

NY/NJ SENATORS INTRODUCE NEW CARGO MONITORING BILL

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Less than two weeks after expressing frustration over predictions that Customs and Border Protection may not meet a 2012 deadline for screening all containerized cargo for radiological and nuclear weapons, Sen. Frank Lautenberg and the other three New York-New Jersey colleagues introduced legislation that would require cargo be monitored "from the moment it is packed into containers abroad until it reaches its destination in the United States."

Lautenberg, D-N.J., who introduced the bill with Sens. Robert Menendez, D-N.J., Hillary Clinton, D-N.Y., and Chuck Schumer D-N.Y., said the bill did not mandate a particular technology but "we give the Department of Homeland Security the mandate to achieve it, and flexibility as to how to achieve it."

He also said the goal of the legislation is "once we ascertain that cargo which is loaded onto some ship in a foreign port, how do we insure that its security as it leaves that port and travels to the United States -- for example, electronic locks with GPS transmission is one possibility. So we make sure that once we have secured cargo that ship that it cannot be tampered with."

The proposed law was announced at a press conference at Port Elizabeth, N.J. by the two New Jersey senators, where Lautenberg accused President Bush of having a "pre-9/11 mindset because still only one out of 20 containers is inspected.

"Just imagine for a moment if terrorists were to bring a weapon of mass destruction right through here," said Lautenberg, who held the press conference in a glass walled meeting room overlooking the Maher Terminal, the busiest in the Port of New York and New Jersey. "The area is home or occupational center for more than 18 million people."

The proposed law is called the Port Authority of New York-New Jersey Port Security Task Force Implementation Act, and is based, in part, on work done by an industry/government committee that released its recommendations in December 2006.

Lautenberg said at a June 12 hearing of the Surface Transportation and Merchant Marine Infrastructure, Safety, and Security that it was "disappointing to hear how little progress the Bush administration has made" in implementing a requirement that by 2012 every container be scanned at foreign ports before being loaded on a vessel bound for the United States.

"The question is: do we support our ports now before disaster strikes or do we wait and roll the dice and hope the worst of the worst never occurs?" he said.

The SAFE Port Act of 2006 called for the Department of Homeland Security to develop minimum cargo security standards by March 2007. Congress upped the ante in last year's 9/11 Commission Implementation Act by requiring DHS to issue a rule by Oct. 15 that all containers have an ISO-certified high-security mechanical bolt seal if no container security device standard is in place by mid-April 2008.

Homeland Secretary Michael Chertoff has informed Congress that the department will implement the bolt-seal requirement instead of the minimum cargo security standards.

Lautenberg and Menendez said the new bill, S. 3174, calls for:

- Mandatory container security standards for international cargo containers entering the United States. The senators said "current Bush administration security policy relies on shippers taking voluntary measures to improve security." Under the new law "container shipments that fail to meet these new minimum standards will be denied entry into the U.S."
- Each port to create a regional response and recovery plan, "so that there is a process to restore order to the commerce in our region after a major incident or disruption occurs."
- Use of a standardized risk assessment tool so DHS can more accurately determine risks to ports and surrounding communities. Port security grants could be prioritized with that information.
- Authority for any federal, state or local law enforcement official to confiscate federal Transportation Worker Identification Credential if they are forged or altered.
- A requirement that each foreign vessel entering a U.S. port designate a "security Individual" who would be responsible for responding to a transportation security incident while it is in docked at a U.S. port, on behalf of the ship's owner/operator. The requirement is similar to requirements under the Oil Pollution Act of 1990 for tankers to have "responsible individuals."
- Security regulations for ships such as fuel delivery tankers or launches.

Lautenberg expressed frustration with the current approach to cargo security, saying, "they say there is 100 percent screening. Well screening means you look at manifests, you look at shipping papers. What does that tell you? Does that give us any measure of security? Certainly not. So they hide not only behind the deeds but the terminology."

When reporters asked about the cost of the program, Lautenberg noted the war in Iraq was costing \$3 billion a week, and said the danger and cost of a nuclear attack disaster in the United States could be \$1 trillion.

"If we were not to act and then had a Sept. 11-type event, what would be the cost in lives and national treasure?" asked Menendez. "You cannot tell me we cannot provide the resources to pursue the technology necessary to achieve our goals."