



AMERICAN ASSOCIATION OF PORT AUTHORITIES

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Testimony of Joseph Lawless

**Director of Maritime Security at
Massachusetts Port Authority**

**On Behalf of the
American Association of Port Authorities**

**Before the
The United States House of Representatives
Committee on Transportation & Infrastructure
2167 Rayburn House Office Building
Washington, D.C. 20515**

**Hearing: “A Review of the Delays and Problems Associated With TSA’s
Transportation Worker Identification Credentials”**

**June 28, 2012
10:00 a.m.**

Good morning. I am Joe Lawless, Director of Maritime Security at the Massachusetts Port Authority. I am testifying today on behalf of the American Association of Port Authorities (AAPA), where I serve as Chairman of the AAPA Security Committee. The testimony today is on behalf of AAPA’s 81 U.S. members. AAPA port members are public entities, divisions or agents of State and local government mandated by law to serve public purposes. Essentially, we are public agencies charged with developing port facilities and facilities of commerce.

We are pleased to see that House Homeland Security Committee approved H.R. 4251, the SMART (**S**ecuring **M**aritime **A**ctivities through **R**isk-based **T**argeting) Port Security Act. Transportation Worker Identification Credential (TWIC) immediate reform is needed. The reform provides that not more than one in-person visit to an enrollment center will be necessary to obtain a TWIC, and expiration of TWIC cards shall not occur until full implementation of a final rule for electronic readers, or on June 30, 2014.

We are also pleased to see that TSA has taken action to address TWICs expiring before the end of 2014. U.S. citizens who have a TWIC that expires before the end of 2014 will have the option of paying \$60 to acquire a three-year Extended Expiration Date (EED) card, instead of a new standard five-year TWIC card. Additionally, workers who opt for the EED will only have to make one trip to the enrollment center – to pick up and activate their card.

However, our member ports are concerned that there will not be a new threat assessment (i.e., criminal background check) conducted for the EED. We feel the lack of an additional criminal background check could dilute the security of our facilities.

All AAPA U.S. member maritime port facilities are impacted by the Transportation Worker Identification Credentials (TWIC) requirements. Five years ago, TSA rolled out the requirement that individuals who need unescorted access to Maritime Transportation Security Act-regulated facilities must obtain a Transportation Worker Identification Credential (TWIC). AAPA members worked closely with TSA and its contractors to educate the maritime workforce about the legal requirement to obtain a TWIC and encouraged a registration process that was convenient and run efficiently. We hope the renewal or extension phases of the card, which will begin later this year, will go smoothly. TSA does have a new contractor to handle the issuance of TWICs and EEDs. With a new contractor involved, we urge this Committee to keep a close eye on the TWIC and EED process. TSA should again work closely with stakeholders in the maritime environment to educate the workforce regarding these renewal deadlines and requirements.

TWIC mandates have changed the way port facilities are run. In addition to the cost of the card, port facilities must now ensure that all gates and entrance points have a way to check TWICs. Prior to this requirement, port facilities varied in their level of security and the type of identification needed. Some facilities had unmanned gates, but now all facilities have some type of physical access control system to check TWICs. Massport staffs all of the access points into its facilities with security personnel to verify that all entrants have a TWIC.

The TWIC card includes a biometric security feature that has yet to be used at most facilities due to the lack of a reader rule. Therefore, the security features in the card are not being utilized, with falsified I.D.s harder to identify. Instead, the TWIC is currently being used as a flash pass where the individual simply shows the TWIC to the guard who visually checks the picture on the card against the individual seeking access. Without readers, there is no way to automatically check a “Hot List” of revoked or suspended TWICs.

The next phase of TWIC will be the reader rule, and there are concerns about who will be covered, the cost and whether readers will work efficiently. Originally, all port facilities thought they would need a reader and many port facilities applied for Port Security Grants for this purpose. Subsequently, Coast Guard proposed only requiring facilities that handle hazardous and dangerous cargo use readers. While AAPA was happy to learn of a more modest proposal, this caused some confusion in the industry, as the final regulations were put on hold for several years. Ports with grants were unsure what to do with the money. Some reprogrammed the

money and others decided to install the infrastructure, without knowing what the final requirements would be. AAPA is also concerned that the TWIC reader pilot identified the biometric reader as having some problems, and we do not know the full impact on facility operations.

The delay in the reader rule has had a large impact on the Port Security Grants. Congress appropriated \$400 million based in part on the need to help pay for the mandate that port facilities purchase readers. To aide grantees, TSA did publish technical specifications for TWICs in order for grantees to begin to buy readers, but these specifications could change. In the meantime, ports with grants are installing system that may require costly changes or are unnecessary once the final rule is issued. In anticipation of the final reader rule being published several years ago, Massport was awarded a port security grant to install readers at our facilities. We are still awaiting the final rule and have not moved to install these readers. The deadline for the expiration of this grant award is fast approaching.

AAPA supports congressional proposals to extend the five-year deadline for when TWIC grants must be spent in order to allow these funds to be based on the final rule. AAPA is also concerned that the delay in the reader rule comes at a time when port security grant funding is decreasing and the burden of the reader rule will fall on port facilities. While the program saw a high of \$400 million, its FY 2012 level is \$97.5 million. What funding will be available when the rule goes into effect?

In relation to the final reader rule, it is not known yet if all facilities will be required to have readers. AAPA has stated in public comments that the Coast Guard should not require readers at all facilities, rather the requirement should be performance- and risk-based. A facility's risk and associated reader requirements should be based on a variety of risk factors, not just what type of vessels call on it or the type of cargo that it handles. Coast Guard should first aggregate risks to the port area, followed by a second layer of risk at the facility level, including an evaluation of what other facilities are in close proximity. Therefore, low-risk facilities next to high-risk ones may need readers.

In conclusion, AAPA and its members have worked closely with TSA and Coast Guard on implementation of the TWIC requirements. For facilities, the next phase, the reader rule, will be the most expensive. We encourage Coast Guard to continue their proposed rulemaking process so ports can take advantage of the port security grant funds provided for reader implementation. Further delay will result in transferring the bulk of this federal mandate to the facilities rather than the shared process envisioned when the Port Security Grant program was established.

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COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name: Joe Lawless, Director of Maritime Security; Massachusetts Port Authority

(2) Other than yourself, name of entity you are representing:
American Association of Port Authorities (AAPA)

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

YES

If yes, please provide the information requested below and attach your curriculum vitae.

American Association of Port Authorities (AAPA)

NO

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

AAPA has received no federal grants or grants in the last two years.



Signature

June 25, 2012
Date

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE
Truth in Testimony Disclosure

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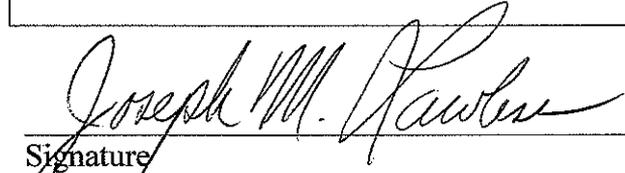
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Signature

June 25, 2012
Date

Joseph M. Lawless, CHS-V

Professional Experience

Massachusetts Port Authority 2001-Present Director of Maritime Security

- Directs the development, implementation and administration of all security, law enforcement and emergency management strategies and activities on Massport's Maritime and commercial properties in South Boston, Charlestown and East Boston.
- Conducts yearly threat and vulnerability assessments to determine Massport's exposure to terrorism and crime.
- Develops and adjusts Massport's security plans to mitigate vulnerabilities and compliance with all federal state and local requirements.
- Develops and implements protection strategies for Massport facilities during high risk operations and special events, i.e., Liquefied Natural Gas shipments through the Port of Boston, National Political Party Conventions, and Tall Ship and military visits.
- Develops yearly operating and capital equipment budgets and manages the budgets required for the administration of security, law enforcement and emergency management programs.
- Develops and negotiates collective bargaining strategies and agenda items for collective bargaining sessions with various AFL-CIO locals. Administers the implementation of collective bargaining agreements. Represents Massport at grievance, arbitration and Labor Relation Commission hearings.
- Initiated and chairs weekly interagency security consortia with numerous federal, state, city agencies and private industry to discuss crime, terrorism and special events.
- Represents Massport at community meetings and develops responses and mitigation plans in response community concerns over operations, safety and security. Represents Massport on several committees including:
 - Area Maritime Security Committee, United States Coast Guard Sector Boston
 - East Boston Police Advisory Committee, Boston Police Department
 - U.S. Attorney's Anti-Terrorism Task Force Executive Committee.

American Association of Port Authorities (AAPA) 2009-Present Chairman, Security Committee

- Leads monthly discussions of port security-related issues with port security directors from around the nation.
- Works with AAPA staff to represent local and national port authority interests with federal agencies on activities, operations and regulations dealing with port security.

- Develops agendas for the AAPA Annual Industry Security seminars and annual committee security meetings.
- Represents AAPA port security committee at national and international industry and business meetings.
- Currently serves as Chairman of the American Association of Port Authorities (AAPA) Security Advisory Committee, a position held since 2009. [The AAPA is the principal voice of 140 public port authorities in the U.S., Canada, Latin America, and the Caribbean. The Association provides leadership with regard to trade, transportation, environmental and other issues related to port operations and development. AAPA also promotes the essential role of ports within the global transportation system.]

1993 – 2001

Director of Public Safety, Massachusetts Port Authority

- Directed the development, implementation, management and administration of all security and public safety policies activities including Fire Department and State Police Troop F and Maritime Security Services to ensure the safe and efficient operation of Logan International Airport, Hanscom Field, Worcester Regional Airport, seaport, Tobin Bridge and all Massport properties.

1980 – 1993

Commonwealth of Massachusetts – Dept. of Public Safety, Division of State Police:

1991 – 1993

Bureau of Investigative Services – Executive Protection Detail Leader

Executive Protection Detail Leader responsible for protection of the Executive branch of Massachusetts.

1986 – 1991

Bureau of Investigative Services – Middlesex County District Attorney's Office Investigator

Represented the District Attorney while leading Investigations of homicides, violent, white collar, organized, environmental, drug trafficking, and domestic abuse crimes.

1980 – 1986

Bureau of Eastern Field Operations

Conducted uniform patrols functions, accident and criminal investigations.

Education

- **Boston University**, School of Education
Master of Education, 1983
- **Merrimack College**
North Andover, Massachusetts
Bachelor of Arts in Political Science, 1980
- **Massachusetts State Police Academy** 1980
 - *FBI Instructional Development 1985*
- **United States Secret Service** 1992

Professional Memberships and Certifications

- Level V Certification in Homeland Security, American College of Forensic Examiners Institute
- Member, International Association of Chiefs of Police
- Member, American Association Airport Executives
- Member American Association of Port Authorities
- Member, American Society of Industrial Security
- Member, International Association of Airport & Seaport Police