

SAFE Port Act: Status of Implementation One Year Later

Opening Statement

Mr. Vayl S. Oxford
Director
Domestic Nuclear Detection Office
Department of Homeland Security

Before House Committee on Homeland Security
Subcommittee on Border, Maritime and Global Counterterrorism

October 11, 2007

Introduction

Chairwoman Sanchez, Ranking Member Souder, and distinguished Members of the Committee, as Director of the Domestic Nuclear Detection Office (DNDO), I would like to thank you for the opportunity to share the progress we have made in improving port and cargo security. Keeping our Nation's ports secure is a critical layer in protecting our citizens against nuclear terrorism.

One year ago, the President signed the SAFE Port Act, which formally authorized the establishment of the DNDO. This important piece of legislation also identified a number of goals and reporting requirements for our Department. It helped ensure that we have the right security strategies in place and that we maintain our momentum as we implement protective measures.

I am happy to share that DNDO is meeting the requirements outlined in the SAFE Port Act. We have submitted a number of reports to Congress due earlier this year (including our comprehensive strategy for the deployment of radiological and nuclear detection equipment) and we expect to meet the deadlines for those that remain. We also have made excellent progress in deploying radiation detection technology at our busiest ports resulting in the screening of 93 percent of all incoming seaborne cargo into the United States.

Port Security Strategy

Before I go into more detail about the progress we have made in regards to the SAFE Port Act, I would like to explain our strategy at DNDO for deploying detection technologies to our Ports of Entry (POEs). Eighteen months ago, only 37 percent of incoming seaborne containerized cargo was being scanned for radiological and nuclear threats. DNDO worked in partnership with our colleagues at Customs and Border Protection (CBP) to develop a joint radiation portal monitor (RPM) deployment strategy that incorporates an optimized mix of current- and next-generation technologies, balancing our need for better capability with a desire for increased coverage against the associated costs of each. This joint strategy is predicated on placing next-generation systems, like the Advanced Spectroscopic Portal (ASP), at the highest throughput ports, where

reductions to secondary inspection rates will have the greatest benefit. Deployment of ASP systems will be dependent upon the Secretarial certification of the systems as required by the FY 2007 Homeland Security Appropriations Act (P.L 109-295).

Our strategy up to now has prioritized deployment activities based on risk, vulnerability, or consequence, as influenced by major populations, industries, importance to the economy and supply chain, or military bases located nearby. We also consider prior records of illicit activities. Finally, we consider whether locations had upcoming port reconfiguration.

We have taken steps to prepare for additional deployments and are conducting site surveys, developing site designs, and starting negotiations to award construction contracts for each of the crossings. As a general practice, DNDO works with the port authority to proactively schedule construction to coincide with any other activities at the port. This helps prevent scheduling delays and expedites the deployment process overall.

Our priority remains to finish deploying RPMs to high volume seaports and land border crossings. However, our future plans are addressing the hundreds of smaller crossings that dot the Northern and Southern borders, including rail crossings. We will also begin scanning of international air cargo.

Status of Deployments

RPMs have been deployed to all of the Nation's 22 busiest seaports. We are currently scanning 93 percent of cargo coming through our seaports using 358 RPMs. Moreover, at select major seaports, exit scanning now covers 100 percent of all containers and vehicles. By the end of this calendar year, 98 percent of all containerized sea cargo entering into the United States at the 22 busiest ports will be scanned for radiological and nuclear threats.

It is also important to mention deployments to our land borders. There are 241 RPMs operating on the Northern border and 343 RPMs operating on the Southern border. This results in scanning 91 percent of containerized cargo coming across the Northern Border and 97 percent

coming across the Southern. In addition, a total of 60 RPMs are deployed to sites such as mail and express courier consignment facilities. By focusing on major ports of entry first, we have been able to dramatically boost the scanning levels of incoming cargo. We are also conducting scanning of privately owned vehicles (POVs). Our detection equipment currently scans 81 percent of POV traffic coming across the Northern border and 92 percent across the Southern.

Meeting the Requirements of the SAFE Port Act

Based on the progress we have made with RPM deployments at POEs, we are meeting the mandates set forth in the SAFE Port Act that require that all containers entering high-volume ports by vessel be scanned for radiation. In addition, we have developed the required strategy for the deployment of radiation detection capabilities, and that strategy has been submitted for the record as an amendment to this testimony. However, there are a number of other requirements outlined in the Act that we have been asked to fulfill and I would like to give you an update on each.

In total, the SAFE Port Act outlines five reporting requirements for DNDO. Our deployment strategy was submitted first to Congress in March 2007 and included information on a risk-based prioritization of ports, a proposed timeline for deployment, the types of equipment that we are proposing for each port, documentation of standard operating procedures for examining containers, operator training plans, and the Department's policy of using non-intrusive imaging equipment. As I mentioned earlier, one aspect of our joint deployment plan with CBP is how we plan on introducing next-generation technologies like ASP into the field. Right now, ASP is pending Secretarial certification and will not be fully deployed until that certification process is complete. If the outcome of the certification process is positive, we will submit an amendment to our strategy to identify the locations at which we will deploy ASP. The report also included a classified annex that details plans for covert testing of the top 22 seaports, as required by Section 121 of the Safe Port Act. The DNDO Red Team is working with CBP to build and maintain documentation of these activities.

Secondly, in April 2007, we submitted a joint report with the Science and Technology Directorate, CBP, and DHS Office of Policy Development that outlined the feasibility of and strategy for development of chemical, biological, radiological and nuclear (CBRN) detection equipment. DNDO submitted content that clearly documented both near- and long-term research and development efforts that will provide improved nuclear detection capabilities.

The third report required that DNDO, along with CBP, complete an evaluation of health and safety issues related to the use of non-intrusive imaging (NII) technology to scan containers. DHS fully understands the environmental health and safety impacts of NII technology. DHS has a comprehensive radiation risk reduction plan, and will continue to work closely with the Nuclear Regulatory Commission, Occupational Safety and Health Administration, and the National Institute for Occupational Safety and Health to minimize radiation exposure of workers and the public to levels as low as reasonably achievable. Additionally, DHS will continue to monitor environmental health and safety impacts associated with NII technology by constantly addressing these impacts with systems currently deployed and systems under development. As next-generation NII systems are developed, DNDO will make a constant effort to address environmental health and safety issues by consulting with the National Council on Radiation Protection and Measurements, and conducting modeling and benchmarking. This report was submitted in July 2007 and received no comments from Congress except for a request to make our findings open for distribution to the private sector. We complied with this request and modified the document so that it was no longer For Official Use Only (FOUO).

The two remaining reports, an overall investment strategy for radiological and nuclear detection across the US government, and a report on how DNDO authorization language impacted the Homeland Security Act of 2002 and DHS research and development efforts to detect, prevent, protect, and respond to chemical, biological, radiological, and nuclear terrorist attacks, are scheduled to be delivered in October. We are working with other DHS components and across the interagency to ensure that these reports are comprehensive in nature and delivered to Congress in a timely manner.

The SAFE Port Act also required DNDO to establish an Intermodal Rail Radiation Detection Test Center. This was a very forward thinking requirement and one that DNDO strongly supports. There are several seaports that load cargo directly from ships to rail cars, therefore bypassing typical exit gate scanning operations. Right now, we do not have a detector that can address this challenge. An intermodal rail radiation detection test center will help develop additional passive detection design variants that meet unique port requirements, thereby enabling DNDO to provide solutions that enable us to scan 100 percent of cargo containers entering the United States. The test center was announced in May of this year and was awarded to the Port of Tacoma, Washington. The Port of Tacoma was chosen as the location of the Rail Test Center because more than 70 percent of its total import cargo volume is handled by rail at its multiple intermodal rail terminals. We are working diligently with the Port of Tacoma and CBP to begin testing the operational needs associated with intermodal rail, as well as evaluating innovative technical solutions to fit the unique radiological and nuclear detection requirements of intermodal terminals.

Additional Port Security Efforts

I wanted to take the opportunity today to also discuss additional port security efforts in which DNDO is involved. These are not outlined in the SAFE Port Act, but contribute to security in the maritime environment and for our country overall.

DNDO has an excellent working relationship with our Coast Guard operators. We have a joint acquisition plan in place that will allow DNDO to both develop and acquire systems for USCG use. DNDO provided handheld and backpack radiation detection devices to fulfill imminent operational needs in fiscal year 2007. We will deploy radiation detection capabilities to every Coast Guard inspection and boarding team by the end of 2007. The Secretary stated that this is one major goal for this Department, and we are going to meet that goal. We are also developing next-generation technologies that have the identification capabilities, connectivity, and ruggedness required in the maritime environment.

We also recently announced the West Coast Maritime pilot program that is beginning in the Puget Sound region of Washington State and will expand into San Diego, California. The three-year pilot will provide maritime radiation detection capabilities for State and local authorities with the goal of reducing the risk of radiological and nuclear threats that could be illicitly transported on recreational or small commercial vessels. We will be conducting this pilot program in close coordination with the U.S. Coast Guard and Customs and Border Protection. DNDO expects to deploy non-intrusive, passive detection sensors, such as human-portable radiation detection equipment, mobile sensors, and fixed-position detectors. We will also be working with maritime partners and local authorities in both areas to assess the geographic configurations of the ports to maximize detection and interdiction opportunities. Additional analyses for local partners will include a baseline survey of the existing radiological and nuclear detection architecture, a gap and risk assessment, and associated recommended actions to be developed in conjunction with maritime stakeholders. Maritime stakeholders will also receive guidance from DNDO on operational protocols, training, and exercises that support small vessel radiation detection capabilities.

Conclusion

The mission of the DNDO reaches far beyond port security. However, port security is a critical component in protecting the U.S. from nuclear terrorism. The SAFE Port Act codified many of the requirements and strategies that we will ensure a robust defense against threats to our Nation. The DNDO and its partners have made significant progress over the last two years, and will continue to make progress in keeping this Nation safe. I look forward to working with all of our partners within DHS, other departments, State and local agencies, and the members of this subcommittee and Congress in continuing to pursue this goal.

This concludes my prepared statement. Chairwoman Sanchez, Ranking Member Souder, and Members of the Committee, I thank you for this opportunity and would be happy to answer any of your questions at this time.