

Testimony of F. Amanda DeBusk
Before the Senate Committee on Governmental Affairs
December 6, 2001

I am honored to be here today. I am speaking to you as a former Commissioner on the Interagency Commission on Crime and Security in U.S. Seaports. President Clinton established the Commission by Executive Memorandum on April 27, 1999. Sen. Bob Graham was instrumental in the Commission's establishment. I served on the Commission as the Commerce Department representative in my capacity as Assistant Secretary for Export Enforcement. The Commission issued a report in August 2000 with 20 findings and recommendations. I would like to highlight those that are most important for this Committee post September 11.

Let me provide some background. One of the underlying concerns was how wide open our seaports are compared to our airports. In most cases, there is free access to the seaports. The Commission found that significant criminal activity was taking place at most of the 12 seaports surveyed. At many seaports, it is legal to carry firearms, so criminals with arms may have access to terminals where passengers embark for cruises. Concerning cargo, because of misreporting and lack of reporting, no one knows in a timely fashion, if ever, what is in those containers at our seaports. One of the cases my former office investigated involved a riot control vehicle that was exported to China as a fire truck. The vehicle resembled a tank and had a turret for spraying pepper gas. It was exported in a container, and no one knew at the time of export what was inside. The Commission approached the crime and security problem with the possibility of terrorist activity associated with the New Millennium. Thankfully, nothing happened.

At that time, the FBI considered the threat of terrorism directed at any U.S. seaport to be low. However, even though the threat was low, the FBI considered that our vulnerability to attack was high. The Commission found that the state of security at seaports generally ranged from poor to fair, with a few exceptions where the security was good.

Today, I would like to highlight recommendations in four areas relevant to this Committee: enhanced interagency coordination, physical security at the ports, better and more timely information about cargo transiting the ports, and increased use of technology.

First, we need better interagency coordination. There are 361 seaports. Most ports are chartered by states or local government. Some terminals are operated by public port authorities; others are private. There is no central federal authority. There are at least 15 federal agencies with jurisdiction at the seaports. In addition, there are state and local agencies and the private sector. Every single group is important for combating terrorism and has something to contribute. Coordinating these groups is a monumental undertaking. Perhaps a Department of National Homeland Security could play a

leadership role in this coordination.

The Commission found that there needed to be a comprehensive and definitive statement of federal responsibility. The federal government needs to conduct threat assessments to determine where the threat is greatest and where we urgently need preventive measures. The federal government should strengthen coordination to more effectively address terrorism. It should work with all stakeholders. Key information available to the federal government should be disseminated to others as needed.

Let me provide an example of where better coordination would be useful. The FBI has excellent regional counterterrorism task forces that consist of federal, state and local agencies. However, they did not focus on the seaports at the time of our study. They should do so.

S. 1214, an amendment to the Merchant Marine Act, has some good proposals on establishing local port security committees.

Second, the Commission found that we need better physical security at the seaports for both vehicles and people. At many ports, access is virtually uncontrolled. At one of the ports I visited, we saw a line of vehicles parked right beside the vessel. We were told that these were the dockworkers' vehicles parked there for convenience. At the time, we were concerned that the vehicles could be hiding places for smuggled drugs. Now we must consider the possibility that a car bomb or a "dirty nuclear weapon" could be hidden in those vehicles.

Many ports do not have ID cards for personnel. I observed all sorts of people milling around at dockside. There was no way to tell who should be there and who should not. The Commission found that, at one port, pedestrians could freely walk through purported access control points without being questioned. We do not want to contemplate a group of terrorists taking over a cruise ship, but it is a possibility.

Training of security personnel also is a problem. Many seaports use private security personnel who lack crime prevention and enforcement training.

The Commission recommended developing regulations to create a secure area where passengers board and disembark vessels. We also recommended proceeding with an INS project to manage risk with respect to both passengers and crew. We recommended creating shared dockside inspection facilities so that all relevant agencies have ready access to conduct inspections. The Commission called for the establishment of minimum guidelines for physical security, such as fences, lights, gates, restrictions on vehicle access, restrictions on carrying firearms, the establishment of a credentialing process, considering criminal background checks for those with access to sensitive areas of the port, and development of a private security officer certification program. S. 1214 moves in the direction of these recommendations, but it does so through voluntary security guidance. The Committee should consider making some of these requirements mandatory.

Third, we need better information about cargo transiting the ports. On the import side,

information is often vague and import entries may be filed 5 days after arrival. On the export side, information tends to be very general (with descriptions like general merchandise) and is required 10 days after export. One of the concerns with providing earlier and more detailed information is that it would allow specific cargo to be targeted for theft by those with access to the information. This concern needs to be addressed. Fourth, we need better technology at the seaports. Better technology is needed for a whole variety of applications, which include: x-raying containers, using computer systems to target cargo associated with high terrorist risks; collecting data on crimes at seaports; and providing real-time information for tracking high-risk cargo and personnel. In sum, the Commission said: A terrorist act involving chemical, biological, radiological, or nuclear weapons at one of these seaports could result in extensive loss of lives, property and business, affect the operations of harbors and the transportation infrastructure, including bridges, railroads and highways, and cause extensive environmental damage. We need to take action now to reduce the risk of future catastrophes. Thank you for inviting me to testify on this important subject.