

SENATE JUDICIARY SUBCOMMITTEE EXAMINES SEAPORT SECURITY

The Senate Judiciary Subcommittee on Terrorism, Technology and Homeland Security held a hearing entitled "Covering the Waterfront A Review of Seaport Security since September 11, 2001," on Tuesday, January 27. The Committee heard from three government officials: Rear Admiral Larry Hereth, Director of Port Security for the U.S. Coast Guard; Robert M. Jacksta, Executive Director for Border Security and Facilitation for U.S. Customs and Border Patrol; and Gary M. Bald, Acting Assistant Director of the Counterterrorism Division at the Federal Bureau of Investigation.

During her opening remarks, Sen. Dianne Feinstein, Ranking Member of the Subcommittee, stated: "In my view, the ports are the soft-underbelly of our nation's security. I believe that it is really central that our ports, working with the department, develop the security capabilities that not only protect the employees of the port, but also the citizens of our nation from a potentially devastating terrorist attack on our port."

Senator Feinstein also outlined the details of the bill she has introduced with Subcommittee Chairman Jon Kyl (AZ), the Comprehensive Seaport and Container Security Act. Part of its provisions would: require that high-risk shipping containers be inspected in foreign ports - before they arrive in the United States; establish a comprehensive container risk profiling plan to allow U.S. authorities to focus their limited inspection and enforcement capabilities on high-risk cargo; and increase penalties to prosecute and punish terrorists.

During questioning of witnesses, Sen. Feinstein was also told that the LA/Long Beach port led the way after September 11th, developing standards with the cooperation of government agencies and industry, and that the newly-opened Pier 400 is a state of the art facility and serves as a solid model for other ports.

Admiral Hereth outlined the steps that the Coast Guard has taken to comply with the Marine Transportation Security Act of 2002 (MTSA), which established a comprehensive approach to maritime security. Noting that the industry's cost for the MTSA is estimated to be \$1.5 billion in the first year and \$7.3 billion over the next 10 years, Admiral Hereth emphasized that the government is sensitive to the economic impact of the bill.

Nevertheless he testified, "a terrorist incident against our marine transportation system would have a devastating and long-lasting impact on global shipping, international trade, and the world economy. To quantify this risk, a major port closure for one month due to a maritime terrorist act could cost up to \$60 billion in economic loss to the United States. We have developed the security regulations to be performance-based, providing the majority of owners and operators with the ability to implement the most cost-effective operational controls, rather than more costly physical improvement alternatives."

Mr. Jacksta detailed the numerous programs and activities of the Customs and Border Patrol (CBP) that are being utilized to coordinate security for U.S. ports. These include the National Targeting Center, which is a single location designed to handle targeting technology and subject matter expertise. The NTC has established a range of liaisons with other agencies responsible for securing U.S. borders and commerce including, U.S. Coast Guard, the Transportation Security Administration, and the Department of Energy. Many of these agencies, Mr. Jacksta testified, have liaison personnel assigned to the NTC to better coordinate their operations. In addition, CBP's Automated Targeting System is being used to implement the 24 Hour Manifest Rule. That rule requires detailed and accurate information for all shipments destined for the U.S. 24 hours prior to lading on the vessel overseas. In addition, the Trade Act Final Rule promulgated on December 5, 2003 mandates advance electronic cargo information inbound and outbound for all modes of transportation, Mr. Jacksta stated. These and several other activities directly related to port security, according to Mr. Jacksta, demonstrate the agency's continued commitment to port security.

Mr. Bald testified that, although the U.S. Coast Guard has primary responsibility for port security, the FBI works in conjunction to provide a coordinated response to the security concerns of the port authorities. In addition, the FBI continues to manage Joint Terrorism Task Forces (JTTFs) in each of its 56 field offices in the United States. Within these JTTFs, according to Mr. Bald, critical security information is exchanged on a daily basis, as representatives of the participating federal agencies work side-by-side with their counterparts in the local law enforcement community to ensure that sea ports and other national assets are safely guarded. Mr. Bald did state that "One significant challenge is the limited amount of funding and resources available to the state and local agencies, including the port authorities to address the many issues involved in securing our ports from terrorist attacks. We have attempted to address this challenge by pooling our resources."

Mr. Bald also outlined the specific efforts being taken at the Port of LA/Long Beach. The Area Maritime Security (AMS) Committee is scheduled to begin on Feb. 6, 2004. This new Committee is being established in response to the MTSA 2002 and will continue steps taken over the last two and a half years by all prior committees, according to Mr. Bald. The AMS committee will be chaired by the Captain of the Port, with the close involvement and leadership of the FBI JTTF Supervisor, and it will be composed of approximately 12 voting members, each carrying a responsibility as Chair of one of the 12 subcommittees. The AMS committee, Mr. Bald stated, is patterned around the widely accepted and existing Unified Command and Incident Command Systems (ICS), and "will meet to proactively address Port Security needs and concerns." He said that the AMS will incorporate voices from private industry, labor, law enforcement, intelligence, emergency, medical, and fire assets. In addition, the AMS will subsume several existing committees now operating within the Port community.

The witnesses noted the goal of screening 100% of all cargo shipped into the U.S., that (through a program known as CT-PAT) work is underway to strengthen & enhance the supply chain by engaging trade assns to develop global stds, and that the federal government is working to develop a secure, inexpensive container screening system using such techniques as large scale x-ray imaging, gamma scanning, and both large and handheld detectors for radiation.

Responding to questioning from Sen. John Kyl regarding threats and vulnerabilities, Bald answered that "ports are a key area of vulnerability in the U.S." and that the presence of recreational vessels complicates matters. He pointed out that it is relatively easy to regulate commercial vessels, but much harder to regulate small vessels that may pull up alongside those commercial vessels.

For testimony, access the Committee's website at:
<http://www.judiciary.senate.gov>.