

Congress of the United States

Washington, DC 20515

October 10, 2006

The Honorable Michael Chertoff
Secretary
Department of Homeland Security
Washington, DC 20528

Dear Secretary Chertoff:

We are writing to express our strong opposition to the decision by the Department of Homeland Security (DHS) to relegate the Port of Boston to the lowest security risk tier as part of the Department's process for evaluating port security grant applications and determining which grant applications should receive funding in the latest round of the Fiscal Year 2006 Port Security Grant Program (PSGP).

As you know, in the latest PSGP round, DHS provided the Boston port area with \$147,750 in funding, which represents less than 5 percent of the total amount of funding requested in a total of 10 Massachusetts applications. We urge the Department to immediately reopen its evaluation of the security risks at the Port of Boston to more accurately place the port in a higher risk category that reflects the port's unique security challenges and enables applications from the Boston port area to be eligible for additional funding available for ports in higher risk tiers.

According to DHS, 78 ports, including the Port of Boston, were designated as lowest risk (Tier 4) and eligible for a potential share of \$25 million in grant funding, while 4 ports were designated as highest risk (Tier 1) and eligible for a potential share of \$50 million. Clearly, placement in the lowest risk category compels Massachusetts' applications to compete against more applications for fewer dollars than placement in the highest risk category requires. DHS has provided the following explanation of the method it used to calculate risk:

"The risk scores for each port, and their subsequent Tier assignments, were determined through an analysis of threats, vulnerabilities and consequences. This included an assessment by the intelligence community about the intent and capability of known terrorist groups to target specific port areas, as well as consideration of specific factors such as the distance of the port from open water, the port's volume of activity, the potential for casualties from an attack, and the economic and strategic impacts of an attack on the port. This analysis placed the Port of Boston in Tier 4 (the lower of the tier groupings)."

Given the Department's criteria for assessing risk, it is incomprehensible that the Port of Boston has been determined to belong in the lowest risk tier. Would-be millennium bomber Abdelghani Meskini smuggled himself into the U.S. via a liquefied natural gas (LNG) tanker that docked in Everett, Massachusetts near Boston. After the terrorist attacks on September 11, 2001, Bush Administration counterterrorism chief Richard Clarke ordered the closure of Boston Harbor to protect against potential follow-on attacks. In 2004, the federal government ordered LNG deliveries to Everett halted during the Democratic National Convention in Boston due to security concerns.

The Port of Boston is a bustling port that handles more than 1.3 million tons of general cargo, 1.5 million tons of non-fuels bulk cargo and 12.8 million tons of bulk fuel cargos annually, including gasoline and oil, which also could pose a security risk. Shipments to the LNG facility in Everett must travel through Boston Harbor and in very close proximity to downtown Boston and densely populated communities like Everett and neighboring cities and towns. This particular configuration is unlike any other LNG terminal in the United States and warrants the special attention of the Department.

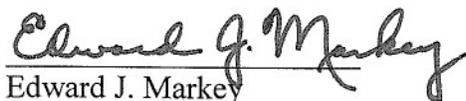
Moreover, the LNG facility provides about 20 percent of all of the natural gas consumed in New England annually, and during period of peak demand, the Everett terminal accounts for about 35 percent of all natural gas consumed in New England. The economic damage and human casualties resulting from a successful attack on the LNG terminal would be significant.

By the Department's own risk formula, it appears that the port of Boston should have been assigned to a higher risk category consistent with its unique security challenges, including its proximity to the LNG terminal in Everett, the only LNG terminal located in an urban area, and the port's past history as a port utilized by terrorists seeking to attack our country.

Accordingly, we request that the Department provide all documentation and analysis used to place the Port of Boston in the lowest risk category as part of the PSGP process and urge the Department to immediately re-evaluate the calculations used to justify the risk score assigned to the Port of Boston. If any of these materials are classified, please provide them in a separate classified annex and have a member of your staff contact our offices to make arrangements for the appropriate review of the documents.

Thank you for your prompt attention to this important matter. If you have questions, please have a member of your staff contact Mark Bayer or Michal Freedhoff of Rep. Markey's staff at 202-225-2836 or Bruce Fernandez of Rep. Lynch's staff at 202-225-8273.

Sincerely,


Edward J. Markey


Stephen F. Lynch