

**Testimony of Gary M. Bald
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before the
Senate Judiciary Committee,
Subcommittee on Terrorism, Technology, and Homeland Security
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**"Covering the Waterfront - A Review of Seaport Security
Since September 11, 2001"**

Good morning Chairman Kyl, Senator Feinstein and members of the Committee, thank you for inviting me here today to speak to you on the topic of seaport security and the FBI's partnership with the Department of Homeland Security, United States Coast Guard, and local port authorities.

Recognizing the profound new threat that the events of September 11 represented to national security, the President directed the FBI to make prevention of terrorist attacks its number one priority. This is in keeping with the President's strategy to defeat, deny, diminish, and defend against terrorism. Failure is simply not an option. In President Bush's address at FBI Headquarters, he re-emphasized to all FBI employees that "the FBI has no greater priority than preventing terrorist acts against America." Since the attacks of September 11, 2001, the FBI has embraced this challenge and transformed itself to address the current threat facing this country. As part of a major reorganization, the FBI restructured its approach to counterterrorism to enhance analysis and information-sharing. Improved analysis and operational capabilities combined with increased cooperation and integration have enhanced the FBI's ability to investigate and prevent acts of terrorism. This is especially true as we address the complex issue of security in our nation's many seaports.

Complexities and Vulnerabilities of Ports

The Maritime Transportation Security Act of 2002 (MTSA 2002), signed on November 25, 2002, by President Bush, is a landmark piece of legislation that is designed to protect the nation's ports and waterways from a terrorist attack. The MTSA 2002 significantly strengthens and standardizes the security measures of our domestic port security team of federal, state, local and private authorities. The MTSA 2002 requires the establishment of maritime security committees, and security plans for facilities and vessels that may be involved in a transportation security incident, among its many measures. Port Security Committees had already been informally established around the country after the terrorist attacks of September 11, 2001 and the new regulations officially established Area Maritime Security Committees that address the

complex and diverse security needs of each of the nation's 361 ports. Area Maritime Security Committees are made up of other federal, state and local agencies, industry and others, to assess the specific vulnerabilities in each port and develop plans for security requirements within the port areas. The FBI is a full participant in these committees. In addition, the International Maritime Organization now requires all ships and port facilities to have security plans, making a new worldwide standard.

The port system of the United States is the most extensive and complex port system in the world and, as such, it is a national asset. While no two ports in the United States are exactly alike, many have shared characteristics; such as being close to major metropolitan areas, containing fuel farms, and having major roadways running into and out of the port area. Ports not only affect the state in which they are located, but also impact neighboring states that depend on the ports for foreign trade. The United States' economy depends on the free flow of goods through these waterways, but with the free flow of goods comes the inherent risk of terrorist attacks. Ports, because of their accessibility to both water and land, together with the chemical and natural resource storage facilities that are often located within close proximity, are inherently vulnerable.

Ports have historically been vulnerable to a variety of smuggling ventures, from the drug trade and alien smuggling, to cargo thefts and weapons smuggling. The terrorist organizations we now face have learned from these traditional smuggling operations, and are looking for any holes in the port security system to exploit. Access into and around United States port facilities is difficult to secure, without closing access to legitimate business and recreational port traffic.

Multi Jurisdictional Approach to the Security of Seaports

While the federal government has jurisdiction over navigable waters, as well as the interstate commerce and foreign trade at our nation's ports, local port authorities are the primary regulators of the ports' day-to-day operations. Legislation passed since the tragedy of September 11, 2001, has significantly increased the security requirements at port facilities. The Department of Homeland Security, through the United States Coast Guard, has overall federal responsibility for seaport security. The Department of Homeland Security is currently working to screen more shipping containers both entering and exiting the United States and assisting state and local authorities in implementing security plans for their ports. The Federal Bureau of Investigation works in conjunction with the Department of Homeland Security towards a coordinated response to the security concerns of the port authorities, primarily through participation in the National Joint Terrorism Task Force (NJTTF), which is located in the Strategic Information and Operations Center (SIOC) at FBI Headquarters. In addition to the NJTTF, the FBI has assigned Supervisory Special Agents, full-time, to the Department of Homeland Security to assure a timely and effective response to any crisis that may arise. Also, the FBI continues to manage Joint Terrorism Task Forces (JTTFs) in each of our 56 field offices throughout the United States. Within these JTTFs, 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.

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.

Prior to my current position, I served as the head of the FBI's Baltimore Field Office, and I can personally attest to the importance of these interagency partnerships. Prior to the 9/11 attacks, the Baltimore office established a maritime team to provide proactive and reactive maritime responses in support of the counterterrorism program and the JTTF. The primary goal was to enhance the ability to respond either overtly or covertly, to maritime incidents, special events and other events that affected law enforcement. After 9/11, the Baltimore office joined a partnership that existed between the USCG and the City of Baltimore. This partnership was subsequently named the Maryland Maritime Security Group (MMSG), and has grown in both other agency participation (for example, the US Navy, US Army Corps of Engineers, Bureau of Immigration and Customs Enforcement, Maryland State Police, Department of Natural Resources, Transportation Authority Police, Maryland Emergency Management Agency, Baltimore City Police and Fire Departments, local area county Police Departments, the Maryland Port Authority, Maryland Pilot Association and the Calvert Cliffs Nuclear Power Plant) and to include a state-wide focus. The MMSG is co-chaired by the USCG and the FBI and the members meet often to identify and share resources, exchange intelligence and jointly develop and implement maritime strategies to combat terrorism.

Every FBI office that has a seaport in its territory participates, through the JTTFs, in similar information sharing initiatives and counterterrorism/security working groups. Currently these types of maritime working groups have been formed in Los Angeles, Tampa, Boston, Baltimore, Houston, New York and Miami, to name just a few.

The Tampa Division of the FBI has been a participant in the Tampa Bay Port Security Working Group, led by the United States Coast Guard, since it was established in April 2000. The FBI regularly participates in the Port Security Working Group meetings and heads the Terrorism Sub-Committee. The FBI's role in these committees is to provide threat analysis and to disseminate intelligence that affects+ safe operation of the port facilities. Somewhat unique to this forum is the integration of private industry and Fire/Hazmat chiefs of both the City of Tampa and Hillsborough County as members of the FBI's Joint Terrorism Task Force.

The Miami Division of the FBI has been actively participating in the Area Maritime Security Committee and holds a seat on the Executive Steering Committee. This committee is a United States Coast Guard initiative, which brings together members of the law enforcement community with executives of the various maritime industries. One of the pilot projects being worked on by the Miami Joint Terrorism Task Force is the "Manning Agency Screening Initiative" which provides limited database checks on the agencies providing the staff members to cruise lines operating globally. At present the "manning agencies" providing the staff for the

various cruise lines are not screened by any United States law enforcement agency and are merely licensed to do business in their respective countries.

In Los Angeles, 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 the positive and aggressive steps taken over the last two and a half years by all prior committees. The AMS committee will be chaired by the Captain of the Port, with the close involvement and leadership of the FBI JTTF Supervisor. It will be composed of approximately 12 voting members, each carrying a responsibility as Chair of one of the 12 subcommittees. The AMS committee, patterned around the widely accepted and existing Unified Command and Incident Command Systems (ICS), will meet to proactively address Port Security needs and concerns. The AMS will incorporate voices from private industry, labor, law enforcement, intelligence, emergency, medical, and fire assets. The AMS will subsume existing committees now operating within the Port community, to include:

- Port Security Committee (PSC), (began in June, 2001)
- Mayor's Task Force on Terrorism (began October, 2001)
- Port Readiness Committee (used for military offloads and outloads)
- Marine Transportation System (MTS)
- Harbor Safety Committee (Los Angeles/Long Beach)
- Harbor Safety Committee (Port Hueneme)

Beginning with the founding of the Port Security Committee in June, 2001, the FBI has been a main player in these committees and has filled a leadership role among the many agencies that make up the port community of Port of Los Angeles/Long Beach.

In addition to the Area Maritime Security Committees, "Operation Drydock", which was formally begun in January 2003, is a United States Coast Guard initiative, being pursued in cooperation with the FBI's NJTTF, to identify, classify, prioritize, and appropriately respond to national security concerns. As part of this effort, "Operation Drydock" is conducting a comprehensive review of more than 200,000 United States merchant mariners. To date, eleven individuals possessing United States Coast Guard issued merchant mariner documents have been identified as having a nexus to terrorism matters. All of these merchant mariners have been placed on the "No Fly" and "Watchlist" maintained at the Terrorist Screening Center (TSC). An additional 700 mariners have been identified as having issues related to law enforcement and maritime concerns. There are approximately 15,000 records left to be examined in this project.

On a related front, the FBI, working together with members of the cruise industry, has established a protocol for domestic cruise lines to electronically send all passenger and crew manifests to the Terrorist Screening Center six hours prior to departure. The Terrorist Screening Center enables the cruise line manifests to be run against a single terrorism database, instead of the numerous lists housed within a variety of government agencies. The FBI is also working towards establishing a permanent Maritime Liaison Agent (MLA) in each of its offices with significant port activity. The MLA position would streamline the flow of information coming

from, and going to, the various ports around the country, with one consistent point of contact identified.

Conclusion

The institution of new security regulations and the cooperative approach to port security between the United States Coast Guard and the Joint Terrorism Task Forces have greatly enhanced maritime security in the United States. While port security may never be guaranteed due to the sheer size of the facilities and the areas they cover, the FBI, and our partner agencies, are striving to provide the most secure port facilities in the world.

The FBI continues to pursue an aggressive, proactive response to meet the challenges of terrorism. We remain committed to identifying and disrupting terrorist activities particularly within the United States port system. I want to emphasize to you, this issue has the full attention of Director Mueller and the FBI. I appreciate the interest of the Committee in this matter, and I look forward to working with you in the future. Thank you for the invitation to speak to you today, I am prepared to answer your questions.