Strategy for Maritime Security as being the effective understanding of anything in the maritime environment that can affect the safety, security, economy, or environment of the United States. To state it simply, MISNA is working closely with the Coast Guard and other government agencies to understand the maritime domain and what is happening within it so as to protect our ports, vessels, mariners, and the American public, as well as the supply chains that are so critical to our nation's economy. This exchange of information benefits the marine industry through increasing efficiency and minimizing delays incurred in addressing security issues.

Maritime exchanges provide their public sector partners with access to historical and anticipated vessel schedules and reports, and in many cases the Coast Guard, Customs and Border Protection and other agencies rely on maritime exchanges for access to real-time vessel position information through Automatic Identification System (AIS) displays. In addition, exchanges play leadership roles in their Area Maritime Security Committees, Harbor Safety Committees and a host of other venues where private and public maritime stakeholders convene to identify opportunities for improvement, solve problems, and address the challenges of the future.

In Southern California we are closely tied to the Coast Guard's Sector Command at Los Angeles-Long Beach Harbor, which is America's biggest and busiest intermodal cargo complex. Our Marine Exchange provides the Coast Guard with vital information 24 hours a day, 7 days a week, and 365 days a year in helping them to execute their multi-faceted mission that includes Maritime Domain Awareness, Vessel Traffic Management & Facilitation, Search-and-Rescue, Law Enforcement, Port State Control, Environmental Protection & Response, and a host of others. Similar symbiotic Coast Guard-Marine Exchange relationships exist throughout the U.S. from Maine to Alaska and Hawaii.

I would like to take this opportunity to heartily applaud the Coast Guard. Since the September 11 terrorist attacks, the Coast Guard has accepted countless new responsibilities – including their ongoing efforts to enhance maritime domain awareness, improve port security, increase vessel traffic efficiency, enforce port state controls, augment search and rescue (SAR) operations and generally make our ports and waterways safer, more efficient, and environmentally protected. I have only the greatest admiration, respect and appreciation for what they do and how they do it. Given their limited manpower, assets and funding the Coast Guard has done a remarkable job, to say the least. As Winston Churchill once said of the RAF during World War Two: "Never have so many owed so much to so few!" That same adulation can be applied to our U.S. Coast Guard today.

But maritime security is not the role of the Coast Guard alone. To the contrary, the only way to achieve maritime domain awareness to the fullest extent possible is through strong public-private partnerships. In fact, the only way to maximize maritime domain awareness quickly and in a

way that is cost-effective is to utilize all existing resources. *The U.S. Coast Guard Strategy for Maritime Safety, Security, and Stewardship* has it right in saying that securing our maritime borders require *"extensive partnerships that integrate and build unity of effort among governments, agencies, and private-sector stakeholders."*

A perfect example of public-private partnerships in action – and one that I was intimately involved in creating, and in fact appeared before Congress over ten years ago to discuss – is the Vessel Traffic Service (VTS) located at Los Angeles-Long Beach Harbor. Since 1994, the VTS at Los Angeles-Long Beach Harbor has been operated by the Marine Exchange of Southern California, in partnership with the U.S. Coast Guard. While the Coast Guard did not at first embrace the "partnership concept" we had conceived, or recognize the advantages of working in cooperation with the maritime community, the VTS has come to serve as a "national model" for other ports across the nation and around the world to study and emulate.

In February of this year the Marine Exchange of Southern California had the opportunity and distinct pleasure to give DHS Deputy Secretary Michael Jackson a first-hand look at how the Coast Guard is working in tandem with the private sector to ensure the security of maritime operations at America's busiest intermodal port facility. During his visit Deputy Secretary Jackson praised our public-private partnership and appeared genuinely impressed with our operation.

The Marine Exchange of Southern California's work to bring the VTS at Los Angeles-Long Beach Harbor online was only the beginning of MISNA's efforts to maximize the Coast Guard's ability to achieve success in its various missions. When the International Maritime Organization (IMO) mandated that all vessels be equipped with VHF-based line of sight Automatic Identification System (AIS) transponders in 2004, MISNA quickly realized that all the transponders in the world would not do anything to improve maritime operations unless there were also AIS receiving stations on shore. Using our extensive network of maritime stakeholders, MISNA quickly constructed and presently operates over 80 shore-based AIS receiving stations that range over 3,000 miles north to south from above the Arctic Circle in Alaska all the way down to Florida; and east to west over 5,000 miles from Maine to Adak, Alaska and Hawaii. While this network of AIS receiving stations is now tracking over 2,000 vessels daily in the U.S., this system is growing daily with over 100 AIS sites expected to be in operation later this year. MISNA is currently sharing much of this information with the Coast Guard.

MISNA recognized early on that AIS has serious limitations, and saw first-hand what the consequences of those limitations are, foremost among which is the limited range of AIS. AIS was originally conceived as an anti-collision "tool" for mariners to use at sea and while navigating in and out of port. AIS was not designed to provide much help in addressing maritime emergencies, especially those that occurred many miles offshore, or even just outside the proximity of an AIS receiving station. Not only does AIS have a limited range of approximately forty to fifty miles, but the information it collects and disseminates is not secure. Given these shortfalls, while still recognizing the benefits of AIS, MISNA developed the ability to track vessels around the world and destined for our ports using satellite technology.

MISNA created a Voluntary-Long Range Vessel Tracking system called the Automated Secure Vessel Tracking System (ASVTS), which combines short range (AIS) and long range (satellite) vessel tracking capabilities, and provides a way for this information to be displayed in a way that is secure but can be shared easily with stakeholders who need to analyze that data. For over five years now, MISNA has been successfully tracking vessels near our coasts and around the world. The system's unique ability to process and display both AIS and long range (satellite) data provides a means of comparing and validating vessel information, aiding the detection of anomalies and providing system redundancy. MISNA is currently tracking tankers, cargo vessels, container ships, tugs, barges, ferries and cruise ships mostly along the U.S. West Coast and in some cases, around the world. And in Alaska, the Marine Exchange has also been monitoring Coast Guard vessels at the request of Coast Guard District 17.

After the terrorist attacks on 9/11 when the Office of Naval Intelligence (ONI) needed to improve its information gathering activities, ONI officials approached MISNA and asked us to provide information on anticipated port calls and actual arrivals of vessels. MISNA complied with that request within a few days and continues to assist the ONI in its missions, consolidating this information nationwide on a daily basis. Each year, MISNA reports to the ONI on over 65,000 thousand vessels calling on U.S. ports. We have been contracted by ONI to provide this service since December of 2001.

MISNA also entered into a Memorandum of Understanding (MOU) with the Coast Guard in 2002 and through this forum has repeatedly offered the Coast Guard assistance in attaining enhanced maritime domain awareness to aid maritime security. In many areas of the country the Coast Guard is using MISNA's AIS and long range vessel tracking information on a daily basis.

The Coast Guard consistently calls on MISNA members for long range vessel tracking capabilities. As a result, MISNA members have assisted in several high profile maritime emergencies during the past few years, some of which have been covered by CNN. In one instance, MISNA tracked the "Semester at Sea" passenger vessel *Explorer* when it encountered heavy seas in the Pacific and was in distress. In other instance, MISNA's tracking system aided the Coast Guard's search and rescue response to the stricken cargo vessel *Selendang Ayu* when it lost power and grounded in a heavy storm in Alaska. And on yet another instance, MISNA tracked the response vessels assisting the car carrier *Cougar Ace* when it rolled on its side in the North Pacific. While most of the vessels that utilize MISNA's long range vessel tracking capabilities do so voluntarily, MISNA was able to track these vessels without having tracked them previously, and did so in few minutes. Without MISNA's tracking capabilities, it would have taken hours to locate and track these vessels.

It is in Alaska that MISNA's AIS and long range vessel tracking capabilities are most prevalent. The ASVTS system enables the Coast Guard in District 17 to efficiently manage its resources in order to augment its search and rescue (SAR) operations, enhance maritime domain awareness, improve maritime security, promote maritime safety, better assist in waterway management, and respond more effectively to environmental emergencies. Due to concerns about the vulnerability of ships operating in the restricted and often remote waters of Alaska, Coast Guard District 17 encourages vessel operators to utilize the ASVTS vessel tracking capabilities under a voluntary, industry-funded program. The participation and compliance by the vessel owners and operators

is significant with tankers, ferries, tugs, fishing boats, cruise ships and container ships being tracked as they sail to and from Alaska to other ports on the West Coast and overseas. The information provided to the Coast Guard in District 17 is used to execute search and rescue and Medical Evacuation (MEDEVAC) missions, coordinate security escorts, schedule vessel boardings, and provide data for waterways management issues on a daily basis.

Long range vessel tracking, however, is more than about just tracking ships. It is about managing risk. Effectively managing risk creates resiliency which reduces disruptions and gives the Department of Homeland Security and the Coast Guard greater control in their homeland security activities. Simply stated, you can't control something you can't see. This is why long range vessel tracking is critical to achieving maritime domain awareness.

Congress recognized the need for long range vessel tracking in 2002 when it gave the Coast Guard the authority to "*develop and implement a long-range automated vessel tracking system for all vessels in United States waters that are equipped with the Global Maritime Distress and Safety System or equivalent satellite technology*" and to "*use existing maritime organizations to collect and monitor tracking information under the system."* Congress reinforced this authority in the *Maritime Transportation Security Act of 2004* and in the *Maritime Transportation Security Act of 2006* before adding a date certain of April 1, 2007 in the *SAFE Port Act*. MISNA has had these capabilities the entire time, and has consistently offered to provide these capabilities to the Coast Guard in a way that would cost them (and the American taxpayers) almost nothing.

Despite this authority, DHS has not yet maximized maritime domain awareness through tapping into the marine industry's vessel tracking capabilities. While there are ongoing efforts to correct this, these efforts will continue to fall short unless they incorporate existing and proven technologies and invest in the willingness of industry partners to work together. In other words, I firmly believe that we can do better.

While I have been focused on the security aspects of long range vessel tracking, I would like to take a moment to discuss the commercial implications of increased maritime domain awareness. While maritime domain awareness is critically important to preserving the well-being of the United States, it is only one half of this equation. Maritime domain awareness must also create an environment in which international commerce can be conducted in a safe, secure, efficient and environmentally sound manner.

The primary motivation of MISNA to develop both AIS and long range vessel tracking systems was to better serve our members. By providing more accurate vessel information, maritime exchanges support efficient maritime operations and help our members avoid or minimize fines and costly delays arising from a lack of current vessel movement information. Vessels' arrival times change continuously due to wind, fog, visibility, currents, traffic density, mechanical problems and myriad other reasons. Over the past few years, numerous U.S. and foreign vessels have been turned back to sea due to the fact that the Coast Guard did not have their actual positions or updated arrival times, costing the industry millions of dollars. This situation can be avoided by providing the Coast Guard with real time and accurate information on a vessel's entire voyage track, thereby confirming that that ship has "nothing to hide" if its ETA happens to change by a couple of hours one way or another.

To put it another way, air traffic control does not turn a plane around if it does not land at the specified time. If a plane flying from LAX to DCA has a strong tail wind that helps the plane to arrive earlier than expected, the pilots are not told to fly around in circles until its originally schedule arrival time. Neither should ocean going-vessel that do not meet their notice of arrival window, in most cases due to variable weather and sea conditions, be forced to turn around and provide an arrival update. This is especially true if they have been constantly and accurately tracked all along their voyage route by a system like ASVTS.

So what exactly does MISNA offer to the Department of Homeland Security and the Coast Guard? Simply stated MISNA offers a seamless network of maritime information sharing organizations that offer a variety of programs, services and technology designed to both improve maritime domain awareness and promote maritime commerce. The U.S. government is constantly seeking the right balance between security and trade facilitation. MISNA believes that the capabilities provided by ASVTS can help in achieving that balance.

In that vein, the National Strategy for Maritime Security, the Port Security Grant Program and various Presidential Directives have highlighted the need for enhanced information sharing as critical to targeting efforts, incident prevention and response, and improved asset utilization. In line with the Coast Guard's call for public-private collaboration in information sharing, MISNA members have suggested that the Coast Guard and other agencies work more closely together and with the maritime industry to create and use electronic information reporting systems.

DHS has made good progress in several initiatives, such as the International Trade Data System and the portal for ocean carriers to submit electronic crew manifest data to both Coast Guard and Customs and Border Protection through a single interface, but additional opportunities remain unexplored. For instance, CBP and the Coast Guard, along with various other agencies require ship operators or their agents to submit advance notice of vessel arrival and departure (NOA/D). MISNA has suggested that Coast Guard share information on notices received through the electronic NOA/D port back to maritime exchanges, similar to the way CBP will share cargo manifest data with port authorities or exchanges. This information can be integrated with and displayed as part of ASVTS, and it could improve some of the difficulties I described above with regards to trade facilitation.

There have been many questions about how MISNA's vessel tracking system compares to the Long Range Identification and Tracking (LRIT) system being developed by the International Maritime Organization (IMO) that is scheduled to be fully operational in 2009. In short, IMO's system will fall short of MISNA's system in several areas, especially in light of the fact that MISNA's system is operational today and has been proven time and again during the past five years. Here is how the two systems differ:

- The IMO system imposes limits on what information contracting governments are entitled to. The past position reports and vessels' voyage histories are not provided and information will be restricted to when the vessel first makes notification, which is typically 96 hours before arrival or approximately 2,000 miles offshore, depending on the

vessel's speed. MISNA's system provides global tracking information that can reveal past history and identify prior port calls of concern and/or anomalies in a voyage.

- The IMO system will be funded by the government at a cost yet to be determined while MISNA's voluntary system is paid for by the marine industry saving the government millions of dollars every year.
- The IMO system will not share information on vessels' locations with the maritime industry. If the maritime industry does not have access to this information, how can vessel operators improve the efficiency of maritime operations with respect to safety, commerce and environmental protection?

In summary, each commercial seaport in the U.S. has a different combination of geography, governance, operating rules, ownership and mix of activities. MISNA has developed a firm grasp of this complicated picture and provides an institutional memory at each of the ports where it has a presence while providing an environment of information sharing that helps the industry to work together more effectively and enhance the activities of its government partners.

MISNA's vessel tracking, display and reporting capabilities are already significantly enhancing maritime domain awareness in a way that provides increased security and promotes efficient trade facilitation, but MISNA has the capacity to offer much more. MISNA's vessel tracking, display and reporting capabilities are supported by the maritime industry; they are cost effective; and they are ready to go right now. With these capabilities, MISNA can help the Department of Homeland Security and the Coast Guard accomplish its stated goal of *"achieving an unprecedented level of information sharing and intelligence integration."* We look forward to continuing to work with Coast Guard, CBP, MARAD, ONI and other agencies to explore opportunities designed to meet our mutual goals of improved homeland security and facilitation of commerce.

I would like to thank you, Ms. Chairwoman and Members of the Subcommittee for the opportunity to testify today on behalf of the Marine Exchange of Southern California and the Maritime Information Service of North America. I look forward to answering any questions you may have.