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Statement of Senator Ernest F. Hollings on Final Passage of S. 1214, the Maritime Transportation Security Act

November 14, 2002

Mr. President, the American public is most familiar with airline, highway and rail transportation. But perhaps the most vulnerable link in our transportation system is the component that few Americans ever see: our major seaports.

Our 361 sea and river ports handle 95 percent of U.S. international trade. These ports annually transfer more than 2 billion tons of freight - often in huge containers from ships that discharge directly onto trucks and railcars that immediately head onto our highways and rail systems. But less than 2 percent of those 5 million containers are ever checked by customs or law enforcement officials.

That is a gaping hole in our national security that must be fixed. That is why the Senate passed The Port and Maritime Security Act of 2001 in December of 2001 and the House and Senate have filed the conference report on the Maritime Transportation Security Act of 2002.

Before discussing the specifics of this conference report, I want to discuss the vulnerabilities at America's seaports:

- Lloyd's List International reported that a NATO country's intelligence service has identified 20 merchant vessels believed to be linked to Osama bin Laden. Those vessels are now subject to seizure in ports all over the world. Some of the vessels are thought to be owned outright by bin Laden's business interests, while others are on long-term charter. The Times of London reported that bin Laden used his ships to import into Kenya the explosives used to destroy the U.S. embassies in Kenya and Tanzania.
- A suspected member of the Al Qaeda terrorist network was arrested in Italy after he tried to stow-away in a shipping container heading to Toronto. The container was furnished with a bed, a toilet, and its own power source to operate the heater and recharge batteries. According to the Toronto Sun, the man also had a global satellite telephone, a laptop computer, an airline mechanics certificate, and security passes for airports in Canada, Thailand and Egypt.
- In October, a French-flagged tanker was attacked by terrorists in a manner very similar to the speed boat attack on the USS Cole in 2000. The attack caused 60,000 tons of oil to be released into the waters off Yemen and killed one crew member.

These stories really bring home this issue of seaport security. Except for those of us who live in port cities like Charleston, people often do not think about their ports - the ports that load industrial and consumer goods onto trucks and railroad cars heading directly to their hometowns. But making these ports more secure is vital to protecting our national security. The destruction that can be accomplished through security holes at our seaports potentially exceed any other mode of transportation. And yet we have failed to make seaport security a priority.

Most Americans would be surprised to discover that until the provisions in this bill there has been no unified federal plan for overseeing the security of the international borders at our seaports. And that's what seaports are: international borders that must be protected as well as our land borders with Canada and Mexico.

The U.S. Coast Guard and U.S. Customs Service are doing an outstanding job, but they are outgunned. In the year 2000, we imported 5.5 million trailer truckloads of cargo. Due to that volume, the U.S. Customs Service is only able to inspect between 1 to 2 percent of containers. In other words, potential terrorists and drug smugglers have a 98 percent chance of randomly importing illegal and dangerous materials.

Senator Bob Graham a few years ago convinced President Clinton to appoint a commission to look at seaport security. At the time, the main focus of port security was stopping illegal drugs, the smuggling of people, and cargo theft. While those problems still exist, the new - and very real - threat of terrorism strikes right at the heart of our national defense.

The Interagency Commission on Crime and Security at U.S. Seaports issued a report a year ago that said security at U.S. seaports "ranges from poor to fair." Let me repeat that: 17 federal agencies reviewed our port security system and found it in poor shape.

According to the Commission:

"Control of access to the seaport or sensitive areas within the seaports is often lacking. Practices to restrict or control the access of vehicles to vessels, cargo receipt and delivery operations, and passenger processing operations at seaports are either not present or not consistently enforced, increasing the risk that violators could quickly remove cargo or contraband. Many ports do not have identification cards issued to personnel to restrict access to vehicles, cargo receipt and delivery operations, and passenger processing operations."

The report said: "At many seaports, the carrying of firearms is not restricted, and thus internal conspirators and other criminals are allowed armed access to cargo vessels and cruise line terminals. In addition, many seaports rely on private security personnel who lack the crime prevention and law enforcement training and capability of regular police officers."

The report also found that port-related businesses did not know where to report cargo theft and other crimes, and that federal, state and local law enforcement agencies responsible for a port's security rarely meet to coordinate their work.

That is what our legislation does - it creates mechanisms to integrate all these different security agencies and their efforts to improve the security of our seaports, and the railways and highways that converge at our seaports. Our seaport security bill also directly funds more security officers, more screening equipment, and the building of important security infrastructure.

Security Planning, Facility and Vessel Assessments, and Increased Security

Coordination

Each agency is good at what they do individually. But they will be even stronger working together, sharing information and tactics, and coordinating security coverage at our seaports. More teamwork between these federal, state and local agencies - along with our security partners in the private sector - will produce a more secure seaport environment

that is stronger than the sum of each agency's individual efforts. To foster that teamwork, our bill sets up a National Maritime Security Advisory Committee responsible for coordinating programs to enhance the security and safety of U.S. seaports.

Most important in the bill are the requirements to implement security plans that will provide for efficient, coordinated and effective action to deter and minimize damage from a transportation security incident. The plans will be developed as a national plan, a regional area plan, and facility and vessel plans. The National and Area Security Plans will be developed by the Coast Guard and will be adequate to deter a transportation security incident to the maximum extent possible. The facility and vessel plans are for the individual waterfront facilities and vessels and must be consistent with the federal and area plans. The Secretary of Transportation will conduct an initial assessment of vessels and facilities on and near the water. The assessment will identify those facilities and vessel types that pose a high risk of being involved in a transportation security incident. These assessments will identify the vulnerable assets and infrastructure as well as the threats to those assets and infrastructure.

Within a year the initial assessments will be made, interim security measures will be implemented, and more detailed assessments will be conducted, from which vessel and facility security plans will be devised. These plans will be based on the Coast Guard vulnerability assessments and security recommendations. The plans will be submitted to the Coast Guard by port authorities, waterfront facilities, and vessel operators. All ports, waterfront facilities and vessels are required to operate under approved security plans that are consistent with the Federal and Area Security Plans.

To further enhance law enforcement cooperation, we will require the establishment of Area Security Advisory Committees at each port to coordinate security plans among all the involved agencies: law enforcement, intelligence agencies, Customs, Coast Guard, Immigration, port authorities, shipping companies, and port workers. The bill also creates new programs to professionally train port security personnel. Certification and training of maritime security personnel will be crucial in increasing the professionalism of our federal, state, local, and private sector security personnel.

Improve Security Tactics

To address the immediate risk of terrorist activities at or through our seaports, the bill directs the Secretary of Transportation to immediately establish domestic maritime safety and security teams to respond to terrorist activity, criminal activity, or other threats. The units will be composed of officers trained in anti-terrorism, drug interdiction, navigation assistance, and facilitating response to security threats. I would like to thank Senator Edwards for his work on this provision. The bill also creates a Sea Marshal program to more specifically authorize the Coast Guard to board vessels in order to deter, prevent, or respond to acts of terrorism. These Sea Marshals will ride along aboard some vessels entering U.S. ports as a deterrent against hijacking or other criminal activity. I would like to thank Senator John Kerry and Senator John Breaux for working on the Sea Marshal initiative. I also commend Senator Breaux for all his work on seaport security. He is the Chairman of the Subcommittee on Surface Transportation and Merchant Marine, he has toured throughout the nation reviewing security at our seaports and has done a yeoman's job helping to pass this bill.

The bill will require ports to limit access to security-sensitive areas. Ports also will be

required to limit cars and trucks, coordinate with local and private law enforcement, and develop an evacuation plan. Port areas will have increased security with specific area within the port being designated as controlled access where only those with the appropriate credentials will be allowed. The bill also will require criminal background checks of employees with access to ocean manifests or access-controlled areas of a port or terminal. These background checks are designed to ensure that individuals with access to our terminals and cargo facilities are not a terrorism security threat. A system of appeals and waivers will be provided to ensure that port workers are given full and adequate opportunity to explain mitigating factors justifying any waiver requests.

Increase Information Gathering

This bill will require for the first time that we know more in advance about the cargo and crew members coming into the United States. The more we know about a ship's cargo - and where it originated - the better our Customs agents and other law enforcement officers can target the most suspicious containers and passengers. I am also pleased that we established performance standards for the locking and sealing of containers. It is vitally important that we ensure that shipping containers are adequately designed and constructed and that we check that they are securely locked for shipment.

The bill modifies a rulemaking requirement for advanced cargo information. The original requirement was included in the Senate passed version of the bill. The rulemaking was then included in the Trade Act, and S.1214 makes modifications to the Trade Act to incorporate additional changes. I would like to thank the Finance Committee for their cooperative spirit in our effort to enhance cargo security.

Building Security Infrastructure

Perhaps most importantly, we will give port authorities and local entities support in implementing and paying the costs of addressing Coast Guard identified vulnerabilities. We are dealing with an issue of national security - and we will treat it as such. It would be great if we could simply declare our ports to be more secure. But it takes money to make sure these international borders at our seaports are fully staffed with customs, law enforcement, and immigration personnel. It takes money to make sure they have modern security equipment, including the newest scanners to check cargo for the most dangerous materials. And it takes money to build the physical infrastructure of a secure port.

For seaport security infrastructure, the bill directly authorizes amounts sufficient to upgrade security infrastructure such as gates and fencing, security-related lighting systems, and remote surveillance systems, equipment such as security vessels and screening equipment. I had hoped that we would have an agreement on a dedicated funding mechanism to ensure that state, local and private sector entities that are required to comply with federal security mandates would have the necessary funds to aggressively pursue compliance with security requirements. Unfortunately, I was not able to convince all of the conferees that this was the proper course of action. I was happy that we did reach an agreement to have the Administration report on how to pay for the federal portion of the seaport security responsibility. I will be following this very closely to ensure that we have some sort of agreement to allow for the aggressive pursuit of a new system of seaport security.

Better Cargo Screening

U.S. Customs officers must be able to screen more than just 2 percent of the cargo coming into our seaports. We cannot expect to screen every marine container entering the United States, but there must be some expectation of inspection to deter cargo smugglers. While we spend billions of dollars on an anti-ballistic missile defense system, we fail to see perhaps even a greater threat to our national security coming through our ports. A cargo container can be delivered to anywhere in the United States for less than \$5,000. The enemies of America can afford \$5,000 to import a container of explosive or hazardous materials much more easily than millions of dollars to launch a rocket. Investing in new screening technologies will help human screeners inspect more cargo, and detect the most dangerous shipments. To increase the amount of cargo screened, the bill directly grants and authorizes \$90 million in research and development grants to be awarded to develop methods to increase the ability of the U.S. Customs Service to inspect merchandise carried on any vessel that will arrive in the United States; develop equipment to detect nuclear materials; improving the tags and seals used on shipping containers, including smart sensors for tracking shipments; and tools to mitigate the consequences of terrorist attack. The research and development funds are intended to fund any enhancements that are necessary to enhance technology at U.S. Seaports.

In Conclusion

The destruction that can be accomplished through security holes at our seaports potentially exceeds any other mode of transportation. We all know the damage that can be caused by one truck bomb. But one ship can carry thousands of truck-sized containers filled with hazardous materials. A hijacked tanker holding 32 million gallons of oil or other explosive material that is rammed into a port city like Boston, New York, Miami, Los Angeles or Seattle could potentially kill thousands of people and destroy many city blocks.

That vulnerability is magnified by the type of facilities along our coasts and rivers. There are 68 nuclear power plants located along U.S. waterways. Along the 52-mile Houston Ship Channel, there are 150 chemical plants, storage facilities and oil refineries. The Baltimore Sun reported that "within a mile of the Inner Harbor of Baltimore is a major East Coast import and export hub for a broad range of dry and liquid chemicals. If ignited, many are capable of producing ferocious fires, explosions and clouds of noxious fumes - immediately adjacent to such densely populated row house neighborhoods as Locust Point, Highlandtown, and Canton."

Most of the security procedures and infrastructure improvements contained in our bill have long been practiced at our airports and land border crossings. But, for some unfathomable reason, we don't take these preventative steps at our seaports - where most of our cargo arrives, and where we are most vulnerable.

Our agents at the Mexican border near Tijuana will tear the seats out of a car to search for drugs - while a crane just up the coast in Los Angeles lifts thousands of truck-sized cargo containers onto the dock with no inspection at all.

For the first time we will require federal approval of seaport security plans, better coordination and training of law enforcement, more information about cargo, and directly fund more Coast Guard personnel, U.S. Customs agents and security screening equipment to protect against crime and terrorism threats.

Prior to September 11, 2001 we already faced security problems at our seaports related to

smuggling, drugs, and cargo theft. But now we face the even greater threat of terrorism - a threat that requires us to immediately tighten security at our seaports, the most vulnerable part of our international border, in the defense of our nation.

Coast Guard Authorization

This landmark bill also incorporates a Coast Guard authorization bill - the first Coast Guard authorization bill that has passed Congress since 1998. The Coast Guard provisions in the bill reflect the provisions of S. 951, the Coast Guard Authorization Act of 2001, which was reported out of the Commerce Committee last year.

The bill provides increased authorization levels for appropriations in fiscal year 2003, as well as increased personnel. The bill authorizes approximately \$6 billion dollars for the Coast Guard's total budget for fiscal year 2003. This is approximately \$1 billion higher than the amount appropriated in the FY 2002 Transportation Appropriations bill, and is approximately \$200 million higher than the \$5.8 billion of total enacted amounts in FY 2002 (which includes two supplemental appropriations).

The bill also increases the maximum end-of-year strength to 45,500 active duty military personnel, up from about 35,500, and includes personnel incentives.

The authorizations of appropriations in this bill include \$725,000,000 for capital investments, to ensure that the multi-year Deepwater program and the overhaul of the National Distress and Response System (NDS), or "Maritime 911," are adequately funded in 2003.

Ensuring that the Coast Guard has sufficient personnel and capital resources could not come at a more important time. Since the tragic events of September 11, far greater demands have been placed on the Coast Guard in the area of homeland security.

Traditionally, the Coast Guard invested only 2% of its operating budget into seaport security; this climbed to over 50% of its total operating budget after September 11. Now, approximately 22% of the budget is envisioned for seaport security.

The Coast Guard has unique missions not covered by any other federal agency. It has the primary responsibility of enforcing U.S. fisheries laws, carrying out drug interdiction at sea, search and rescue operations, and protecting the marine environment against pollution.

With the new responsibilities for port security, combined with the traditional role the Coast Guard plays in other mission areas, it is critically important that the Coast Guard has a vision for how to achieve the "new normalcy," wherein it carries out all of its traditional and new missions, as well as the means to ensure its ability to carry out such functions.

This bill requires the Coast Guard to examine and report to Congress its expenditures by mission area before and after September 11, and the level of funding need to fulfill the Coast Guard's additional responsibilities. The bill also requires the Coast Guard to provide a strategic plan to Congress identifying mission targets for 2003, 2004 and 2005 and the specific steps necessary to achieve those targets.

Even prior to 9/11, there were serious concerns about the Coast Guard's ability to carry out its core missions. For example, the Coast Guard's 30-year old National Distress and Response System (NDS), also known as "Maritime 911," is breaking down, and has 88 gaps in its geographical area of coverage. Failure to retain experienced crew has plagued the Coast Guard for years. The lack of experienced personnel has resulted in tragedy,

with unanswered calls for help leading to the loss of lives at sea. In 1997, all four passengers of the sailboat *Morning Dew*, three of them children, drowned outside of Charleston Harbor as a result of a failed search and rescue system.

The bill requires the Coast Guard to establish and implement standards for the safe operation of all search and rescue facilities. These include standards for the length of time an individual may serve on watch, and acquisition of equipment to achieve safety in the interim, as the entire system is upgraded.

Since the events of September 11, our demands on the Coast Guard have risen dramatically. We must ensure that the Coast Guard is equipped with all of the tools and resources that it needs to protect our seaports, and to carry out all of its traditional missions. I am pleased that we have reached a successful result in the Conference with the House, and that by enacting a Port Security bill, we will at the same time be passing a Coast Guard authorization bill this year.

Thank You.

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