

Congresswoman Jane Harman
Remarks before the American Association of Port Authorities
March 24, 2009
[As prepared]

I. Introduction

- Thank you, Geraldine. And thank you Mr. Nagle.
- I'm honored to be named your "Port person" of the year, and I am proud to be your voice in Congress.
- Security is my brand, and it's through that prism that I view the challenges facing America's ports.
- Effective and safe operation of our ports is vital to my district, to the state of California, to the nation and to the global economy.
- The explosion of a dirty bomb in the harbor of any port could bring shipping traffic to a halt across the globe. It could cause large scale radiological contamination – likely requiring that the port be closed – and loss of life.
- This is what keeps me up at night.
- It's easy to forget, but the ocean is our most extensive border. We've got to do all we can to harden potential targets along that border.
- But security isn't the only lens.
- It becomes hard to make ends meet – and fund security priorities – when port traffic is down by as much as 30%. These are challenging times.
- It must seem lonely from where you sit. Even though this is a critical industry – the life-blood of our economy – your challenges seem unending and budgets have dried up.

II. Role of Congress

- This is one way in which Congress can actually help you – focusing funding priorities and providing extra cash to pay for security programs and technology that you couldn't otherwise afford.
- As you know, I was the co-author of the Act that authorized almost \$400 million in port security grants each year since 2006. The law helped you create strategic security plans for ports throughout the country.
- The bill developed programs to identify and examine shipping containers that pose a security risk and created a way to provide control and better situational awareness over sensitive areas of ports through the Transportation Worker Identification Card – not the world's most popular program.
- I get that.
- Creating solutions from inside the Beltway to improve security at our ports depends on input from those who manage day-to-day operations. That's one of the reasons why I am here today. To hear from you.
- Congress will revisit the SAFE Port Act next year, to reauthorize it, so I'm starting to think about how we can improve it.
- Back in 2006, three concepts outlined the way we crafted the SAFE Ports Act.
- First, we tried to push the borders out. The farther away we can inspect the contents of a shipping container, the more time we have to analyze that information and mitigate a possible threat.

- Programs like the Container Security Initiative and C-TPAT do just that, and were key provisions of the bill.
- Second, we created layers of security that would leverage a variety of resources.
- One way to think about this concept of layering security is that it's like the combination to a lock. One correct number won't get you access. They all have to be correct.
- The more security measures we put in place to protect the cargo we ship and the ports that move and hold that cargo, the harder it is for a terrorist to succeed.
- Just after 9/11, an alert terminal operator at the Port of LA noticed a group of stowaways hidden inside a shipping container and notified the proper authorities. They turned out to be immigration violators rather than a security risk, but this kind of situational awareness is critical to keep port operations protected.
- Third, bipartisan cooperation was central to passage of the act.
- In 2006, Congressman Dan Lungren and I teamed up with Senators Collins and Lieberman to find support for the bill. That was highly unusual in this toxic political environment.
- But terrorists aren't going to check party registration before blowing us up.

III. Use of Technology to Secure Ports

- They will, however, think twice about attacking us if we have advanced technology in place at our borders that is difficult to defeat.
- In a few weeks, you face the compliance deadline for the Transportation Worker Identification Credential (April 14th).
- As a Grandmother of the Department of Homeland Security, I know that this program got off to a rocky start.
- Its growing pains have been severe, and many don't see a need for the program. I read the front-page article in the LA Times this past weekend that described how the program might be over-kill in some situations.
- I don't want to use the "fear card," but we have to be clear-eyed about the threats we face. Terrorists are agile. They look for holes to attack us in asymmetric ways.
- We could have no way of knowing if an ice cream truck or a river barge may be laden with explosives intended to hurt innocent Americans.
- The purpose of the TWIC program is to restrict access to federally regulated waterfront terminals and vessels to those possessing a biometric credential.
- If this program's requirements are too broad, then we need to come up with ways to limit them.
- More important is that we need to have biometric machines to check the validity of these TWIC cards. And they need to be able to withstand the marine environment. Southern California is always beautiful, but the salt water can wreak havoc on sensitive biometric machines.
- These so-called "readers" are currently being tested, and will be rolled-out at ports across the country as soon as the technology can verifiably fulfill its function.
- Radiation Portal Monitors – you've seen them, I'm sure – are also a work in progress, and we have barely scratched the surface in the 100% screening requirement mandated by Congress.
- Only a handful of the world's largest ports that participate in the Secure Freight Initiative are set up to scan 100% of cargo bound for the US.

- That means that we are just flagging containers for nuclear scanning from unknown companies, with suspicious documents or countries that may harbor terrorists. Tamper-proof seals and analyzing bills of lading before containers arrive in the US makes this process more secure, but these measures are not sufficient.
- We have to be right 100% of the time, while terrorists only have to be right once.
- A few weeks ago, Secretary Napolitano said she doesn't think that the 2010 deadline is possible.
- Again, I get that.
- The key here should be to get it right. A technology that has too many false positives isn't useful and won't keep us safer.
- I've seen the second generation of these machines in operation. They still ring out false alarms.
- We have to refine the monitors to find shielded nuclear material and – like the biometric TWIC card readers – be able to withstand the elements. This will take time and resources.
- But once the next generation of monitors is in full operation – with a clear ability to detect Highly Enriched Uranium or Plutonium – this technology will be able to alert us if a terrorist is attempting to smuggle nuclear or radiological weapons components into this country.
- In my view, the best way to secure our ports is to increase Maritime Domain Awareness – to make all operations transparent so that it is possible to notice hidden nuclear material. Or a small boat traveling through the port, destined to explode into the side of a cruise ship or large tanker – U.S.S. Cole-style. Or a group of suspicious men toting caches of weapons like those in Mumbai.
- I know that the Ports of LA and Long Beach use a sophisticated system of cameras to chart boat traffic. But cameras are a passive measure, and won't catch boats filled with explosives unless we're looking for them.
- We've got to find ways to secure the waterways of America's ports in a way that isn't obtrusive – that doesn't slow the movement of cargo or penalize business.

IV. Clean Trucks

- Security isn't the only goal. We also need to find ways to clean-up the environment around ports.
- I know that not every one of you is lining up to follow LA and Long Beach in adopting a Clean Trucks program.
- But harbor trucks spew countless tons of pollutants each day into the air surrounding our ports. The health costs are enormous – otherwise healthy children are developing asthma and serious respiratory ailments.
- This program, at least in Southern California, is expected to reduce air pollution from harbor trucks by more than 80% within the next few years.
- The Port of Los Angeles provides grants and other financial incentives to help replace aging, pollution-emitting trucks. That assistance ensures that truckers aren't priced out of the market.
- The Port of LA set out an ambitious plan – which I supported – to reduce the emission of pollutants while also addressing labor issues.
- As I'm sure you all know, a recent decision by the 9th Circuit Court will force some changes to the program. But I think we should focus on the “clean” part of the program.
- At the end of the day, we need to keep dirty trucks off the road that endanger the health of those living around and working in the port – including truckers.
- This program is also an effort to revitalize port infrastructure. Major ports around the world are modernizing their complexes, and the US must keep pace.

- Dubai will soon open a new port – farther away from the city center – to improve security measures and reduce smuggling efforts.
- And Chinese and East Asian ports are modernizing their infrastructure to compete for regional superiority in shipping capacity. They’ve created development plans outlining the creation of “clusters” of ports as well as agreements to cooperate on port management, development and R&D.

V. Conclusion

- American ports must heed this call for modernization – on all fronts. I think there is a way to improve security while also advancing economic and environmental goals.
- When Secretary Napolitano visits my district in two weeks – she’ll make a stop at the port, on your watch, Geraldine – her focus will be on security measures. She’ll want to evaluate how the radiation portal monitors are working and the TWIC capability.
- The Coast Guard will brief the Secretary on their operations and the port authority will give the Secretary a tour of their state-of-the-art Command post.
- Each of these layers of security gives the Ports of LA and Long Beach – just like others across the country – the ability to manage large sea lanes and docks through which countless people and goods travel.
- But just because the economy is bad doesn’t mean that we can loosen security standards. In fact, this might be one of the most important times to make security improvements to America’s ports. If an attack were to occur tomorrow, do you think the economy would have any hope of bouncing back anytime soon?
- I do believe that the economy will rebound. When that happens, we’ll be measured by whether we used this opportunity to build a secure 21st century transportation system that includes clean cars and clean ports.
- I want Geraldine Knatz’s teenage kids to want to stay in the 36th District of California as constituents because their Mom used her tenure as head of a port with real security and environmental challenges to transition to one that is a vibrant, safe and green economic powerhouse.
- Thank you for honoring me today. I’m happy to answer a few questions.