

Port Security Improvements Act of 2003
Hon. Doug Ose
May 21, 2003

Mr. Speaker, today, I rise to introduce a bill entitled the "Port Security Improvements Act of 2003." I am pleased to have five other original co-sponsors of this bi-partisan legislation, including: John Tierney, who is the Ranking Member of the Government Reform Subcommittee which I chair; Bill Janklow, who is the Vice Chairman of my Subcommittee; and Jane Harman, who ably represents the Port of Los Angeles.

The tragic events of September 11, 2001 shook the confidence of the U.S. government and its citizens in the nation's security. On November 19, 2001, the President signed the Aviation and Transportation Security Act. This law established "emergency procedures" for the Federal Government to issue interim final regulations without the usual opportunity for public notice and comment, as provided in the Administrative Procedure Act. To ensure Congressional and public input into the regulatory decisionmaking process, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, which I chair, held a November 27th hearing entitled "What Regulations are Needed to Ensure Air Security?"

Congress then turned its attention to port security. On November 25, 2002, the President signed the Maritime Transportation Security Act. This law similarly provided for some interim final regulations without any public notice and comment but did not establish deadlines for their issuance. To provide Congressional and public input into the regulatory decisionmaking process, my Subcommittee held an April 24, 2003 hearing entitled "What Regulations are Needed to Ensure Port Security?"

The U.S. maritime system includes more than 300 ports with more than 3,700 cargo and passenger terminals. The vast maritime system is particularly susceptible to terrorist attempts to smuggle personnel, weapons of mass destruction, or other dangerous materials into the U.S. And, terrorists could attack ships in U.S. ports. A large-scale terrorist attack at a U.S. port would cause widespread damage and seriously affect our economy.

To date, Congress has provided extensive Federal funding to fully ensure air security. In contrast, Congress has not provided sufficient Federal funding to fully ensure port security.

The witnesses at my Subcommittee hearing made several thoughtful recommendations, including: (a) the urgency for the Department of Homeland Security to issue a regulation governing a standardized "smart" common Transportation Worker Identification Credential; (b) the need for some standardization of security requirements for each U.S. port, each facility in a U.S. port, and each vessel entering a U.S. port; and, (c) the need for an additional significant Federal investment in port security. Currently, the U.S. Customs Bureau collects \$15.6 billion in duties on commodities entering the U.S. through marine transportation. My bill directs a portion of these duties toward port security enhancements. In addition, my bill sets deadlines for issuance of regulations governing transportation security cards, and requires regulations that

include a national minimum set of standard security requirements for ports, facilities, and vessels.

To understand the logic for dedicating a portion of Customs duties, let's look at the Port of Los Angeles. It is the busiest port in the U.S. and the seventh busiest in the world. It encompasses 7,500 acres. In 2002, Custom duties collected in this port accounted for 32 percent of all Customs duties collected in all U.S. seaports. However, since passage of the Maritime Transportation Security Act, this port has only received a small fraction of what it needs for port security enhancements and a substantially inadequate share of the funding distributed to date relative to its importance in the commerce of this country.

Since America's ports are crucial to our economic well being, it is essential that we find the right balance between increasing port security while not impeding the flow of commerce and trade. As a Republican, I am sensitive to the costs of excessive government regulation. But, in a post-September 11th world, I realize that we must take additional precautions to protect our fellow citizens and our economy. We need to make sure that our ports are safe. I am not convinced that they are safe today.

The Port Security Improvements Act will ensure that America's ports receive the security upgrades they need. This legislation links customs duties collected in our ports to investments in greater security at these ports. All of us recognize the tremendous importance that international trade plays in our economy.