



Testimony of George P. Cummings

Director of Homeland Security

Port of Los Angeles

**City of Los Angeles Harbor Department
Los Angeles, California**

Before the United States Senate

Committee on Commerce, Science and Transportation

Senator Ted Stevens

Chairman

May 16, 2006

Good morning, Mr. Chairman, and members of the Committee. Thank you for inviting the Port of Los Angeles to testify before you today to share the Port's perspective on the national Transportation Worker Identification Credential (TWIC) program, and to convey our experience as a participating Port during the test and prototype phases of the TWIC program.

I'm George Cummings, Director of Homeland Security, for the Port of Los Angeles. I'm responsible for coordination of the Port's homeland security and maritime security programs at the national, state, and local levels.

Port security is the top priority for the Port of Los Angeles. The Port is not only responsible for the security and well-being of our tenants, workers, visitors, and the surrounding communities; but we must also maintain the free flow of commerce through our Port which is so vital to this nation's economy.

THE IMPORTANCE OF MARITIME TRADE AND PORTS

As you are aware, Mr. Chairman, more than 95 percent of U.S. overseas trade moves through our seaports. As a premiere port of entry for cargo on the west coast, the Port of Los Angeles occupies 7500 acres of land and water along 43 miles of waterfront. Together with our San Pedro Bay neighbor, the Port of Long Beach, we handle more than 43% of the nation's containerized commerce. That translates to 7.5 million twenty-foot equivalent units of containers that entered the Port of Los Angeles in 2005. With the Port of Long Beach, a total of 14.3 million twenty-foot equivalent units of containers entered the San Pedro Bay port complex. Together, we rank the fifth busiest port complex in the world. Alone, the Port of Los Angeles is the eighth largest container port in the world, and number one in the United States. In addition to containerized freight, the Los Angeles/Long Beach port complex handles over one million cruise passengers, half a million autos, and over 50% of California's oil.

Trade through the Port of Los Angeles has grown steadily by an estimated 20 percent each year over the last five years, and we expect this trend to continue. Likewise, the industry expects national maritime trade volumes to double by the year 2020, although some economists have predicted that such doubling may occur as early as 2014 due to the demands of the American marketplace.

In the event of an unforeseeable incident, whether caused by intentional acts or natural disaster, it is the Port's responsibility to resume cargo operations as quickly as possible in order to minimize any impact to the nation's economy that is dependant on trade and the movement of goods.

A recent example of the affects of a major port shutdown occurred in the fall of 2002 when a labor disruption caused a 10-day shutdown of the west coast ports that brought cargo movement to an immediate halt. This action cost the nation's economy an estimated \$1.5 billion dollars a day (valued in 2002 dollars), disrupting the availability of goods and products that Americans rely upon daily. A healthy U.S. economy relies heavily on secure, functioning ports throughout the United States.

MARITIME TRANSPORTATION SECURITY ACT REGULATIONS

Following the tragic events of September 11, 2001, Congress enacted Maritime Transportation Security Act (MTSA) of 2002. Section 102 requires background checks and the issuance of biometric transportation security cards for all maritime personnel who need access to secured areas of ships and port facilities. As such, the U.S. Coast Guard rapidly developed regulations to establish security standards for port facilities. The MTSA regulations required terminal operators to submit their facility security plans by December 31, 2003, and the deadline for implementation was July 1, 2004. All 50 of the maritime facilities within the Los Angeles/Long Beach port complex – cargo terminals, liquid bulk and dry bulk terminals, and the World Cruise Center were in compliance by the July 1, 2004, deadline. Full compliance with the new security standards achieved an important milestone; however, complete implementation of the TWIC program is essential for the security of the nation's seaports.

THE IMPORTANCE OF ACCESS CONTROL AND CREDENTIALING

Access control at ports and port facilities is a critical component of port security, and access control will require a comprehensive credentialing program. The Los Angeles/Long Beach port complex, along with the Delaware River and the State of Florida, participated in the two developmental phases of the TWIC program. We consider a federal credentialing program, such

as TWIC, to be the solution to this major security challenge. We fully support the TWIC program and look forward to its full implementation. Ports throughout the nation are waiting for the TWIC program guidance before they can fully complete their access control systems.

CRITICAL ELEMENTS OF THE TWIC PROGRAM

The Port's experience during the TWIC test and prototype phases showed us several critical elements of the program that we believe must be addressed in the fully implemented program.

The Port recommends that the following elements be incorporated into the TWIC program:

1. The card and reader systems must be based on the best available technology using biometrics to prevent unauthorized access;
2. The issuance of a credential must be based on a background check that will effectively eliminate individuals that would pose a security risk;
3. The program needs to include a fair and accessible appeal and waiver process for individuals who are initially found ineligible for a TWIC card;
4. The regulated facilities must maintain the authority to grant access only to those TWIC holders that require access to that facility;
5. The regulated facilities must be provided with an electronic connection to the federal agency operating the national database to readily verify the validity of TWIC cards presented at their facilities;
6. The regulated facilities must be afforded flexibility on how to set up the TWIC access control systems for their facilities, and;
7. Costs associated with the program must be reasonable, including costs to the individuals who require TWIC cards, as well as costs associated with card reader system installation and maintenance.

THE NEED FOR EXPEDIENCY

As you are aware, Mr. Chairman, the TWIC program has been in development for several years, and implementation of a robust credentialing program at maritime facilities remains critical to securing our nation's ports. The recent Federal Notice of Proposed Rulemaking encourages the Port of Los Angeles that there will be an expeditious regulation and implementation process for TWIC, and we look forward to participating in that process.

CLOSING

In closing, we thank you for your leadership in calling attention to one of the most critical elements of port security, and one that has not yet been fully accomplished – the TWIC program. Also, we appreciate the opportunity to share the Port of Los Angeles's experience with the TWIC test and prototype phases. The Port is confident that the federal regulatory development process will occur as quickly as possible leading to the full implementation of the TWIC program. Thank you again for the opportunity to participate in this important hearing, and I look forward to answering any questions you may have.

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