

STATEMENT OF REP. JERROLD NADLER
BEFORE THE
HOUSE COMMITTEE ON HOMELAND SECURITY
SUBCOMMITTEE ON BORDER AND MARITIME SECURITY
HEARING ON
“BALANCING MARITIME SECURITY AND TRADE FACILITATION:
PROTECTING OUR PORTS, INCREASING COMMERCE AND SECURING THE SUPPLY CHAIN – PART I”
FEBRUARY 7, 2012

Chairwoman Miller, Ranking Member Cuellar, and Members of the Subcommittee, thank you for inviting me to testify today on the issue of maritime security and trade facilitation. I speak to you today not as a maritime cargo security expert, but as a Member of Congress who has long advocated that we, as a Nation, must do a better job of ensuring the security of the cargo arriving on our shores every day. As Representative from New York’s 8th District, I have the honor of representing portions of Manhattan and Brooklyn in Congress. The World Trade Center site is located in my district, as is the Port of New York and New Jersey, the largest port on the East Coast. As such, I believe my Congressional District stands as an example of why we need to secure our Nation, including our ports and waterways, while also ensuring the flow of legitimate commerce.

As you might recall, I was a principal author of many of the port provisions of the Implementing Recommendations of the 9/11 Commission Act of 2007 (P.L. 110-53). I worked closely with Chairman Thompson, Chairman Oberstar, and Rep. Markey to push for inclusion of stronger port security language into this measure and we were successful in passing these provisions into law. A law that was signed, by the way, by President George W. Bush. Section 1701 of that Act states that by July 12, 2012, all cargo containers must be scanned by nonintrusive imaging equipment and radiation detection technology before being loaded on a vessel bound for the U.S., unless the Secretary of Homeland Security extends the deadline by certifying it is not currently feasible.

In short, this provision requires scanning of all maritime cargo containers *before* they arrive in this country. We understood that we must not wait to impose security measures until containers reach the United States. Scanning containers in a U.S. port is not sufficient. If there is a bomb inside a container, and it is detected in Newark, or Miami, or Los Angeles, it may be too late. Reading the cargo manifest is not enough. Trusting the shippers is not enough. We must verify the contents of the containers at the point of origin, before they are loaded onto a ship destined for America. And so, the law is designed to do just that.

When I introduced a free standing bill on this topic and later pushed for inclusion of these provisions in the 9/11 Act, I understood that achieving 100 percent maritime cargo scanning

mandate would be neither easy nor cheap. But I was also aware of the human and economic toll of a potential terrorist attack on our soil. The New York metropolitan area is home to approximately 19 million people, and the effects of a weapon of mass destruction or dirty bomb at the Port of New York and New Jersey could be catastrophic. Similarly, several of the Nation's other major ports are located near population centers and might also make attractive targets for terrorists. This threat is not exclusive to major metropolitan areas, however. There are currently approximately 360 commercial sea and river ports throughout the U.S., making this issue of concern to communities across the country¹

Aside from the potential human cost, the economic cost of a maritime terrorist attack would be devastating. Maritime ports are a vital component of the supply chain, moving the overwhelming majority of cargo into and out of the U.S. (99.4% by weight and 64.1 percent by value) at a value of \$3.8 billion each day.² In 2010, the dollar value of cargo that moved through the Port of New York and New Jersey alone was more than \$175 billion.³ Anything that threatens this vital flow of commerce would not only affect the ports themselves, but would also disrupt the supply chain with widespread effects across the country and around the world.

Given the very serious nature of the threat we face, I am dismayed that the Department of Homeland Security (DHS) has not made a realistic effort to implement the 100 percent scanning mandate nor has it offered an alternative proposal to achieve the same ends.

I urge DHS to aggressively move forward on implementing the 100 percent maritime cargo scanning mandate. It is one thing to say, "We cannot achieve this goal, this year." It is yet another to declare that the goal itself is not worth pursuing – which, unfortunately, I have heard from some of my colleagues on the other side of the aisle. That would be an enormous mistake. We must continue to take steps toward 100% scanning as the ultimate goal. We must not relent in our pursuit of security. We must not allow gaping holes in our system to go unaddressed.

Remember what is at stake here. It seems absurd that we would even entertain the notion that we would allow a nuclear weapon to be smuggled into our country on board a container that has never been scanned, when we know that, if detonated near one of our cities, it would kill millions of people in a single deadly flash.

Now, it is obvious that the initial statutory deadline later this year will not be achieved. However, we can and we must make incremental progress that will ultimately get us to the 100 percent standard, while making cargo, our ports and waterways, and the American people more secure in the interim. We owe the American people no less.

¹ American Association of Port Authorities, Fact Sheet on the U.S. Port Industry, available at: <http://www.aapa-ports.org/Industry/content.cfm?ItemNumber=1022&navItemNumber=901>.

² American Association of Port Authorities, Fact Sheet on the U.S. Port Industry, available at: <http://www.aapa-ports.org/Industry/content.cfm?ItemNumber=1022&navItemNumber=901>.

³ The Port Authority of New York and New Jersey, "About the Port" webpage, available at: <http://www.panynj.gov/port/about-port.html>.

I thank the Subcommittee for inviting me to participate at today's hearing, and I look forward to continuing to work with my colleagues, the Department of Homeland Security, and other Federal, State, and local agencies, and private stakeholders on this very important issue.