

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
January 27, 2004

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Senate Judiciary Committee
Subcommittee on Terrorism, Technology, and Homeland Security
Hearing on "Covering the Waterfront - A Review of
Seaport Security Since September 11, 2001"
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Our committee has great reason to be concerned about our seaport security and to bring Administration witnesses here today to question them about the progress they have made in protecting our seaports. I believe the Bush Administration's progress thus far has been inadequate to the magnitude and importance of the task involved.

More than 90 percent of the world's trade is moved in cargo containers. As "60 Minutes" reported last summer, fewer than 2 percent of the 16,000 containers coming into the U.S. every day are inspected. Stephen Flynn, who has testified before this committee before, is a former National Guard commander, a senior fellow at the Council on Foreign Relations, and a noted expert on seaport security. He told "60 Minutes" last summer that the information provided by shippers is frequently unreliable and vague, and said, "The fact of the matter is criminals have been operating in seaports a long time. The bad guys know how open the system is. The good guys don't seem to have a real command on it here because we haven't paid as much attention to this problem as we need to." Senators Hollings and Biden have pointed repeatedly to this problem and urged the Administration to do more. Thus far, the Administration's response has not been up to the challenge.

As the Democratic members of the House Select Committee on Homeland Security pointed out in their "America at Risk: Initial Findings" report, released earlier this month, the General Accounting Office has found that the information that the Bureau of Customs and Border Patrol uses to determine which cargo should be searched is "one of the least reliable or useful for targeting purposes." In addition, radiation detection portals have been installed at only a few U.S. ports, leaving us vulnerable to the smuggling of a nuclear or radiological weapon. And although the Administration has issued port security regulations, and the Coast Guard estimates that ports will have to spend \$1.1 billion to comply with those regulations, the President has not proposed zero funding for ports to improve security in his last budget. I am sympathetic to the argument that ports and the industries that use them must help fund the security improvements we need, but it is critical that these improvements be made now.

The President and his Administration have spoken a great deal about the Container Security Initiative (CSI), which is designed to prevent dangerous cargo from even making the journey to the United States. The President's commitment actually to fund the CSI, however, does not come close to matching his rhetoric. He requested zero funding for the CSI in his budgets for FY 2003 and FY 2004, despite the Customs Service's request for \$67 million in funding. This followed his decision in August 2002 to veto \$39 million for the CSI that was included in the FY 2002 supplemental appropriations bill. Perhaps this is why, as the "America at Risk" findings detail, agents working in the CSI project spend only 120 days in the foreign ports where they are assigned, which provides little time for them to obtain the information they need about the practices of foreign ports.

In another area, the Customs Trade Partnership Against Terror (C-TPAT), the job is far from done. The government has inspected only 100 of the 4500 participants in the C-TPAT initiative, which allows companies that follow certain security procedures to receive expedited customs processing. Without such inspections, we cannot know whether C-TPAT participants have truly made improvements or are simply taking an easy path toward faster processing.

I hope our witnesses today can address my concerns and convince me that we are moving in the right direction with all possible speed.

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