

Testimony of Congressman C.A. Dutch Ruppberger
Senate Committee on Commerce, Science, and Transportation
Port Security Hearing
May 17, 2005

Thank you Chairman Stevens, Co-Chairman Inouye and Members of the committee. I am honored to appear before you today to participate in this critical discussion. With your consent Mr. Chairman, I have prepared a summary of my complete testimony to read into the record today and I would ask that my entire testimony be submitted into the record as well.

Mr. Chairman and Members of the committee, my main point to you today is that America's first responders should not be Congress's 2nd thought.

Whether you call it port or maritime security, each of us understands 3 very fundamental principles:

1. Securing our nation's more than 360 sea, river and land ports is a broad, varied and complex goal.
2. It is simply not possible nor do I believe it is practical to protect all of our ports against every possible threat. The reality of limited resources and over 95,000 miles of coastline means we must focus on good intelligence for credible threat information and prioritize our spending accordingly.
3. Our ports are absolutely critical to our nation's economic security - in the world of "just in time" commerce and the global marketplace - our ports are attractive to terrorists to either import weapons for destruction or to shut down the global supply chain and cripple our economy. Either possibility makes port security a high priority for this Congress.

Port security is broad and a complex issue largely due to the reality that ports are sprawling commercial hubs usually centrally located in geographically diverse areas. Our working ports stretch across coastlines, river ways and harbors moving agricultural, mineral, petroleum, and paper products to connect with highways and railways for transport. Tons of goods are imported and exported through our ports every day in bulk and containers as well as roll-on roll-off vehicles. Our ports are also home to some of our most beloved recreational activities such as boating, fishing, and cruises – all of which contribute to our economy and our very way of life.

With so many distinguished experts in port security following me on your other panels, I would like to focus my discussion today on one key piece of the security puzzle – the issue of security clearances both in the general national security sense and within the specifics of the port security realm.

From my many roles in local government (as a County Executive during and in the aftermath of 9/11, as a former prosecutor) to my current roles at the federal level (as a member of the House Permanent Select Committee on Intelligence, as co-chair of the Congressional Port Security Caucus, and as the congressional representative to both the Port of Baltimore and NSA), I believe a modernized working security clearance system is vital to defending our homeland, including our ports.

The federal government needs to take further action to insure that the ability to share information is neither obstructed by a lack of clearance nor by “bottlenecks” that persist today. Our current security clearance system is not working. This problem is not just jeopardizing our port security. It is also jeopardizing our national security. Many of the state, local, and business interests and even some federal officials do not have the information they need to keep our country safe because they don’t have the proper security clearances.

The problems stem from basic situations where workers don’t know how to fill out an application... to the more complicated where one department is not sharing information with another. We are still using a security clearance system set up to fight the Cold War even though the Iron Curtain fell years ago and we are now fighting the War on Terror. The process is fragmented, confusing, cumbersome, and long.

There are approximately 3 million individuals at the federal, state, local and private sector levels with some level of a security clearance. It is estimated that 480,000 clearances are stuck in some sort of a backlog. The average security clearance takes over one year to complete. If there is any sort of a problem along the way, it can take months or even years longer. There are inconsistencies within investigations, polygraph analyses, levels of scrutiny, and criteria considerations.

In the 108th Congress, Congressman Waxman, former Congressman Bell and I asked GAO to look at two critical questions regarding port security specifically and homeland security in general. The report is being released today. First, we asked them to look at the issue of information sharing within the port security domain and investigate how it is working. Second, we asked them to look at port security as it relates to businesses that are connected to the port and how funding is prioritized. Specifically, we asked them to investigate the risk management approach being employed by the Department of Homeland security in funding and grant decisions. The GAO report entitled “Maritime Security: New Structures Have Improved Information Sharing, but Security Clearance Processing Requires Further Attention” (GAO-05-394) is the first report GAO is delivering on that request. We asked GAO to review the processes set in place to improve information sharing within maritime security following in our post 9-11 world with the passage of the Homeland Security Act of 2002 and the Maritime Transportation Security Act (MTSA) of 2002.

The Coast Guard has an awesome task of protecting our waterways and securing our nation’s ports. For over two hundred years, the Coast Guard has patrolled and protected our coast lines – which today totals over 95,000 miles. The Coast Guard is doing a good job based on their massive jurisdiction and the funding it has received but more needs to be done.

After the passage of MTSA, the Coast Guard reorganized and created 359 Area Maritime Security Committees and Interagency Operational Centers in ports across the country to coordinate multiple local, state and federal agencies along with private sector stakeholders. The goal is to facilitate the meaningful necessity of information sharing to protect our ports. Each committee designated one member who is expected to have the proper clearance to be able to analyze classified intelligence information.

The GAO report found that only 28 of the 359 members had submitted the proper paperwork to get a security clearance. That means less than eight percent of our nation’s ports have access to critical information to keep us safe. Even if all of the remaining 331 members applied for

clearance today, it would take a least a year for them to get cleared. Al-Qaeda is not going to wait until workers get clearance to attack our country and our way of life.

We've identified the problem. Now let's address one of the many solutions. These solutions can not be achieved overnight but there are some initial steps that will start a long journey to fix this problem. To start and as a result of the hard work GAO is reporting today, I have introduced a bipartisan amendment with Chairman Tom Davis of Virginia to the Homeland Security Authorization bill expected on the House floor this week. Mr. Chairman, I have brought a copy of that amendment submitted to the House Rules Committee today and I would ask that it be inserted into the record as well.

This amendment creates a help desk called the ASK Desk, which stands for the Assistance to Security Clearance Desk. This help desk is for state and local individuals applying for security clearances. It will guide individuals through the application, investigation and adjudication processes. While Agencies will still retain the power and authority they have under current law, the ASK Desk will help our first responders on the front lines having so much trouble getting through our complicated security clearance process.

This security clearance issue is a problem not only facing the Maritime Industry but also facing many federal agencies. All will benefit from this solution. It is also important that Ambassador Negroonte, the new Director of National Intelligence, and his office have the same tools to keep our families and communities safe.

Terrorists do not care if we are Republicans or Democrats when they target us so we as Members of Congress must work together to solve this problem. It is our responsibility to oversee these changes and ensure that we fix this problem to protect our country from a terrorist attack.

I appreciate the opportunity to appear before you today.