

Testimony
of
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President
NTEU Chapter 168
Customs, New Orleans
Before
The Senate Governmental Affairs Committee
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Chairman Lieberman, Ranking Member Thompson, Members of the Committee, thank you for inviting me here today to talk about Port Security issues. My name is Argent Acosta and I am a Senior Customs Inspector at the Port of New Orleans. I am also the President of Chapter 168 of the National Treasury Employees Union. I have been a Customs Inspector for 30 years.

My job is to ensure that illegal contraband, from knock off designer jeans, to cocaine, to bombs, does not enter the country and that legal goods that enter the country are assessed the correct duties. At seaports, like the Port of New Orleans, the mainstay of the job is boarding incoming vessels, primarily cargo ships, to inspect for illegal goods. It can be a very dangerous and not very glamorous job, but there is a great deal of commitment by front line inspectors to do the best job possible, especially since the events of September 11th.

I would like to share with the Committee a recent example of that commitment. Inspector Thomas Murray, a 31 year veteran of the Customs Service, died tragically during an inspection of the hold of a vessel at the Port of Gramercy in Louisiana on October 30th. He was killed by toxic fumes, as was a member of the vessel's crew and the ship's captain, who followed him into the hold. A second Customs Inspector was overcome by the fumes, but is recovering. Inspector Murray was aware that the vessel he was searching had previously brought illegal drugs into the United States, so he was determined to be as thorough as possible. He didn't know what dangers he would encounter when he went below deck, but he went. Tragically, his commitment to doing his job despite potential danger, cost him his life. His fellow inspectors, especially those of us from Louisiana, will mourn his loss for a long time to come. But we will also remember his bravery and commitment every time we are faced with boarding a suspect vessel or searching a hold that we believe may be dangerous.

Mr. Chairman, you asked in your letter of invitation that I address several questions regarding port security in my testimony. The first was what is the current adequacy of port security? I'm afraid that I must answer that question by saying that I

believe port security is currently not adequate and poses serious potential threats to those not only in the immediate area of the port, but to those who may come in contact with uninspected material that arrives through our ports and moves throughout the country in other modes of transportation.

The Customs Service is currently only capable of inspecting about 2 percent of the 600,000 cargo containers that enter our seaports every day. From my own experience in New Orleans, despite the huge increases in trade since I started with Customs in 1970, the number of Customs Inspectors at the Port of New Orleans has dropped from approximately 103 in 1970 to 29 this year. In addition, since September 11th, Customs Inspectors from around the country have been temporarily reassigned, primarily to the northern border, to cover the gaping holes in security there.

Since I had previously volunteered for Emergency Response Team duties, I was among the first to do a temporary tour of duty in Michigan, at Port Huron, one of the busiest truck crossings in the country. On September 14th, I was given 4 hours to go home and pack and head to Michigan. There was an incredible amount of pressure on inspectors at Port Huron since many “just in time” auto parts headed from Canada to the big three auto makers go through the port. I know my biggest personal concern was not to be the one who let a terrorist into the country and some supervisors seemed to support the view that extreme caution was necessary, but others seemed to be sending the signal that we needed to move things through more quickly because of the need for the auto parts.

I will begin another temporary assignment at Port Huron in January. These temporary reassignments, while currently necessary due to the extreme shortage of personnel, leave the home ports, like my port of New Orleans, able to inspect even fewer vessels than usual. Also, the more an inspector knows about the particular characteristics of a port, what are the main goods that go through the port, what are the main carriers, destinations, etc. the more effective he or she can be. Obviously, 30 day temporary assignments at different ports does not lend itself to building this kind of experience.

The use of the National Guard at some ports may be temporarily necessary due to the unprecedented threats we are facing, but in many cases, due to their lack of training and experience in the area of cargo and vessel inspection, the National Guard provides the appearance of security rather than any real increase in security. In any case, having military personnel perform these duties is obviously not a long term solution.

In addition to the severe limitations on the ability to do actual inspections, the technology that is supposed to help us do our jobs by providing us with advance

information on incoming vessels is outmoded, subject to “brown outs” and often incompatible with the technology of those we need to communicate with. In addition, the advance information about what cargo may be aboard a vessel often is not sent early enough to do any good and even more often is not accurate. Customs has determined that the accuracy rate of vessel cargo information is only 56% accurate.

There are also problems with regard to the physical security of the port. Access to cargo and cruise vessels in many ports is not limited to those with prior approval to be in the area. Virtually anyone can gain access to the areas where vessels unload passengers and cargo. While there are secure areas in the port of New Orleans, access to those areas is overseen by contract security personnel, who, like airport baggage screeners, receive low wages and little training. In fact, in the immediate aftermath of September 11th, while Customs was (it still is) on its highest state of alert, I noted as I passed into the secure area of the port that there was no one at the security check point, so access to the “secure” area was totally unsecure.

The second question you asked me to address is what problems confront the Customs Service and other federal agencies charged with securing our ports. I believe that the biggest problem is a lack of personnel. As I mentioned earlier, trade has grown exponentially. The number of airports, seaports and border crossings have increased and have seen huge increases in passenger traffic. Funding and personnel levels have not kept up. I believe that funding is also an issue with regard to the use of low wage contract personnel to provide security services to the ports.

Another problem facing Customs in securing our ports is that I believe the balance between rigorous enforcement and facilitation of trade can tip too much toward trade facilitation. In the aftermath of the September 11th attacks there has been a renewed focus on our enforcement role and it has revealed great vulnerabilities. Yes, we need to move trade and people through our ports quickly, but we also need to make sure that we are doing it in a way that protects our security. In order to do both we need more personnel.

Other problems mentioned earlier include lack of adequate technology and timely and accurate manifest information.

The final issue you asked me to address was whether I had any recommendations to address the problems discussed above. The most important recommendation I would make is that Customs needs to be provided with adequate funding. In February of 2000 the Customs Service commissioned a study referred to as the Resource Allocation Model that set optimal staffing levels for Customs at ports

throughout the country. That report, which I would like to submit for the record, showed a need for 14,000 additional Customs positions. That was before September 11th. I would hope that Congress would act to provide these additional positions.

I believe that there is also a need to look at recruitment and retention issues for Customs Inspectors. Their compensation and benefits are less generous than many state and local law enforcement officers and there is a serious concern that experienced Customs Inspectors will leave to become air marshals, due to the more generous compensation package, particularly in the area of retirement. Customs Inspectors should receive the 20 year retirement benefit available to other federal law enforcement personnel if Customs is to remain competitive.

Customs also needs upgraded technology. Congress has provided initial funding for the Automated Commercial Environment or ACE system, which will make remote inspection of cargo more accurate. I must point out, however, that this kind of technology can never take the place of physical inspection.

There is also a need to address physical security issues at our ports by setting up secure areas for incoming cargo and personnel and by ensuring that port security personnel are well trained.

Thank you. I would be happy to answer any questions.