

UNITED STATES DEPARTMENT OF HOMELAND SECURITY

Statement of

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Before the

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

UNITED STATES SENATE

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Good afternoon, Chairman Rockefeller, Ranking Member Hutchison, and distinguished Members of the Committee. I am pleased to appear today to discuss safeguarding our nation's open surface transportation systems and the Department of Homeland Security's (DHS) collective efforts with federal, state and local partners to improve the security of these systems. I appreciate the Committee's efforts in support of this vital mission.

The nation's surface transportation infrastructure is a vast, open system of interdependent networks that continually moves millions of passengers and millions of tons of commodities. The network and its four subsectors – Mass Transit, Highways, Freight Rail, and Pipelines – are critical to our economic well-being and our way of life. The security of this system is a shared responsibility among many governmental and private sector entities, including DHS.

For the past decade, the nation's transportation network has been at an elevated risk of attack. The failed and foiled terrorist plots in the past year against mass transit and aviation are powerful reminders that terrorists will go to great lengths to defeat the security measures that have been put in place since September 11, 2001. This Administration is determined to thwart terrorist plots and disrupt, dismantle, and defeat terrorist networks by employing and enhancing the multiple layers of defense that work in concert with one another to secure our country.

President Obama has articulated the need to do more to safeguard surface transportation by building on existing security efforts. The President's guiding principles for homeland security, including working with key stakeholders, investing in the most pressing short- and long-term infrastructure needs, and safeguarding the transportation systems that Americans use every day, will lead to a more resilient surface transportation system that improves public safety and enables efficient commerce.

The Surface Transportation Security Priority Assessment

This Administration recognized that the nation's surface transportation system is an open and sprawling network and therefore we must look to the capabilities of federal, state, local and private sector entities to secure the system and address threats through intelligence and the application of a risk-based approach. To this end, the White House led an interagency effort under the aegis of the National Security Staff to assess the security of the surface transportation system and determine what additional measures and initiatives could be undertaken to improve the security of the system.

The result of this effort is the *Surface Transportation Security Priority Assessment*, released April 2, which represents an important step toward further protecting the traveling public from acts of terrorism. The *Assessment* presents a thorough review of security efforts in all modes of surface transportation by the Obama Administration during its first year, including mass transit, commuter and long-distance passenger rail, freight rail, commercial vehicles and pipelines. It examines existing surface transportation security priorities, identifies interagency priorities for the next four years, provides recommendations on how to address existing policy gaps in surface transportation security efforts, and directs designated agencies to develop implementation plans to accomplish the report's recommendations.

The Administration engaged stakeholders from federal, state, local and tribal government and the private sector using DHS' National Infrastructure Protection Plan (NIPP) partnership model to furnish input into the comprehensive framework of recommendations set forth in the *Assessment*. In conducting the *Assessment*, common themes and recommendations included the need to enhance security through increased intelligence sharing, vetting, security planning, training, and exercises, improve efficiency and effectiveness, strengthen stakeholder partnerships, and employ a systems management approach to assessing risk. DHS served an active role in the *Assessment* supporting interagency efforts by assigning staff to support and coordinate the drafting of the assessment as well as preparation of the final report.

The *Assessment's* 20 recommendations are the building blocks for advancing our nation's surface transportation security initiatives. These recommendations are consistent with recommendations received from the DHS Office of Inspector General and the Government Accountability Office (GAO) on how best to provide security in all modes of transportation. Among other things, the recommendations include the following:

- Implement an integrated federal approach that consolidates capabilities in a unified effort for security assessments, audits and inspections to produce more thorough evaluations and effective follow-up actions to reduce risk, enhance security, and reduce burdens on assessed surface transportation entities.
- Implement a multi-year, multi-phase grants program based on a long-term strategy for surface transportation security.
- Establish an interagency process to inventory education and training (E&T) requirements and programs, identify gaps and redundancies in surface transportation

owner/operator E&T, and ensure that federal training requirements support counterterrorism and infrastructure protection.

These and other recommendations in the *Assessment* reflect the Administration's commitment to goals that are critical to surface transportation security, such as teaming with all government partners and the private sector to identify and reduce risk; improving the efficiency and effectiveness of federal missions, organizations and programs; strengthening interactive stakeholder partnerships; and application of a systems management approach to surface transportation security.

The Administration remains committed to implementing the recommendations contained in the *Assessment*. Assistant to the President and Deputy National Security Adviser for Homeland Security and Counterterrorism, John Brennan released a memo to Departments and Agencies on April 14, 2010 directing the development of implementation plans for the 20 recommendations contained in the assessment. The implementation plans will

- i. Define actionable and measurable next steps;
- ii. Identify implementation metrics;
- iii. Determine a timeline for completion; and
- iv. Identify stakeholders for engagement in the development of the implementation plans.

DHS was designated in the *Assessment* as the lead Department for implementing 19 of the 20 recommendations. The Department looks forward to continued engagement with Congress on implementation of actions.

Security in All Modes of Surface Transportation

DHS plays a key role in the Administration's efforts to ensure the security of our nation's surface transportation system. Employing an intelligence-driven and risk-based approach to assessing threats to the system, DHS and its partners have made substantial progress in the past few years in improving surface transportation security in this country. Our efforts to secure the nation's surface transportation system are a clear illustration of the concept of the homeland security enterprise established by the Quadrennial Homeland Security Review. This concept refers to the collective efforts and shared responsibilities of federal, state, local, tribal, territorial, and private-sector partners—as well as individuals, families, and communities—to maintain critical homeland security capabilities. It connotes a broad-based community with a common interest in the safety and well being of America and American society.

Indeed, strong working partnerships with state and local government, law enforcement, emergency response officials, hundreds of transit system operators, private sector groups, and individual citizens around the country are critical to the success of surface transportation security programs. By communicating with one another, sharing intelligence, and planning collaboratively, these stakeholders have created a foundation for both building surface transportation security initiatives and reducing risk. Through national standards, sharing best practices, guidance and regulation, they are putting those initiatives into operation. And by conducting assessments and using metrics to measure our progress, DHS constantly is

examining ways to improve security and reduce risk throughout the surface transportation system.

As a result of our risk-based and intelligence-driven approach, DHS has made real progress; some tangible accomplishments include the following:

- DHS' Transportation Security Administration (TSA) has assessed the top 100 U.S. pipeline systems—which transport 84 percent of the energy products in the U.S., such as oil and natural gas—to ensure security standards are being met. Over the past 18 months, TSA has inspected 200 critical facilities related to those pipeline systems, including pumping stations, bridge spans, and control centers.
- With respect to highway security, DHS' U.S. Customs and Border Protection (CBP) secures our northern and southern borders against dangerous passengers and cargo. For traffic within our borders, TSA has issued security guidelines for high hazard material transporters, provided security training for intercity bus and school bus operators, and is assessing key infrastructure vulnerabilities. Through TSA's Hazardous Materials Endorsement (HME) vetting program, all individuals who seek a hazardous materials endorsement to their state-issued commercial driver's license must go through a rigorous vetting program. This program covers approximately three million drivers authorized to transport hazardous materials. Additionally, as this Committee is very much aware, TSA has conducted a full security threat assessment of, and issued a Transportation Worker Identification Credential (TWIC) to, 1.6 million workers requiring unescorted access to secure areas of port facilities.
- In freight rail, CBP secures our borders via inbound and outbound inspections, while TSA has reduced the toxic inhalation chemical risk in high threat urban areas by 80 percent since 2006, assessed security at 30 of the 50 key bridges throughout the nation, and issued a rail security rule on toxic inhalants to require a secure chain of custody from shippers to receivers. These impressive risk reduction results are a product of regulatory and voluntary efforts with the rail industry that are a model for the benefits of collaborative, data driven risk reduction.

A significant way that DHS contributes to the enhanced security of all modes of surface transportation is through the award of grants. In FY 2009, DHS directed more than \$500 million to mass transit and passenger rail agencies through the Transit Security Grant Program (TSGP), which focuses specifically on surface transportation; \$78 million in American Recovery and Reinvestment Act (ARRA) funding for approximately 240 new law enforcement officers at 15 transit systems across the country – including approximately \$36 million for 128 new officers at the New York Police Department – to enhance the nation's ability to guard against acts of terrorism; \$72 million in ARRA funding for capital projects, such as improvements to high-density tunnels, stations and bridges; and \$388 million in Transit Security Grant Program and Freight Rail Security Grant Program funding for projects such as training, operational deterrence, hardening of tunnels, high-density stations and bridges. This funding also enhanced security efforts for Amtrak, which received almost \$100

million through the Transit Security Grant Program for operational deterrence, infrastructure hardening, training and other initiatives.

Additionally, TSA's Mass Transit Security Training Program targets grant funds for recurring training of law enforcement officers and frontline employees in core areas of security awareness, behavior recognition, and immediate response to a threat or incident. DHS also conducts training, workshops, table top exercises, and "lessons learned" sessions that integrate mass transit and passenger rail agencies with regional law enforcement and emergency response partners to expand and enhance coordinated deterrent, threat and incident management capabilities. Particular emphasis is placed on prevention, specifically broadening capabilities for collaborative activities for deterrence.

In the area of freight rail, TSA earlier this month provided the full Committee, and others in Congress, its study on the feasibility and appropriateness of requiring a non-federal match for grants awarded to freight railroad carriers – the study was mandated by the Implementing Recommendations of the 9/11 Commission Act of 2007. The particular grants being examined are funded through the DHS Freight Rail Security Grant Program (FRSGP), managed jointly by TSA and the Federal Emergency Management Agency (FEMA). The purpose of FRSGP is to raise the security baseline in freight rail by funding vulnerability assessments and security plans, providing security training to frontline personnel, and installing Global Positioning System (GPS) tracking on railroad cars within the freight rail industry. Of note, the study recommended that a non-federal match under FRSGP should not be required for certain high-priority projects, such as developing vulnerability assessments and security plans, and providing security training for frontline employees.

The Obama Administration recognizes the critical importance of safeguarding our nation's mass transit and passenger rail networks. These open access, interconnected networks of commuter rail trains, subways, and buses move millions of our citizens every day and are vital to our economy and our way of life. The scope of these networks is impressive. Consider, for example, that the New York City subway network has 468 stations with over 31,000 turnstiles allowing direct access to the subway, and an average weekday ridership of over 5 million passengers. Amtrak's operations are nationwide, and many Amtrak stations are in close proximity to, or co-located with, mass transit stations.

The huge benefits of these networks to our nation, including the inherent vastness and openness of the systems, unfortunately, makes them prime targets for terrorists, as we have sadly learned from attacks in London, Mumbai, Madrid and Moscow, as well as the New York City subway plot uncovered last year. As an example of the Obama Administration's efforts to meet this threat, in October 2009, Amtrak and TSA partnered to conduct random passenger and baggage screening at multiple locations across the Northeast Corridor. This effort is ongoing and is expected to expand nationwide. Such random screening teams are among DHS' most effective deterrence and detection tools for countering terrorist threats.

Tools for Protecting Surface Transportation

As I have testified in the past, securing our modes of travel is one of the most powerful weapons we have to counter the ability of terrorists to attack us. The tools at our disposal fall into three primary categories:

- Intelligence drives our efforts and helps prioritize how we allocate our resources. Our federal Joint Terrorism Task Forces (JTTFs), composed of DHS and other federal and state personnel operating under FBI leadership, coordinate federal and local investigations and information gathering operations and share that information among law enforcement and security partners, both public and private.
- Operational deterrence focuses on using federal, state, and local government personnel and resources in collaboration with private sector partners to prevent, deter, and detect threats from terrorists and criminal organizations. Activities currently employed for this purpose, including explosive detection canine teams and random, unpredictable transportation passenger screening by Visible Intermodal Prevention and Response (VIPR) teams, are highly effective operational tools for deterring and detecting terrorist threats. The funding in the FY 2010 DHS appropriation to expand the number of dedicated VIPR teams from 10 to 25 has been welcome news for TSA and surface transit alike. Congress overwhelmingly approved this funding increase, and we are grateful for your support.
- Infrastructure protection initiatives, such as the effective administration of federal grants for physical security improvements and training, focus on hardening the nation's critical transportation infrastructures, including underwater tunnels, subway stations, and bridges, as well as educating our fellow citizens to become partners in security. TSA's Transportation Security Inspectors work with state and local officials to assess security vulnerabilities and recommend how to use limited resources to get the most security bang for the buck.

Conclusion

The Obama Administration is dedicated to ensuring the security of our nation's surface transportation system. As evidenced by the creative and collaborative effort of the *Surface Transportation Security Priority Assessment*, security for our nation's surface transportation system is a responsibility shared among key federal, state, local and private sector partners. DHS, the Department of Transportation, the Department of Energy, and others are working collaboratively with our state and local partners and the private sector, and are making significant strides in improving security.

While the Administration and DHS have made significant progress over the last several years in improving surface transportation security, much work remains to be done. With the additional resources from Congress, expanding collaboration with surface transportation partners and local law enforcement and emergency response officials, and a focus on uncovering and addressing deficiencies in a cost-effective manner, there is a strong foundation and clear path toward meeting our security goals for the nation's surface

transportation systems. Our mission remains clear: providing the traveling public with confidence that these vital economic arteries are secure.

Thank you again for the opportunity to address surface transportation security. I will be happy to answer any questions you may have.