

**ROLE OF COAST GUARD AND THE NATIONAL  
OCEANIC AND ATMOSPHERIC ADMINISTRATION  
IN STRENGTHENING SECURITY AGAINST  
MARITIME THREATS**

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**HEARING**

BEFORE THE

SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND  
FISHERIES

OF THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION

UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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OCTOBER 11, 2001

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ONE HUNDRED SEVENTH CONGRESS

FIRST SESSION

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**THURSDAY, OCTOBER 11, 2001**

U.S. SENATE,  
SUBCOMMITTEE ON OCEANS, ATMOSPHERE, AND FISHERIES,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Subcommittee met, pursuant to notice, at 9:35 a.m. in room SR-253, Russell Senate Office Building, Hon. John F. Kerry, Chairman of the Subcommittee, presiding.

**OPENING STATEMENT OF HON. JOHN F. KERRY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator KERRY. The hearing will come to order. Welcome, everybody. We are delighted to have you here this morning, and I welcome our colleague and Ranking Member, Senator Snowe. Today's hearing occurs coincidentally, but not unimportantly, on the 1-month anniversary of the attacks on September 11, and I want to thank all of our witnesses for being here today. It is especially good to see former First Coast Guard District Commander Rick Larrabee here. Thank you for being with us.

Admiral Larrabee is now the Director of the Port Commerce Department for the New York-New Jersey Port Authority that was formerly located in Building 1 of the World Trade Center, and Admiral Larrabee was at ground zero on September 11 when the port authority lost 74 employees. Admiral, we thank you for your presence here. We are obviously happy you are here safe, but we extend the condolences of the Committee and the country for the loss of personnel experienced that day and in the entire New York-New Jersey metropolitan area.

The events of the eleventh are still being brought into perspective by Americans in all walks of life. There is no American who is not constantly reminded of them one way or the other, but we are all united, as we know, in our efforts to respond appropriately, and to ultimately diminish to the greatest degree humanly possible the threats from those who would literally terrorize civil society.

A normal day has taken on new meaning for people in Federal, State, and local agencies. Their duties, their responsibilities, the areas of their patrol and daily activities have changed, perhaps for a long time. Today the Coast Guard and NOAA will tell us exactly how their missions have changed and help this Committee to begin

to make important judgments about how we are going to proceed forward and adequately carry out the extraordinary missions of the agencies of concern.

Witnesses from the affected groups will provide their own observations about that today, and we particularly need to know how the shift to homeland defense may affect critical core activities of these entities, from search and rescue to oil spill preparedness and many other areas.

I personally want to know more about how these agencies are going to be affected by the new Office of Homeland Security under Governor Ridge. While the office is intended to coordinate the actions of all of the various agencies involved in homeland security, we are still, many of us, concerned that it lacks a specific budget or a special funding. I am deeply concerned that without that authority we may be piling on additional work, increasing bureaucracy without necessarily providing the necessary resources, and that will be to the long-term disadvantage of our country.

I hope Chairman Hollings will invite Governor Ridge to testify before the full Commerce Committee on how the Office of Homeland Security will affect the operating budgets of the agencies that are under Commerce Committee oversight, from the FAA to the Coast Guard, and I think it is particularly important for us to understand that rapidly.

Let me emphasize why that is true, and I know Senator Snowe and other Members of the Committee will join me in expressing this concern. It is no secret, and many of us on this Committee have been deeply frustrated for the past years by the way in which the Coast Guard has had to struggle financially in order to do the duties which it has been assigned. In the past 10 years, the United States Coast Guard has needed seven emergency supplementals. Seven out of 10 years, we have had emergency supplementals just to continue operations.

The Coast Guard is the world's seventh largest navy, but it is ranked 39th in age among the world's 41 maritime fleets. Most of its cutters were built 30 years ago, and many of its aircraft were built in the 1970's and 1980's. The annual budget of \$5 billion is less than 1/10th of the total budget of the Transportation Department, and literally only slightly more than the value of the drugs that were seized last year by the Coast Guard itself.

No American should fail to take note of the fact that the Coast Guard was forced to cut back operations last year, and again this year, because of the lack of money. This is not an agency that can now assume additional responsibilities, though they are trying and doing an extraordinary job of managing. But we have to have significant infusion of resources and people, and the administration must know that, on a bipartisan basis, I and my colleagues will do everything in our power to guarantee that these agencies, and the Coast Guard particularly, are adequately funded in order to do the tasks expected of them.

On the upside, the sort of good news side, Chairman Hollings has produced bipartisan port security legislation that will help establish the foundation for providing security in our ports and our waterways, and I fully support passing this legislation immediately. In addition, we have assisted the agency in its modernizing efforts

from replacing patrol vessels to modernizing antiquated communications equipment and the deep water fleet. As a matter of fact, this year marks the first installment of a long overdue modernization of the Coast Guard by funding the integrated deep water program, which both Senator Snowe and I have pushed for these last years.

Admiral Loy and Vice Admiral Allen, I thank you for activating the Reserve 307th Port Security Unit from St. Petersburg, and sending it on extraordinarily short notice up to Boston. I might say simply that we in Boston do not want to short-change the overall needs of the country, obviously, and the question looms large whether or not the number of port security units needed in the country now is adequately met. We would certainly support a proposal to have a mixture of active duty and reserve units, perhaps combined, to try to address this need.

September 11 has affected NOAA as well. It is my understanding NOAA has supported the Coast Guard and other agencies in this national effort, and we need to know today whether or not NOAA is adequately equipped and funded to continue its critical mission of environmental protection and monitoring, particularly if there is a reduced Coast Guard presence.

It is unclear how much longer our country will be under an increased security status. But I think it is safe to say from experience, and recognizing the long-term nature of a struggle against terrorism, that this new level of alert and the capacity to provide these longer term protections is for the long term also, and terrorists need to know that. That means that other aspects of our requirements must be attended to by other means, or by additional personnel and funding.

We have been struggling throughout this Country, whether it is the California fleet or the Atlantic fleet, to maintain our fishing industry. That requires science, and it requires monitoring and enforcement. We cannot build a more secure United States of America by suddenly reducing all of that effort and losing those fisheries, ultimately to the cause of protecting us from terrorism.

That would be a different kind of terrorist victory, if you will, and a different kind of terror that people would begin to know in the context of a loss of food supply and the longer term sustainability of the ecosystem. None of these can be diminished, and we need to understand that.

We also need to understand that criminals who make their money today off of drugs will only see advantage and opportunity in the diversion of resources. We seek to protect the youth of this country and the fabric of our communities by proper levels of law enforcement and interdiction—that also is a means by which this country will stay strong, and so we need to continue to do that, too. In addition, we must provide for safe navigation and ensure the safety of people on the sea. Thus, we have to be able to plan for addressing the short, perhaps long-term absence from normal duties.

For instance, already NOAA's maintenance of critical moored weather buoys has been affected. Coast Guard buoy tenders are no longer operational, and we see a buoy off of Massachusetts already dead in the water. This creates a huge problem for marine and

weather forecasters as well as mariners and fishermen, who depend upon those buoys for real-time data to improve numerical models as well as to decide whether it is safe to leave port.

So these are all extraordinarily important policy, budget, and coordination issues for this Committee and for the administration to ponder. I am confident that with common sense and with a reasoned, thoughtful approach, we can plug these holes and make the choices that are necessary. But, the important thing is to lay all of this on the table openly and candidly, and understand the demands as rapidly as possible so that we can develop long-term plans.

Senator Snowe.

**STATEMENT OF HON. OLYMPIA J. SNOWE,  
U.S. SENATOR FROM MAINE**

Senator SNOWE. Thank you, Mr. Chairman. I want to thank you and commend you for holding this very timely hearing today. You have eloquently outlined, I think, many of the challenges that lie ahead for those of us who serve on this Subcommittee, and obviously Admiral Loy, as Commandant of the Coast Guard, as we look ahead at a much-transformed environment. I too, want to pay a special welcome to Admiral Rick Larrabee, who was so fortunate to be able to escape not once, but twice, from the World Trade Center. Once in the World Trade Center Tower from the 62nd floor and also at the Marriott Hotel that was between the two towers. I want to express my personal condolences to all of those who lost loved ones in that horrific event on that day.

It is clear that September 11 has changed America forever. Terrorists obviously used our aviation system and airplanes as vehicles for violence. Today we have to focus on the Coast Guard and NOAA, and how we respond to that environment; and to ensure that our vast waterways and maritime commerce are secure.

We are holding this hearing today to point the way to a new paradigm for our domestic security in this new era. Clearly, these are unprecedented times that call for unprecedented measures. That requires us to identify many of the weaknesses as well as our strengths, and to implement a strategy that allows the Coast Guard to reflect these realities of the 21st Century.

I would have to say, Admiral Loy, at the outset that I was truly impressed by the robust steps and the quick response on the part of the Coast Guard on September 11. First by shutting down the Port of New York, then securing the harbor, and then utilizing some of your ships, and coordinating private ferries and tugs to evacuate over 1 million people from Manhattan. The Coast Guard secured then ports Nation-wide and called up the reserves.

I also understand that NOAA is using their own law enforcement agents to help in assisting the investigative and security tasks in both Portland, Maine, and Boston, and in New York City. I think it is readily apparent to all of us that port security can no longer be taken for granted. Just last fall, the 2000 Interagency Commission on Crime and Security in U.S. Seaports report stated that the FBI considers the present threat of terrorism directed at any U.S. seaports to be low, even though their vulnerability to attack is high.



While clearly our perception of such threats have now changed, we also need to change our policies as well. First and foremost, I think it is vital that we ensure that the sum total of all of our knowledge and resources at all levels of government—Federal, State, and local—are brought to bear to both prevent disasters as well as to respond to them. This means that we need to focus on three facets to our approach which include coordination, communication, as well as cooperation.

I think the bottom line is that we saw on September 11 there were many outstanding responses, certainly on the part of the Coast Guard, in many parts of the country at the local level. We saw incredible responses by those who oversaw our ports, and that is why I invited Jeff Monroe, who is the Director of Ports and Transportation for the City of Portland.

They were able to respond by implementing their local plan during times of emergency as a result of the FAA directing all aircraft to be grounded. The fact is, many of these plans were implemented on an ad hoc basis. There were no national, standardized directives that could have been quickly disseminated or uniformly applied or implemented. I do not think that we have any doubts about the fact that we no longer can afford to have a piecemeal approach to our national security, because we now readily understand that we need to have a national response for all modes of transportation.

As the interagency commission report recommended, we must intensify the Federal Government's efforts to assist seaports in preparing for the possibility of terrorist acts directed at critical infrastructure. We have 360 ports throughout our country, and we need to assess their vulnerabilities. We need to conduct—and I know there is bill being considered which would mandate port-by-port threat assessments. I think these threat assessments need to be accelerated and evaluated.

We need to assess our vulnerabilities. We need also to provide the prerequisite assistance both in the technology as well as funding to ensure that we upgrade our port security in all respects as soon as possible. We need a response plan for any contingency. We obviously need to be able to put in place a plan that can be implemented on a uniform basis across this country, but coordination alone is not enough. We need to have the right information given to all the right people in a timely fashion so informed decisions can be made about the kind of plan to be implemented.

Obviously, there will be some flexibility and latitude in what needs to be done in a particular port, but we need to have a national standard as we do under the Federal Emergency Management Agency response to natural disasters. Coordination, clear communication, advanced and comprehensive planning, and standardized procedures will bridge the differences among the different agencies with different missions, different cultures, different procedures, and overlapping jurisdiction.

As the interagency commission report stated, the Coast Guard should work with relevant agencies to coordinate the development of an integrated real-time information system for tracking the movement of vessels, including cargo and personnel. In other words, what we really need to know is where everyone is, where

they are headed, what type of cargo is being transported, and what they are doing in our waters at any given time at any given place.

This really does require the Coast Guard to be a clearinghouse for maritime-related information that is now currently scattered across numerous agencies or simply not available. If we are going to rule the waves, we need to know what is on them. That is why I think we ought to implement Admiral Loy's concept that he has been advocating for quite some time, and that is the concept of Maritime Domain Awareness. This will allow us to eliminate the jurisdictional hurdles that already are underway among so many agencies.

I think that we know it is one thing to have coordination; it is quite another to have the right kind of information. I know that is something you are advancing, Admiral Loy, and I think that is absolutely in the right direction. It is an imperative that we get the right kind of information so that we can respond in advance to a situation that may occur on the seas, not when it hits our ports.

I think we have to begin to focus on what kind of activities and what kind of role the Coast Guard can play that can immediately put us in a position of anticipating any kind of events. I think the Coast Guard is rightly positioned to be able to act from the sea to prevent terrorists from using the sea as an avenue for terrorism.

And lastly, we need to integrate the Coast Guard's overall efforts with the larger mission of the Office of Homeland Security. As the U.S. Commission on National Security 21st Century report stated, the U.S. Coast Guard has a critical prevention role to play, and is the model homeland security agency, given its unique blend of law enforcement, regulatory, and military authorities that allow it to operate within, across, and beyond U.S. borders.

These are many of the challenges I think that lie ahead for all of us, and that is why I appreciate you being here today, Admiral Loy, to present your perspective. As the Chairman has rightly acknowledged, we ask you to do so much more with less, and you have been consistently underfunded for a variety of reasons, none of which are justifiable. I hope that we can rectify that now, in light of and in the aftermath of these horrendous events of September 11, because clearly the Coast Guard is going to be playing an ever more significant role in the future.

The Coast Guard is a multifaceted agency, and you continue to uphold your responsibilities, from law enforcement to search and rescue, which you said is placed on a par with homeland security. I know that your operating tempo is strained. Your people are working longer hours with underfunded equipment. Important missions are also being curtailed, such as fisheries enforcement, because you cannot do all that you are doing right now in the aftermath of September 11. We need to help you move in the right direction to do the things that we have charged you to do, and will be investing you with even greater authority in the future.

And finally, Mr. Chairman, I just want to conclude by saying that I want to welcome personally Jeff Monroe again. One of the suggestions he provided me when I met with him shortly after September 11 was that we should coordinate all of our transportation-related activities and agencies within the Department of Transportation so that we have one delineated agency responsible for re-

sponding to a national emergency when it comes to our transportation system, similar to the Federal Emergency Management Agency. I am happy to say I introduced legislation in response to this conversation and that language has been included in the aviation security bill.

So again, Mr. Chairman, I want to thank you today for holding this hearing, and I am looking forward to hearing from our witnesses.

Senator KERRY. Senator Snowe, thank you for that helpful and important statement. I appreciate it very much, and I am sure our witnesses do, too.

Admirals, thank you very much, both of you, Admiral Loy, Admiral Allen. Thank you for being here. Mr. Gudes, thank you for being here. We look forward to your testimony.

Admiral Loy.

**STATEMENT OF ADMIRAL JAMES M. LOY, COMMANDANT,  
U.S. COAST GUARD, ACCOMPANIED BY VICE ADMIRAL THAD  
W. ALLEN**

Admiral LOY. Thank you, Mr. Chairman. Let me open by just saying a pointed thanks to both of you for capturing very, very well the challenges of the moment, and especially those that have become so evident to us in the wake of September 11. I would like to do just three things with my opening verbal statement, and if I may leave my written statement for the record.

Senator KERRY. Without objection, your whole statement will appear in the record.

Admiral LOY. Thank you, sir. The three things I would like to offer to the Committee this morning are these. One, to answer the question Senator Hollings was very interested in getting an answer to at our last hearing in front of this Committee when we were talking about the report of the Crime Commission on Seaports, and that is the who is in charge question.

I think we can take great solace in the aftermath of September 11 in terms of identifying the Coast Guard is the right place that burden lies, and I will say that only in the aftermath of the things that we have attempted to get accomplished in these last 30 days.

The second thing I would like to report to you as quickly as I can is at least a sense of what, in fact, was done from September 11 until today, and third, what is the new game plan, that challenge that you have both laid in front of us to attempt to articulate for the nation how the maritime dimension of our homeland security challenges will be met in the future.

I will say in advance, Mr. Chairman, that there are some operational security issues here that we have to be careful about, and if I appear to be nonresponsive at some point it will only be because I am concerned about OPSEC, so to speak, and I know you both appreciate that very much, and if there is a need for a closed session I will be happy to offer it.

Senator KERRY. Absolutely, Admiral. Obviously, we expect you to not cross that line at any time.

Admiral LOY. Thank you, sir. I think it has been clearly recognized both in the Seaport Security Commission and many other places that the Coast Guard is responsible for port security in the

United States of America. “Today, I can tell you that we in fact are in charge, of enforcing security at every port in the United States” and, as Senator Snowe mentioned, that is 360 ports around the country, some 50 of which really tend to rank themselves toward the top, either because of mobilization issues, or the facilitation of commerce, 95 percent of which comes and goes by ships to our great nation.

Senator Hollings asked me that question, who was in charge, at our last hearing, and during that hearing the early stages of his bill were being put together, and he needed to have a sense of that. Well, I think if you would ask Rick Larrabee or almost anyone in any of the ports in America since September 11, they know who is in charge.

We have emphasized our Magnuson Act authority, which cites as a responsibility of our service, port security for the nation. We noted the revalidation of our roles and missions review just 2 years ago that in fact reaffirmed that for us as a service. As I mentioned, the Seaports Security Commission recognized it as well.

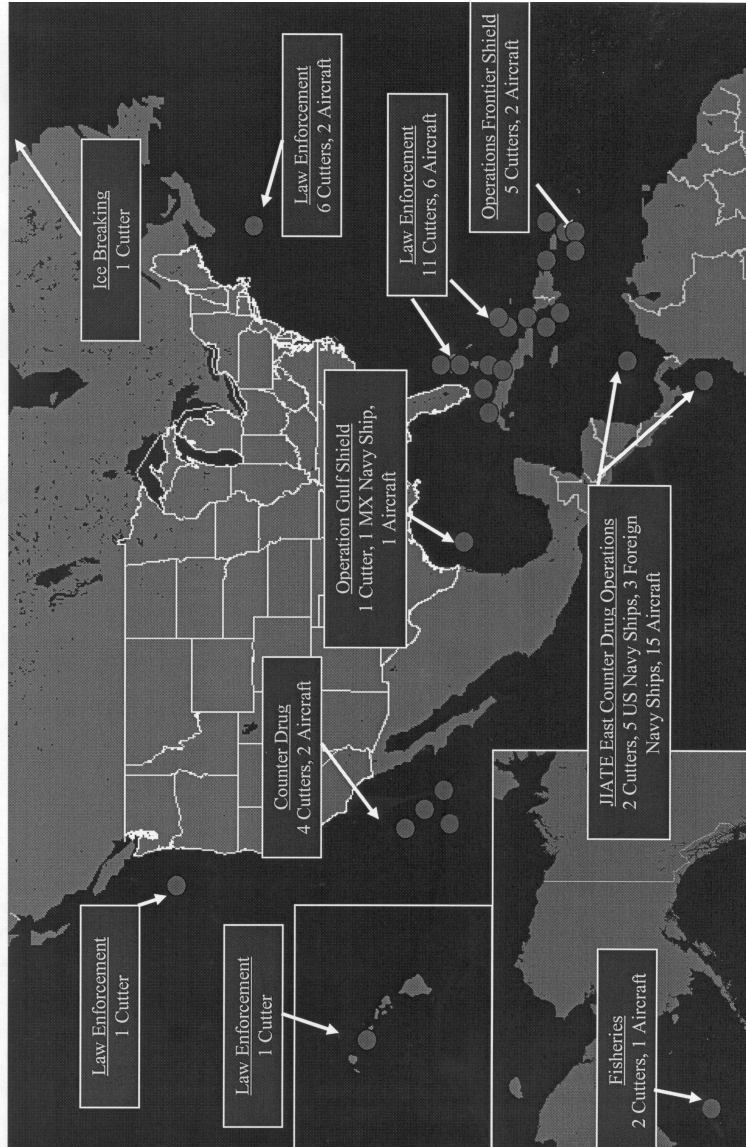
Why is that the case, and why are we the logical person as an agency to do that? First of all, we are omnipresent. We are in every port in the United States, so there is a consistency of presence throughout the country. The Captain of the Port authorities we already have—notwithstanding the notion that since September 11 we probably have found out where we need to exercise regulatory actions, given the authorities we already have, and to itemize those authorities which would be helpful in our missions. The Captain of the Port inventory of authorities today is very, very strong, and offers us the opportunity to be an exercise leader in all of the ports.

The third point is that we have the cutters, the aircraft, the boats, and the C-4 ISR system to enable us to do the job. Do we have an adequate inventory of those things? No, we do not, and we can get to that in a moment. But the fourth and perhaps most important thing is the relationships that we have attempted to establish as pre-need relationships across the ports of the United States for the last several hundred years.

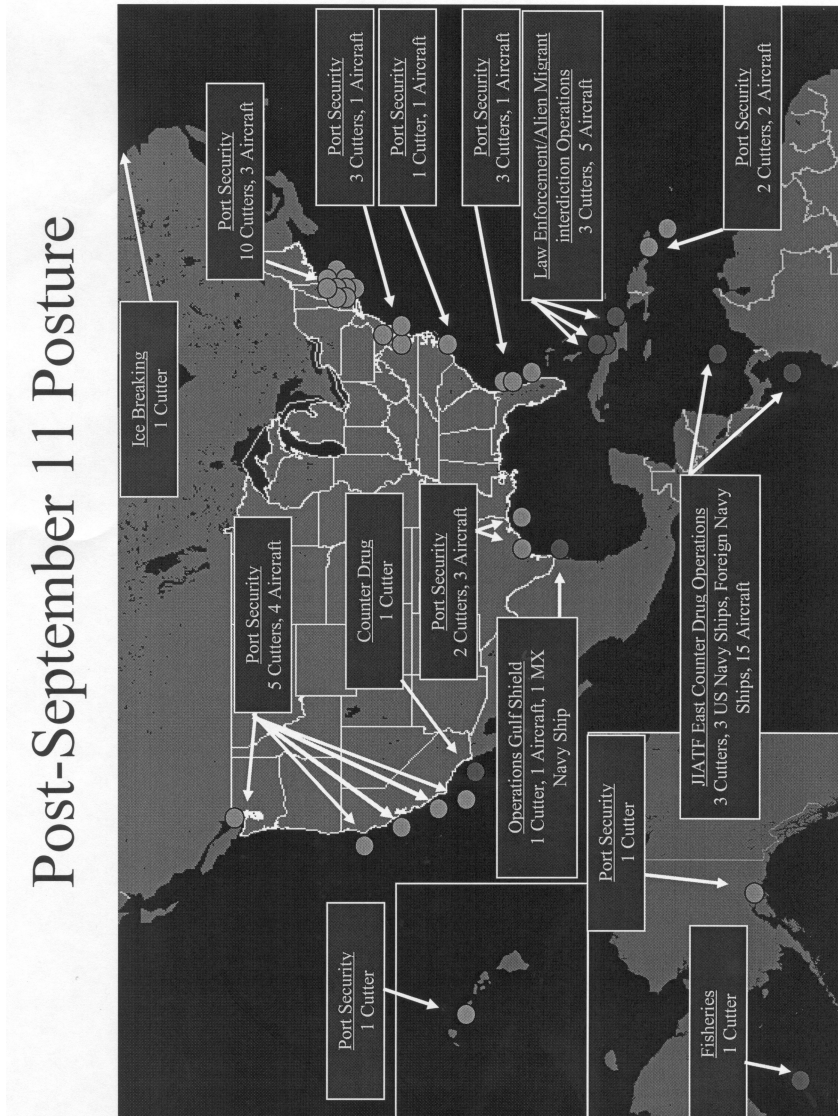
Whether those are regional response teams, whether those are harbor safety committees, port readiness committees, joint inter-agency task forces in a couple of ports, the reach that we have to the Department of Defense and the common every day relationships that we have with state and local officials and from industry as well, we simply do it every day. So the answer to the first question is, I think, a relatively obvious one, that the Coast Guard is and should remain responsible and be held accountable and responsible for the port security of the nation.

A second point, we did act immediately, as Senator Snowe so properly cited. I would like to show just a couple of quick slides to demonstrate this point, if I could get the first slide up, please. This is just a sense for what your Coast Guard was doing on September 10, the day before the terrorist attacks, and it represents a distribution around the country and, of course, elsewhere around the world, but we were involved in counternarcotics, we were involved in fisheries enforcement, we were involved in a full panorama of missions that we are responsible for, for the nation.

## Pre-September 11 Posture



If you can capture that thought just for a second, and put the second slide up, please. This is just a snapshot on September 19, several days after the attack, and you can see the drift toward almost exclusive attention to port security as a statement of purpose for our organization.



Now, on the one hand, that represents a strong strength of our service, to have as a—its multimission character allows it to surge from all those other things to do what the nation needs done on that particular day.

Senator KERRY. If I could just interrupt, does that represent re-deployment?

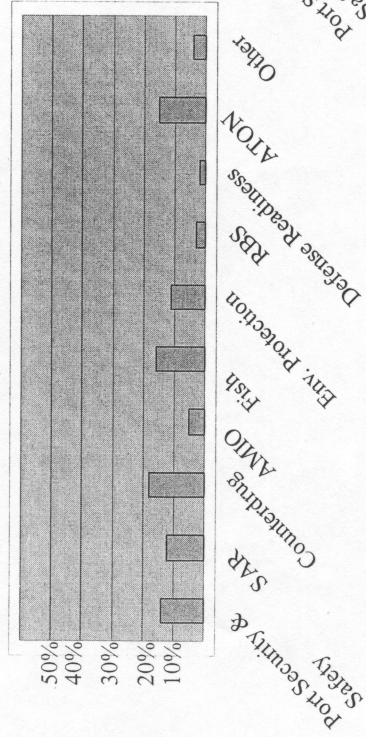
Admiral LOY. Absolutely, sir, and I will get into that.

Admiral Allen and his counterpart on the West Coast reassigned some 55 cutters, 42 aircraft, hundreds of small boats to deal with what the requirements were in the ports of the United States.

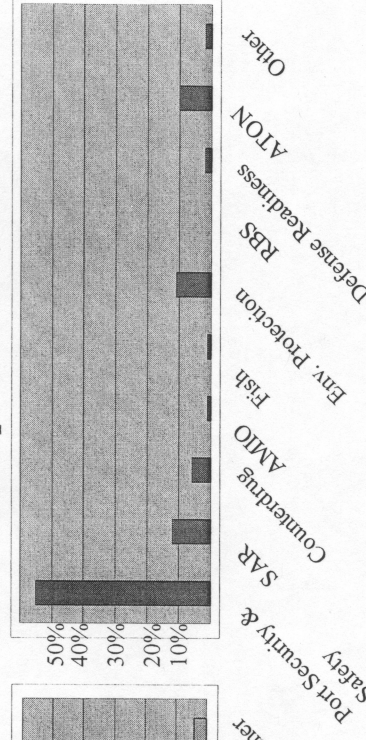
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# Relative Mission Resources

September 10, 2001



September 19, 2001



Senator KERRY. Is there any immediate stop gap for each of those holes left behind?

Admiral LOY. This will demonstrate that I think for you, Senator Kerry. This is just another version of the same two charts. On the left, on September 10 you can get a sense for the total energy investment of our service for the nation's well-being on a daily basis. We spend across the onboard port security, counterdrug, AMIO, fish, environmental protection, et cetera, et cetera.

This on September 19 represents the way that energy has been reinvested in the wake of September 11; a huge spike with respect to port security. And that bar, by the way, does not even represent the 2,700 reservists we have called onto active duty. We are paying to the tune of somewhere around \$1 million a day to facilitate a greater focus on port security in our nation today, which includes, Senator Kerry, as you know, the port security units, one of which is in Boston. So you can see AMIO almost to zero, fisheries enforcement almost to zero, counterdrug well down, probably around 20 or 25 percent of what we are normally doing.

The real lesson, I think, to take from this is that those all are national security missions as well. It is clear in all of the literature that one of the most significant funding engines for international terrorism is profits from the drug trade, whether it is Afghanistanian heroin or cocaine in South America. The international linkages from criminal cartels offers that to be the case simply around the world, so this is the last time that we should be in the business of lowering our profile with respect to profits that can be taken from the drug trade.

We used virtually every authority that we own on September 11, Title 14 call-up of reserves, security zones, we now have some 94 of them established around the country on a variety of different critical infrastructure pieces and other things, escorting naval assets as they deploy to their responsibilities overseas.

LNG in Boston has become an issue, as you know well, Senator Kerry, because we have spoken about that. We have not had a cruise ship enter New York City since September 11. Where are they going? They are going to Boston and other places, because FEMA and the OME for the city have been in place in the passenger terminals up on 46th Street, on the West Side.

We insisted that the International Cruise Ship Lines Organization go to Level 3 of their series of levels associated with security at passenger terminals, so the notion of surging to the task is a great strength this organization brings to the table on such occasions.

The issue is sustainability over time, and whether or not we can continue to do that when our people for the first several weeks were working, as you know, 12 hours on, 12 hours off in the Port of New York and many other places around the world, which Admiral Allen can testify to in Q and A. There was an instantaneous standup of crisis action centers around the nation for all agencies involved in this terrible tragedy, as you know.

Twice daily telecoms between my two principal field commanders and myself offered me a constant picture of what we were doing and what we needed to do next. Formal port safety and security tasking was proposed by me and directed to the field of the Coast



Guard by noon on 11 September; formal traffic, of which I will be delighted to provide copies if it is of interest.

We shut down traffic in U.S. ports, we increased merchant vessel boardings and escorts, we established a Sea Marshalls program as a best practice idea in the San Francisco Bay, now being used in many other ports in the United States.

We had a 3-day record-setting regulatory action that extended the 24-hour notice of arrival to 96, so that we could truly understand and take 4 days worth of review of crew manifests, cargo manifests, and the inbound shipping for the United States. We increased harbor patrols, established security zones, and as I indicated, and deployed port security units to key locations, Boston, New York, L.A., and Puget Sound.

We have six, as you know. Most of those are reserve focused. The fifth one is in the Persian Gulf doing force protection for our assets to the Fifth Fleet commander, and the sixth one literally just got back and is in retraining in Camp Lejeune, North Carolina, so all six of those that we have, and one of your comments at the beginning was do we have enough, and should they be active duty or concentrated in the reserve, is an excellent question that is part of the solution at the end of the day.

Critical infrastructure was inventoried, prioritized, and protected where we could. Where we could is a very important phrase there. Admiral Allen can cite for you the numbers game associated with having gathered data from his district commanders, the literally impossible task that we have to truly, quote-unquote, protect every piece of infrastructure that we would call critical in the ports of our nation. So that is a challenge that has to be developed as a game plan that Senator Snowe was just describing, where we reach out to partners in this business to facilitate the protection of that critical infrastructure of the nation.

Outreach is an enormously important thing for us, because it is through other folks and our collaborative leadership skills that we get things done in the nation. The way an underfunded agency gets things done is by reaching out and establishing partnerships with others to get done what needs to get done.

The third thing that I would offer, sir, is at least a notion as to what the events of September 11 now offer as a challenge to the future. I am working very hard with my senior leadership to define what I will call the Coast Guard's "New Normalcy". Where do we need to place these bar graphs associated with mission accomplishment in the future, and especially with the attention given to the homeland security process that we have already described.

For the months and years ahead we need to offer the nation a game plan wherein Governor Ridge, as the advisor to the President, and the Congress, are comfortable that the Coast Guard in this maritime dimension of homeland security is going to be adequately dealt with, going to be adequately resourced, and going to be adequately provided the authorities necessary to do what we need to do.

I would like to put one last slide up and leave it there for the balance of our hearing, if I may, obviously giving Scott the opportunity to put anything up that he wants, but this is the framing of the game plan that I think is important for all of us to under-

stand. Most of us are familiar with the Department of Defense and our national force protection conditions that we use around the nation.

MARSEC CONDITION	FORCE PROTECTION CONDITION	DEFINITIONS	ACTIVITIES	ASSETS
Pre - 9/11	A	Pre - 9/11	Pre - 9/11 Activity Set	Pre - 9/11 Asset Inventory
I	B	Elevated Threat "New Normalcy"	MARSEC I Activity Set	MARSEC I Asset Inventory
II	C	Higher Threat / Heightened Risk	MARSEC II Activity Set	MARSEC II Asset Inventory
III	D	Imminent Attack / Under Attack	MARSEC III Activity Set	MARSEC III Asset Inventory

That is the second column, where we go from Threatcon Alpha, Bravo, Charlie, and Delta, based upon what we know to be the threat on the horizon. We need to establish maritime security conditions associated with those threatcons with an associated set of definitions, what they mean, an associated set of activities that allow us to meet those conditions, and an associated set of assets that will populate those activities to enable us to do the job for the nation.

Those MARSEC conditions have been developed over the course of this last 30 days, at least in framing, and I am in the middle of some very significant discussions with Secretary Mineta and others within the administration to offer that sensibility quickly to the Congress so that you can act in the legislation you are developing now.

Most importantly, as we talk about supplementals and the 10/10/20 effort that is already prescribed by the \$40 billion that the Congress has afforded, how are they going to play out, and how are they going to play out between the monies that we have already spent at the end of last year and the monies that must be now developed as a part of the 2002 budget as you go to conference, and certainly the 2003 and outyears budgets as the administration develops those for 2003 and beyond.

The first notion is to sense where the new normalcy is, and if it is associated with a Bravo-like threatcon, then those which are where the instant help is required and must be addressed, things like planners, and this maritime domain awareness program that Senator Snowe is so properly focused on as being important. I think as a nation, sir, we have over the years had a paradigm of activity that we are all familiar with. It is about prevention, response, and consequence management, and I offer that we are missing a piece of great significance in front of that standard paradigm, and that is a awareness. I am absolutely convinced that is where our failures were on September 11, that we were not aware enough of the domain in which we work to be able to prescribe adequate prevention protocols, response protocols, let alone where we never want to be again, dealing with consequence management in the face of a terrorist attack.

We have worked very hard over the last 6 months with a little tiny cell in our Intelligence Coordination Center, now joined by ONI, the Office of Naval Intelligence, to breed actionable activity and actionable intelligence products that will enable us to be infinitely more aware than we have ever been in the past.

I think these things that approach our nation or even attack us from within have to do so with either vehicles, people, or cargo, and when we understand that that is the case, we can work very hard on finding where the information is in our elaborate databases in the Federal Government to join and fuse those databases and enable us in the business to operate more productively and significantly in the future. That is the essence of what domain awareness is all about, and where we want to go in the future.

So let me stop there, if I may, Mr. Chairman, and thank you for the extra time. These are issues of great passion for all of us, and we must get them right. Our nation depends on us getting them

right, and I look forward to the questions you might have to further elaborate on my opening statement.

Thank you, sir.

[The prepared statement of Admiral Loy follows:]

PREPARED STATEMENT OF ADMIRAL JAMES M. LOY, COMMANDANT, U.S. COAST GUARD, ACCOMPANIED BY VICE ADMIRAL THAD W. ALLEN

Good morning, Mr. Chairman and distinguished Members of the Committee. As Commandant of the U.S. Coast Guard, I want to thank you for the opportunity to appear before you today to discuss the Coast Guard's maritime security strategy before and after the tragic incidents of September 11.

As a multi-mission, maritime, military service within the Department of Transportation, the Coast Guard is a leader in America's maritime security. We provide valuable service to the American people by ensuring that the nation's Marine Transportation System is safe, environmentally sound, reliable, and secure. With broad law enforcement authority, experience in the exclusive economic zone, command and control systems, considerable cutter, aircraft and shore unit capabilities, and visible presence in all major ports, the Coast Guard is uniquely positioned to be a major player in planning, executing and supporting U.S. homeland security objectives. We are uniquely positioned because of our civil authorities as a law enforcement agency, our military character, and our ability to surge operations quickly to meet new threats to our nation.

Prior to the attack of September 11, the Coast Guard's homeland security efforts were directed towards executing and enhancing maritime and border security, homeland defense, and economic and environmental security missions in addition to our other normal peacetime missions. In our strategic ports, Coast Guard Captains of the Port chaired Port Readiness Committees and led operations to support major force deployments under national defense contingency plans. In addition, the Coast Guard has worked closely with the Department of the Navy to address domestic force protection for naval assets. We were also positioning ourselves to be prepared for the future including developing a methodology to conduct Port Vulnerability Assessments to identify critical infrastructure, encouraging the formation of additional local Port Security Committees, and developing the concept of Maritime Domain Awareness in cooperation with members of the National Security Council. We have been working on the establishment of active-duty Port Security Units that are deployable and capable of providing specialized law enforcement surge capability for special operations such as terrorist incidents.

When the events of September 11, 2001 occurred, we found ourselves under attack by an enemy lacking a face and a conscience directed not at a government or military, but against innocent people who simply cherished and protected American freedom. The reality of the assault immediately impacted many U.S. Coast Guard men and women at units deployed along the shore and on ships. Yet, despite the obvious presence of the unseen enemy, the Coast Guard engaged in a massive response effort to protect our ports and maritime transportation infrastructure. We also immediately escalated our force protection condition to protect our own people and facilities.

In consultation with the Secretary of Transportation, I immediately ordered my operational commanders to control all of our nation's major ports. Since the attack, over 55 cutters, 42 aircraft and hundreds of small boats have been underway aggressively patrolling domestic ports and coastlines. Diverted from other essential missions, these assets helped us to establish near shore and port domain awareness, and provided an offshore protective force gathering intelligence and interdicting suspicious vessels prior to reaching U.S. shores. In addition, highly trained Port Security Units were deployed to four critical domestic ports. To date, a total of 2600 Selected Coast Guard Reservists have been recalled to augment regular forces working to secure ports, protect port infrastructure, conduct security inspections, and patrols, and continue performing other peacetime missions to the extent possible.

We identified high interest vessels and critical infrastructure so that our limited resources could be applied in an efficient manner. In addition to the Advanced Notice of Vessel Arrival information required by current regulations, we obtained crew and passenger lists so that we could screen them to identify potential terrorists attempting to enter or depart the country. We have also issued an emergency temporary regulation changing the advance notice requirement from 24 to 96 hours to give analysts more time to complete their work. The unique nature of the Coast Guard, as an agile emergency response-oriented organization allowed us to immediately increase our security posture, using existing active duty, reserve, civilian,

and auxiliary personnel; and existing shore units, ships, boats and aircraft. However, this posture is not sustainable . . . nor is it an efficient and effective use of resources. Our people are working long hours, other important missions are being curtailed and almost 30 percent of our reservists are on active duty. I am working with my operational commanders to determine ways to sustain this high tempo of operations.

Our challenge for the future is to determine what the new normalcy represents in terms of mission requirements and the associated operational activity. I know several things for sure. The new normalcy will be at a higher tempo than existed on September 10 and somewhat lower than the tempo we have known since September 11. However, whatever that level may be, the American people want reassurance that their government is addressing the threat of terrorism in the maritime domain. This is an immense challenge since 95 percent of America's overseas trade moves by sea, through 361 ports along 95,000 miles of coastline. The security environment must allow for the differentiation between the lawful and the unlawful without unreasonably disrupting the free flow of commerce.

The United States Coast Guard will participate the effort to develop and execute the maritime component of homeland security. We will maintain the viability and integrity of the marine transportation system's security by working with other public, private, domestic and international entities. While effective homeland security is built upon the principles of an awareness, prevention, response, and consequence management continuum, the primary objectives are awareness and prevention. Prevention places a premium on awareness, detecting, identifying and tracking terrorist networks. Awareness helps focus resources and efficiency on prevention. However, once terrorists or the means of terrorism are on the move towards or within the United States, the nation must have the means to detect and intercept them before they reach our borders and our transportation system.

The key elements of Coast Guard's Maritime Homeland Security Strategy will be:

- Develop effective awareness of all activities that can effect the maritime security of the United States and its citizens;
- Integrate activities of multiple agencies into a single unified maritime effort through interagency command centers and coordination procedures;
- Ensure agile and scaleable security measures for personnel, vessel, facility, and cargo;
- Employ interoperable, multi-agency forces consistent with their core competencies to conduct coordinated maritime security operations;
- Conduct layered maritime security operations with the aim of extending the borders, deterring, disrupting, and intercepting threats across the maritime domain; and
- Leverage international cooperation and participation to share intelligence and conduct maritime security activities to the benefit of all.

In summary, the Coast Guard mounted a significant and rapid response to this severe and unexpected threat. Notably, maritime trade, which is critical to this country's economic strength, continues to move through ports with minimal interruption. It is no surprise that sustaining mobility will come at a higher cost to all of us. But the sobering reality is, because we live in a country that prides itself on the openness of its democracy, we are always at risk of a terrorist attack. Therefore, it is very important that we address the issue of security in seaports now. If we do, we can assure our national security and our ability to keep our nation's transportation system the very best in the world.

Senator KERRY. Well, Admiral, thank you very much. That is a very comprehensive and helpful summary, and we appreciate it very much.

Scott, why don't you testify now, and then we will come back and do a round of questions.

**STATEMENT OF SCOTT B. GUDES, ACTING ADMINISTRATOR,  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION**

Mr. GUDES. Thank you, Mr. Chairman. First, let me thank you, Chairman Kerry, Senator Snowe, Members of the Committee, on

behalf of Secretary Don Evans and the 12,500 men and women working around the country for this opportunity to appear today and talk about NOAA's role in homeland security, and I am pleased to be here today with the Coast Guard. I think you used the term, united. I do not think there are many relationships between federal agencies that are as close. We work together on search and rescue, on oil spill response and fisheries enforcement, as you said.

Along with the Navy we run the National Ice Center, which had a loss of two enlisted people who were in the Pentagon, Aerographer Mate Earhart, and Matt Flocco, who were there at the Pentagon that day.

I could not agree with all the statements more. The tragic events of September 11 have heavily underscored the need to be vigilant, prepared for attacks on American soil and along America's coasts in this century, and I can tell you that NOAA, the men and women in all aspects of our organization, from the National Weather Service, National Ocean Service, the National Marine Fisheries Service, NOAA Corps, that they want to serve, that they want to do more.

I do not have the same type of briefing charts. I left up at the dais here a little presentation for you. If you turn to the first page, there is a slide—I have been humbled by the response of our employees from around the country, and right from the beginning, and that is an image of a poster, actually, that was done by our employees, and by the end of that week we had it done and sent out to NOAA activities around the country, and it says, "NOAA Serves America," and it has all the aspects in it.

I cannot emphasize enough just how the people in our agency feel about this. We are at NOAA, of course, an agency that deals with protecting life and property on a regular basis. We are the people who regularly forecast, try to help people prepare for hurricanes and floods and tornadoes, and respond to oil spills and other hazards. We operate the SARSAT search and rescue centers on our satellites, and disaster preparedness and response is part of what we do.

If you turn to the next image, that actually is NOAA satellite images of September 11 of the world, so at the same time that we all were focused on what was happening here in Washington and New York, and I along with a lot of federal employees were actually on the streets, having been evacuated at the State Department, as we were evacuating all of our facilities, NOAA's essential personnel were manning our satellites and our weather service.

There were a lot of things going on that day. Eighty-five people lost their lives in typhoons in Asia, and off of the West Coast of Florida we had Tropical Storm Gabrielle that we were watching very closely to make sure that it did not spin up, so this is an important part of our mission.

Part of our real role in homeland security, and what we do, what we always do, is environmental measurements and forecasting, and I think just in terms of the discussions that we have had with other federal agencies since September 11, this role of NOAA providing for environmental observations and forecasting for meteorology and oceanography, what the Navy calls METOG, is some-

thing that everybody is depending on us to continue to perform, and we feel pretty strongly about that.

Now, if you turn to the events of September 11—let me just cover the next slide, where it says, incident response plan. I just want to note for the Committee that because of our involvement in a number of disasters, including TWA 800, the loss of JFK Jr.'s plane, we actually realized we needed to do a better job of coordinating our role across different parts of NOAA, and we put together this incident response plan, which was called in right away after the disaster.

Now, as far as our response on September 11, I think the first thing that happened is within an hour we offered and volunteered, and it was accepted, assistance by law enforcement officers. We do fisheries enforcement. These people train at the Federal Law Enforcement Training Center. They have investigator backgrounds, and we immediately responded, I think within an hour, if I am not mistaken, and within those first days we allocated 25 agents to work with the FBI and state and local law enforcement officials in New England and in New York.

We have also come forward and offered to help get the program going with Secretary Mineta and FAA. We have 21 of those same officers who have volunteered to be air marshalls and have been accepted, and will be helping out in the near term. Again, they have the requisite training. Our National Weather Service employees in Virginia and in New York have provided consistent, several times a day weather forecasts to help the emergency management teams in New York and at the Pentagon.

We had a hazardous materials group that responded quickly up in New York. This image has a few of the type of things we have been doing. One of the things we do in NOAA is precise measurement. We do that through overflights and through different uses of GPS, and a NOAA private sector firm and the University of Florida flew mapping missions over the Pentagon and the World Trade Center sites at the request of the Army, and we did that actually to provide a very precise measurement of the amount of debris, and also to look for some hot spots and help out the local emergency recovery efforts.

I provided a larger scale depiction of this image, but the next slide shows actually one of those overflight images of the World Trade Center site.

We also deployed personnel to New York to help EPA and the Coast Guard evaluate marine and air pollution and identify contaminants likely to be found in the wreckage and develop a database of marine safety information.

If you turn to the next slide, again this is since September 11. One of the things that we do in NOAA that we are responsible for that is actually the lineage of our organization, it goes all the way back to 1807, is we are responsible for hydrography and mapping the safe approaches to coasts, our EEZ, and I think actually in this homeland security period this is something that is going to get even increased attention. It is something we have been working on at NOAA in terms of maritime transportation safety quite a bit the last few years, but it is going to get increased focus, and I have included an image of a new print on demand chart.



In this case it is showing the Naval Station at Norfolk, Virginia, but this is a product that actually we have produced since September 11 at the request of the Navy and the Coast Guard. We are trying to do a better job of showing restricted areas to make sure that the public stays out of the areas that we cannot allow for security purposes. As you know, I think we moved the print on demands so we are able to get this, so mariners can get these charts quite quickly and get them out into the public's use.

Let me say a few words about critical infrastructure. This is something I care a lot about. Since the attacks, we have looked again at issues of critical infrastructure within NOAA. We have a number of very important systems for the national security. One of the things that I want to say thank you for is in our budget this year. Back in about April we submitted a request for \$7.5M to construct a backup system for our National Weather Service telecommunications gateway, and I want to thank you, because both the House and Senate came and supported that, and that is the type of issue I am talking about, to provide some redundancy for these critical systems.

Mr. Chairman, we have designated a team within the agency. Captain Ted Lillestolen is up here in the front row. He is my chief coordinator for all NOAA activities in terms of homeland security and response. We have a number of people who have been taking part, along with Department of Defense. General Jack Kelly, head of the Weather Service is up here in front. He has been meeting regularly with the Navy and Air Force in terms of looking at some of these same types of issues you have been talking about.

There are a number of programs that we have that I think we are stepping up and saying that we can take part in helping out in recovery as well, things like NOAA Weather Radio, which is a nation-wide all-hazard radio system that gets warnings out that could well be adapted in terms of this period of time. You talked about the NOAA Corps, America's 7th uniformed service, men and women who man our aircraft and ships. I think we can do more there in terms of helping out.

Our chemical and dispersion models, we actually do that work in two different parts of NOAA.

The National Ocean Service Office of Response and Restoration has a model called CAMEO that is available to state and local governments and responders. This basically takes a chemical, if we know what the chemical is, and we will estimate where that dispersion will go, how quickly, and then through the Air Resources Lab, in working with the Weather Service, we have larger scale models that we have done for disaster preparedness purposes in the past, for example, in terms of nuclear preparedness, and trying to figure out on a dynamic basis where air flows would go to, to provide that type of information.

NOS is working with the Coast Guard in terms of port threat assessments that the Commandant spoke to. I think there are a number of areas where the agency can step up and do more, and as I mentioned, we want to do more.

I think, Mr. Chairman, that we at NOAA take very seriously our role in following the President's lead, the Secretary's lead, and stepping up and helping defeat terrorism. This has required all of

us to take a fundamental relook, as you said at the beginning, that things are different, and how we do our business every day.

As I pointed out, I am not sure exactly which NOAA programs will be of assistance to Governor Ridge and to the Coast Guard and to our other partners, but one thing I am sure of is that we at NOAA are prepared to step up and to provide that assistance, and as I said before, the men and women at NOAA take that job quite seriously.

Thank you.

[The prepared statement of Mr. Gudes follows:]

PREPARED STATEMENT OF SCOTT B. GODES, ACTING ADMINISTRATOR, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Good morning, Mr. Chairman and distinguished Members of the Subcommittee. As Acting Undersecretary for Oceans and Atmosphere for the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce, I thank you for the opportunity to appear before you today to discuss maritime threats and port security. Like so many around the country, we at NOAA have lost family, friends, and colleagues in the tragic events of September 11. These events have strengthened NOAA's resolve to support our nation in all possible ways and to do what we can to ensure the safety and security of all Americans.

I am here to discuss how NOAA's mission supports disaster response efforts; the support NOAA provided on and since September 11; and future NOAA efforts to support Homeland Security, particularly with respect to port security. I will also discuss our partnership with the United States Coast Guard (USCG), which is the lead agency responsible for ensuring the safety and security of the nation's maritime areas.

**NOAA's Mission**

NOAA works to protect lives and properties from hazardous events and disasters. We forecast events such as hurricanes and tornadoes; respond to spills and accidents in the marine environment; and provide tools, training, and technology to communities to mitigate the effects of hazards. NOAA shares its responsibilities for disaster response and relief with a variety of partners at the national, state, and local levels. In the last few years, NOAA has developed an agency-wide Incident Response Plan to coordinate the delivery of appropriate assets, capabilities, and expertise in a timely and efficient manner. During and following the events of September 11 we activated this Plan, enabling many NOAA programs to quickly and efficiently support the response efforts, including essential personnel in weather offices, satellite and remote sensing, and hazardous materials units.

**Response**

On September 11, many federal, state and local agencies and organizations moved rapidly to aid in response and recovery. NOAA continues to be part of this response team, providing tools, technology, and personnel on scene at the World Trade Center (WTC) and in many support locations around the country. The following are some examples of NOAA participation in the response and recovery efforts to the September 11 emergencies.

Agents of the NOAA Fisheries Office for Law Enforcement were requested and engaged within hours of the September 11 attacks. Since then, 25 agents continue to support investigative, security and search and recovery efforts. Some of our agents are assisting the Federal Bureau of Investigation in the investigation of terrorist activities; others worked for days at "Ground Zero" in New York City in the early search and rescue phases of the response. In addition, NOAA agents are operating in a number of capacities ranging from border and airport security to port patrols. For example, 21 agents will serve on temporary but extended duty as Air Marshals for the Federal Aviation Administration. They reported for training on Monday, October 8th, at Fort Dix, New Jersey, and will be deployed to various duty stations immediately after they conclude training.

The National Weather Service (NWS) forecast offices in Sterling, Virginia and Upton, New York continue to provide special forecasts to the Pentagon and lower Manhattan recovery efforts. The Weather Service developed special web pages which support emergency managers in both locations. These one-stop web pages include short and long term alphanumeric forecasts; graphical forecasts; applicable watches, warnings, and statements; and radar, satellite, lightning, and observa-

tional data. The White House also asked for special weather reports to evaluate potential impacts on the activities conducted by the Federal Emergency Management Agency. NOAA prepares these reports daily for the White House as well as for other classified activities.

NOAA directly supported search and recovery efforts at both the WTC and the Pentagon disaster sites with its mapping and remote sensing capabilities. The Army Joint Precision Strike Demonstration coordinated a highly detailed mapping mission at both disaster sites using Light Detection and Ranging (LIDAR) technology. LIDAR is an active remote sensing system used to profile or scan terrain elevations. NOAA's National Ocean Service (NOS), the NOAA Office of Marine and Aviation Operations (OMAO), Optech, Inc., and the University of Florida teamed up to fly the LIDAR in NOAA's Cessna Citation. NOAA produced an image at 15 centimeter accuracy using LIDAR data, traditional aerial photography, and accurate Global Positioning System (GPS) measurements connected to the National Spatial Reference System. The data and images produced were critical for search and recovery efforts by setting a network of consistent standards. Specifically, it allowed for the establishment of an accurate spatial reference frame from which rescuers could perform effective recovery; provided an accurate birds-eye-view of the scene, which is critical for locating structures such as elevator shafts; and the establishment of a LIDAR calibration network. This calibration network was critical to private sector entities, such as Earthdata, to collect data efficiently using new technology. NOAA has been requested to return to the WTC site to provide data for change analysis.

The LIDAR data will also be used to monitor structural movement of damaged buildings in the area of the WTC disaster and to calculate volume of rubble. These images provide very accurate height measurements as the recovery efforts descend into the Tower basements, to mitigate possible flooding from the surrounding rivers. The Pentagon site is also being mapped with LIDAR to be used for reconstruction purposes.

Additionally, a NOAA pilot on temporary duty with NASA piloted an aircraft equipped with the Airborne Visible/Infrared Imaging Spectrometer (AVIRIS) system at the request of the Environmental Protection Agency (EPA) in order to identify and locate asbestos fallout from the WTC plume. NOAA/OAR scientists have also been assisting EPA efforts to assess ground-level air pollution problems in New York, primarily associated with asbestos released as the buildings fell.

In response to USCG harbor security needs, NOAA rushed paper copies of the New York nautical chart to the Coast Guard, Staten Island, to aid its response in the WTC emergency. Subsequently, NOAA has employed its regional Navigation Managers and Scientific Support Coordinators to help facilitate meetings on port security issues and contingency planning with the Navy, Coast Guard and other government and port sector officials. For example, in Hampton Roads, Virginia, home to the nation's largest military port and commercial port operations, some 275 people connected to the port mobilized to discuss security issues in the week after the attack. The Captain of the Port and Commanding Officer of the Norfolk Navy Base commended NOAA for its charting work to rapidly provide a clearly marked security/restricted area around the U.S. Navy Base. The rest of the maritime community was encouraged to work with NOAA and the Army Corps of Engineers to identify areas for security/restricted zones on NOAA charts. NOAA will continue to revise its nautical charts to reflect new security zones and get that charted information out to mariners for security measures.

NOAA's New York area Scientific Support Coordinator (SSC) provided on-site scientific support to the USCG Federal On-Scene Coordinator in preparation for possible oil and hazardous material pollution resulting from the WTC collapse. Although no significant marine pollution event occurred, the SSC evaluated numerous water pollution risks associated with potential hazardous materials releases from the WTC site. NOAA's Scientific Support Team in Seattle provided an inventory of contaminants that might have been present in the impacted buildings and prepared to develop spill trajectories in the event that a pollution incident occurred. NOAA provided the tidal information necessary to develop water trajectory models. In addition, NOAA developed an information management support system for the USCG, which included an Intranet site for information sharing within the USCG response community, and an internet site for rapid dissemination of marine safety information to the public (<http://www.incidentnews.gov>).

NOAA also provided support through our involvement in the National Ice Center (NIC). NIC is a multi-agency operational center representing the Department of Defense (Navy), Department of Commerce (NOAA), and Department of Transportation (Coast Guard). The NIC's mission is to provide worldwide operational sea ice analyses and forecasts for the U.S. armed forces, allied nations, the civil sector, and other U.S. government and international agencies. We regret to report that two

members of the NIC lost their lives during the terrorist attack at the Pentagon. However, the NIC family pulled together as NOAA, Navy and Coast Guard personnel assisted the Red Cross at the Pentagon with food and supply distribution to emergency workers.

NOAA is presently working to identify the impact that our response and recovery efforts had on our resources and on our core functions. We will work with OMB and the Department to identify and, if necessary, replace these activities during the FY 2003 budget process.

#### **Preparedness and Prevention—Homeland Security**

NOAA is now looking at what we can do in the future to ensure the safety and security of Americans. Following the events of September 11, I directed all NOAA programs to organize and inventory NOAA's broad array of responsibilities as they relate to Homeland Security. One of NOAA's top priorities is to identify possible weaknesses in our own security and potential threats to NOAA infrastructure, including data networks; supercomputers; satellite command, control, data acquisition and dissemination; and intranet/internet infrastructure. We are moving quickly to protect the security of our infrastructure.

NOAA is also examining what we can do both within our existing programs and resources to better prepare for any future incident. We are detailing what we can do now, and what we could do with additional resources over a longer time frame. These preliminary efforts include developing better water and atmospheric models that would give information regarding dispersal of a variety of materials including biological and chemical agents. They also include enhancing a number of products and services including satellite data; electronic navigational charts to support the early implementation of Coast Guard's Automatic Information System; preliminary talks with the Navy to cooperate on harbor traffic lane and approaches; hydrographic surveys for comprehensive baseline data of U.S. ports to assist in obstruction detection; and the Computer-Aided Management of Emergency Operations (CAMEO) that EPA and NOAA jointly designed to assist emergency responders in preparing for and responding to chemical releases. We anticipate that we will complete these detailed assessments within the next 30 days and will be in a better position to identify any additional assistance, guidance or accommodation needed from the White House. The following examples are some of NOAA's capabilities that could be used to support the Administration's Homeland Security efforts.

The NOAA NWS is poised to support response and recovery operations. We are improving our ability to provide weather support to response and recovery activities by ensuring that all 121 forecast offices are prepared to deliver the same level of service provided by the Upton and Sterling offices. In the event of a larger-scale attack, the Weather Service National Centers for Environmental Prediction could be used for hourly prediction services over a large scale. In addition, incident meteorologists could be deployed for on-scene port forecasts services just as they currently are for major wildfires.

One of the NWS' greatest assets is its ability to deliver hazard emergency messages to the public, both directly through the NOAA Weather Radio and through our partners. In the event of nuclear accidents and hazardous material incidents, the NWS currently provides emergency alert notification services directing the public to seek additional information from federal, state or local officials. This capability could also be used in the event of another national emergency. The NOAA Weather Radio also triggers the Emergency Alert System, which allows these emergency messages to be received and re-disseminated through the media almost immediately.

NOAA Office of Oceanic and Atmospheric Research, together with the NWS provides operational dispersion forecasts, via computer modeling, for large releases of radioactive material for both the Federal Radiological Emergency Response Plan and the Federal Response Plan, as well as for wildfires and volcanoes. Within current resources, NOAA is working to improve its atmospheric monitoring and dispersion forecasting capability by developing an urban monitoring system network, with a test deployment planned for Oklahoma City. NOAA could quickly improve the resolution of the model predictions by meshing the dispersion model with the National Weather Service's weather prediction models.

These capabilities are also suitable for dealing with chemical and biological threats. An urban monitoring system, including sensors to detect toxins and a high resolution model, could provide real time information to predict and track dispersion of chemical or biological agents. A meteorological monitoring network for the Washington, D.C. area could be set up on a 24/7 basis within 6 months.

As a consequence of multi-agency examinations of current capabilities to respond to an attack involving release of radioactive materials into the air, one of the OAR

research laboratories is working directly with the Federal Emergency Management Agency (FEMA) to ensure rapid NOAA response. An important part of this is the NOAA role in the operations of the Department of Energy's nuclear terrorist response activities. NOAA personnel provide the on-site meteorological guidance required in the event of a radioactive material release, with local offices of the NWS are ready to provide necessary meteorological data, and the National Weather Radio System standing by to be of assistance. All of this involves a close coupling between NOAA's Air Resources Laboratory and the NWS, through the NOAA Radiological Emergency Response Plan.

NOS has a variety of programs, one which serves as a critical base to geographic information. NOS is responsible for the establishment of a National Spatial Reference System (NSRS) which serves a base to all geographic information. As the rescuers witnessed in NYC, it was critical to their rescue and recovery efforts to have a base reference system to locate all utilities and building structures. NOS works with other federal, state and local agencies and private industry to establish standards that form a common base between all entities. This common base is becoming more and more critical with the enormous use of geographical information systems and the global positioning system. The NSRS serves as the only accurate common link for these data tools. Most recently, new modernized efforts are underway to set standards for height measurements.

NOS maps and provides information needed for safe air transportation, including information used to develop instrument approach and departure procedures at all major U.S. airports. Specific features such as fences, access roads, obstructions/obstacles, and navigational aids on and around the airport are precisely measured by NOS. This program utilizes the same tools used for the shoreline mapping program, national spatial reference system, airborne remote sensing, and frame photography. NOS is developing new technology to display a virtual reality image to be used in aircraft cockpits called synthetic vision. NOS's high-resolution imagery of the entire airport and obstructions features is combined to create super accurate terrain databases. These databases are then combined with GPS and graphic displays along with advanced sensors to create real-life 3-d moving scenes for navigating the aircraft in poor or zero visibility.

As you are aware, NOAA is home to the NOAA Corps, the smallest of the nation's seven Uniformed Services. Although these officers primarily have science and engineering backgrounds, they too stand ready to support the Department of Defense (DOD) and any other federal agency that requires assistance in protecting the nation's security. At the request of the DOD, NOAA has provided a summary of its capabilities, ships and aircraft that could be used in a national emergency. NOAA's Office of Marine and Aviation Operations operates our diverse fleet of research and hydrographic coastal and ocean-going vessels ranging in length from 90 to 300 feet, as well as our helicopters and airplanes. OMAO abilities to assist port security efforts include assisting the USCG boarding or inspection parties, supporting port/harbor security, providing sophisticated airborne chemical detection support, conducting hydrographic surveying/sea floor mapping and Geographic Information System, conducting state-of-the-art sonar operations, and providing additional hurricane reconnaissance if U.S. Air Force assets are reassigned.

#### *Ports and Maritime Security*

A vital part of NOAA's contribution to Homeland Security will involve the issues of port and maritime security. Our ports are currently one of the most vulnerable choke point in the nation. At current resource levels, it is extremely difficult to inspect every shipment entering every port. Our commercial ports also double as logistical centers for the rapid deployment of American forces and materials. As gateways to our largest cities and industries, U.S. seaports are strategic targets for attack. While the activities I just finished discussing may also apply to Homeland Security, the following examples are illustrative of NOAA's role in port security specifically. As I previously mentioned, we will be reviewing our port related activities as part of our overall Homeland Security assessment.

At the request of Coast Guard Headquarters and individual Captains of the Port, NOS is helping to assess specific chemical transportation threats. Building on the expertise required to develop CAMEO and related trajectory models, chemical plume projections and other hazards are being modeled for a variety of incident locations under numerous environmental conditions. These same capabilities can be used to assess risk from other dangerous cargos under a variety of environmental conditions at ports throughout the United States.

It is important to provide consistency and reliability to the nation's ports with more accurate, timely and better-integrated information for both users and system managers. Improving the Marine Transportation System (MTS) information infra-

structure serves both maritime security and port safety for maritime commerce. NOAA's unique role as an information provider will be of great benefit to the Coast Guard, the Navy and contingency planners as they develop strategies for Maritime Domain Awareness and port security. NOAA's liaison and communications links across military, government and private sector interests provide an invaluable element of coordination to port security.

Mariners need real-time information displays such as the Coast Guard's Automatic Identification System (AIS) and NOAA's Electronic Navigational Charts (ENCs) integrated with differential GPS positioning, water level and current data, weather conditions and forecasts, in order to make informed and safe decisions. The Coast Guard, port authorities, and pilots also require this information to effectively communicate from shore, manage vessel traffic, identify potential problems, and respond to incidents. Augmenting the number and functionality of NOAA's ENCs will support AIS, vessel traffic management, and response efforts.

NOAA can also rapidly disseminate chart updates and critical chart corrections to the mariner, and we can create and distribute temporary charts, overlays and data sets as needed by primary responders like the USCG. NOAA has some rapid response capability to survey U.S. waters following an emergency situation. In the past we have supported the USCG on incidents such as airplane crashes and bridge strikes. We quickly and efficiently send our Navigation Response teams and hydrographic vessels to acquire detailed side scan and multi-beam survey images for search and recovery. This capability is another weapon in the defense against maritime threats, as it allows ports to be re-opened quickly if nothing is discovered and helps the USCG to design temporary lanes and detours based on depth data.

Developing port contingency plans is also critical to strengthening maritime security. NOAA's real-time tides, water levels and current data information are of significant benefit here. Specifically, if the Coast Guard needs to evacuate vessels or people from a port city, open temporary lanes or detours, or respond with life saving efforts, accurate and timely tide and current information would be imperative. If vessels carrying dangerous cargo have to leave port quickly, NOAA's real-time and predicted water level data would allow them to gauge departure times. This minimizes the possibility of vessels going aground and blocking other vessel movement, spilling contaminants, or becoming additional targets of terrorism (e.g. liquid natural gas or oil tankers). Expanding NOAA's models of port oceanographic, atmospheric, and water quality conditions to more ports would provide advance crucial information to plan for re-routing of vessel traffic, port condition forecasts, and low visibility navigation to keep traffic moving and prevent congestion or delays in other less affected areas.

The adaptation of marine technology developed for oceanographic research can also support port security efforts. For example, OAR has developed a portable autonomous hydrophone system for the acoustic detection of earthquakes which could be deployed where needed to provide passive detection capabilities. OAR has also developed technology to deliver data from underwater sensors to shore-based monitoring centers in real-time.

NOAA is also prepared, in the event of an emergency, to help return ports and associated affected coastal environments to a viable state. NOAA expertise includes: damage assessment and determining the injury and appropriate baseline for recovery goals; reconstruction support, such as historical data for change analysis; long term local and regional support for recovery, such as community liaisons to support extended efforts; and long term monitoring of biological indicators of recovery as well as monitoring infrastructure for subsidence and movement.

NOAA will continue to provide whatever assistance it can on planning for port security, military mobility, and addressing the dynamics between ongoing military and commercial port operations.

#### **NOAA and USCG Partnership**

One of NOAA's closest federal partners in many of our activities is the U.S. Coast Guard. We work with the Coast Guard on fisheries and sanctuary enforcement, the Marine Transportation System, satellite-aided search and rescue, and hazardous material spill response in marine and coastal environments. This partnership has been a long-standing and productive one for both agencies. I thank the Coast Guard personnel for their tremendous efforts since September 11 to ensure the safety of our valuable port areas. Our ports and MTS are valuable not only to national security from the perspective of military mobility, but they are also the backbone of our nation's commerce, as over 95 percent of U.S. foreign trade tonnage is shipped by sea and more than two-thirds of everything we buy, eat or wear arrives via the MTS. The Coast Guard plays a vital role in protecting this critical commercial activity, and as I mentioned earlier, NOAA is working hard to support the Coast Guard's

security measures. In some harbors and ports located near military bases and nuclear facilities, the National Marine Fisheries Service has provided the Coast Guard with NOAA vessels and limited personnel support to assist with security patrols.

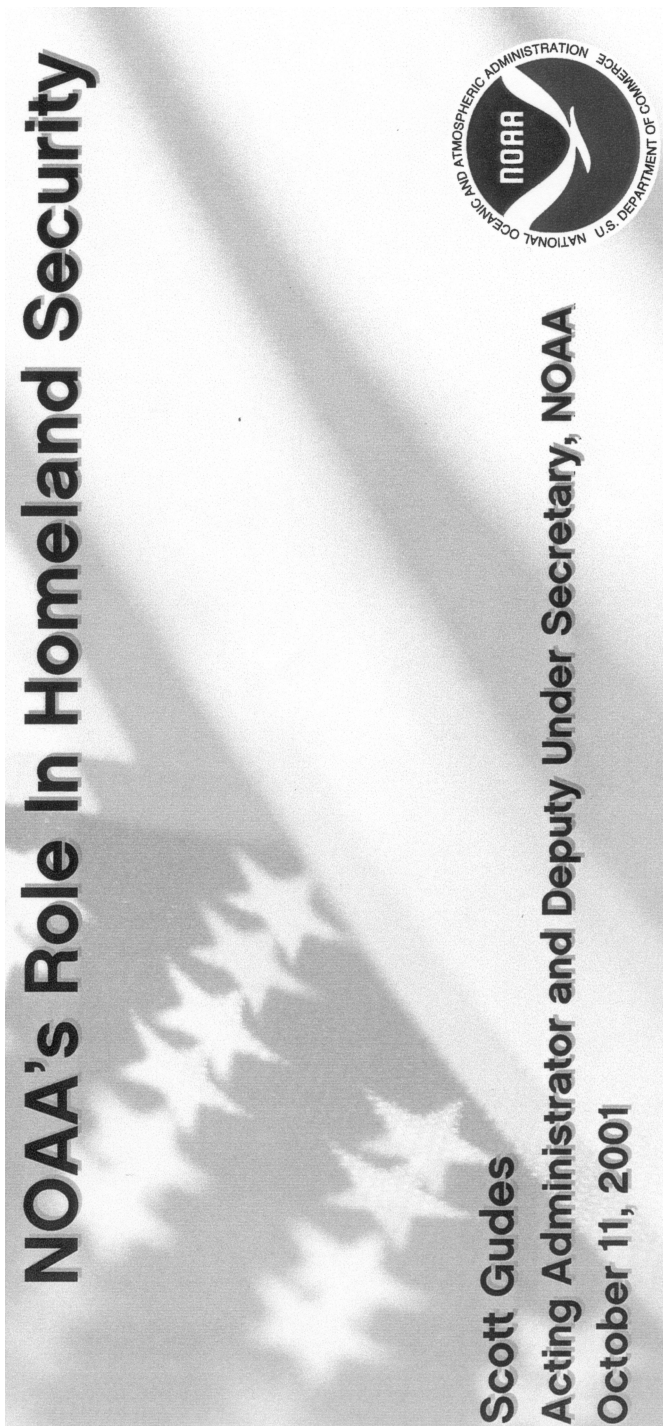
I believe that it is important to note, however, that the extra effort the Coast Guard is putting into port and maritime security is having an impact on many of these partnerships, including enforcement efforts and activities in the MTS. For example, Coast Guard fisheries enforcement has been reduced, with potentially negative impacts to the health of our nation's fisheries. Damaged fishery stocks could have long term impacts on our nation's economy.

Another critical role of the Coast Guard is the in-kind support to the NWS for servicing and deploying buoys. After the September 11 event, Coast Guard ships have been redeployed to provide port security. Due to this redeployment, we currently have 4 marine buoys that cannot be serviced. Depending on how long the Coast Guard Ship are unavailable for buoy maintenance, this could have an impact on NOAA services and result in higher maintenance costs.

NOAA and our other partners are working to mitigate the impacts to the USCG/NOAA partnerships and we will be working especially with our state partners to develop viable alternatives.


#### **Conclusion**

In conclusion, NOAA responded rapidly to the horrific events of September 11 and was able to provide a number of critical support services to the response effort, including scientific and technical support to our close partner, the USCG. As many have noted, it is clear that life will no longer be the same in our country and that every federal agency must reexamine why and how each of its programs work toward accomplishing its mission. NOAA is working quickly to determine how we can best support Homeland Security, particularly with respect to port security and the Marine Transportation System in order to ensure that maritime commerce continues to flow through our ports and harbors to fuel our nation's economy. We will continue to work closely with the USCG, others in the Administration, non-federal partners, and Congress to protect our vital port operations.



# **NOAA's Role In Homeland Security**

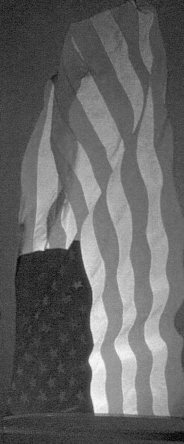
**Scott Gudes**  
**Acting Administrator and Deputy Under Secretary, NOAA**  
**October 11, 2001**





# NOAA Serves America

NOAA  
SERVES

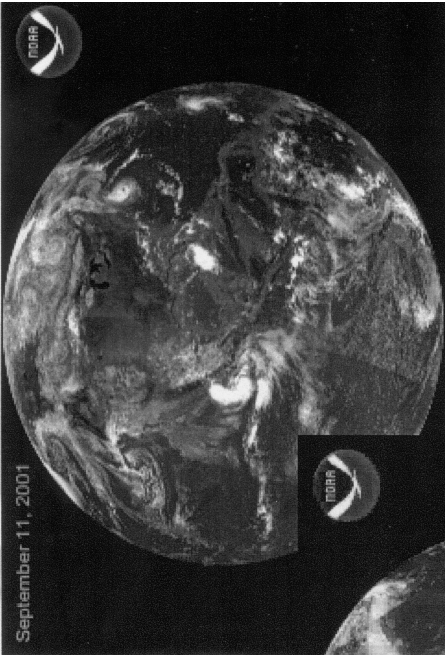


AMERICA

National Ocean Service  
National Marine Fisheries Service  
Office of Oceanic and Atmospheric Research  
National Environmental Satellite, Data  
and Information Service  
National Weather Service  
Office of Marine and Aviation Operations  
Office of Finance and Administration

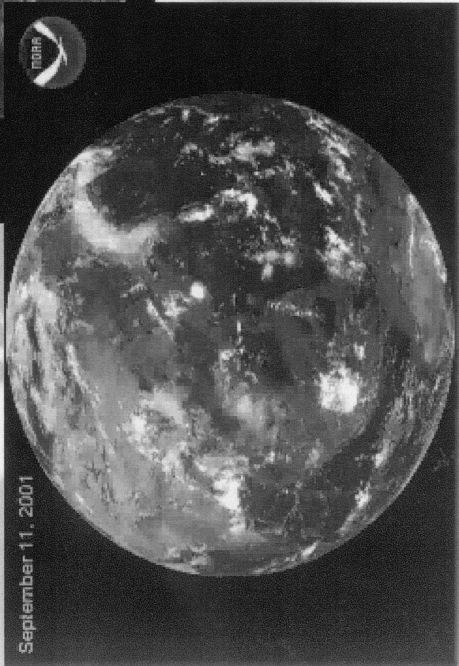


# Satellite Images Of September 11, 2001

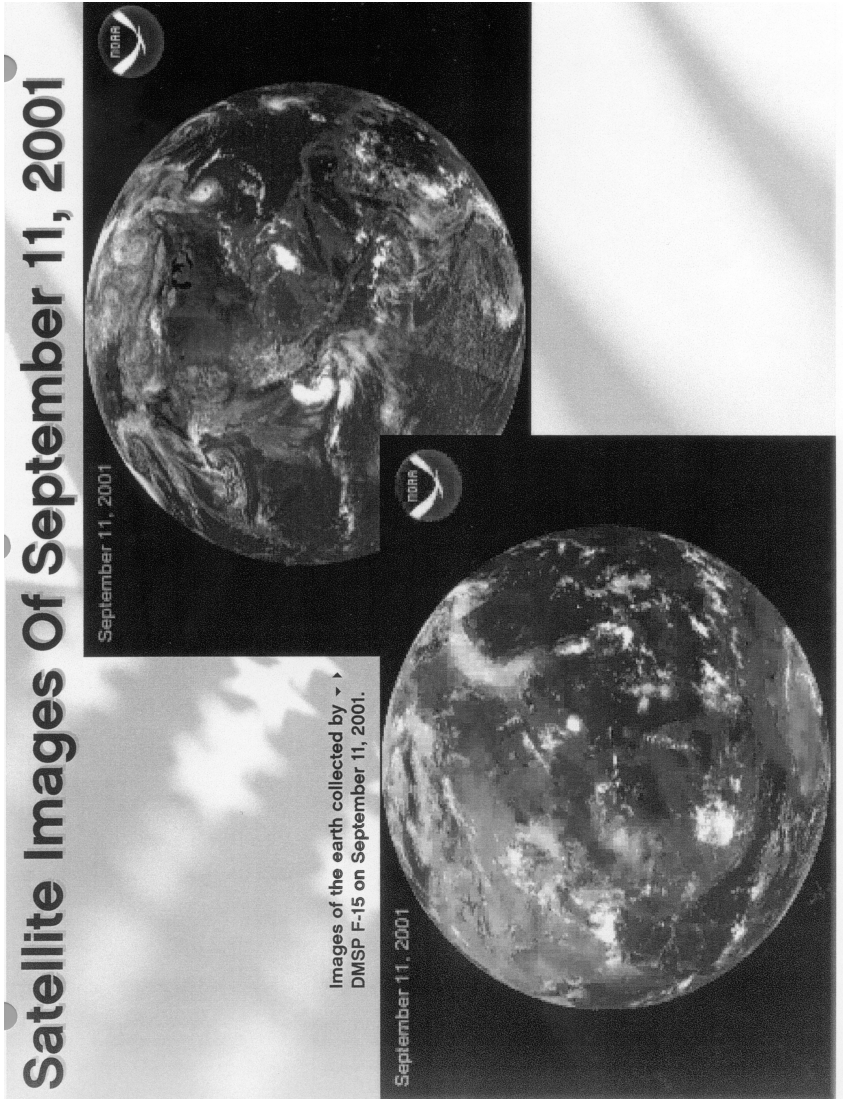


September 11, 2001

Images of the earth collected by > DMSP F-15 on September 11, 2001.



September 11, 2001



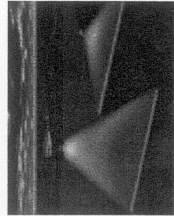


**Incident Response Plan**



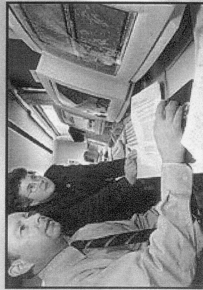
**INCIDENT RESPONSE**

*Plan*

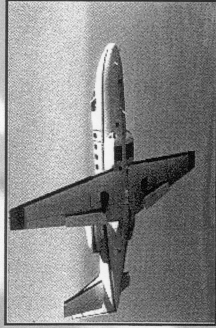


NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

# NOAA's Response



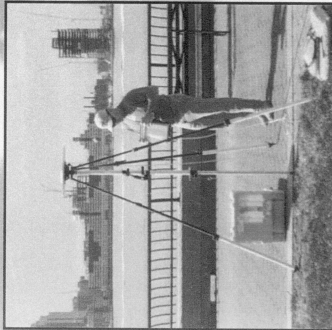
▲ Barbara Watson and Jim Travers at Sterling's Weather Forecast Office



▲ NOAA Citation N52RF provided simultaneous collection of LIDAR and photography over the WTC and Pentagon.



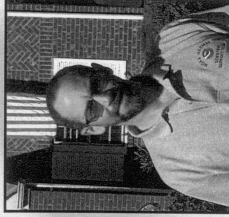
▲ NOAA law enforcement agent assisting search and recovery at ground zero.



▲ Mike Aslaksen setting up GPS near WTC



▲ Dave Lott, Data Management Specialist



▲ Ed Levine, Scientific Support Coordinator



## Aerial Photography



◀ Enlargement of the World Trade Center Site and Recovery Effort

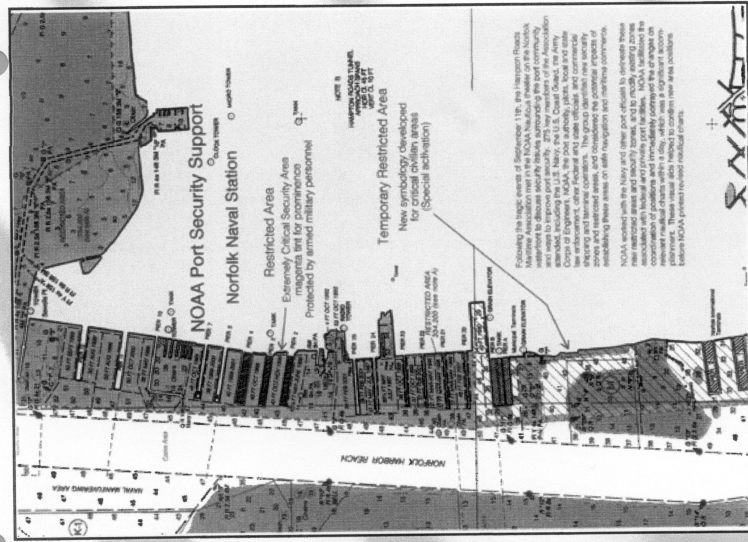
# Navigation Services



Chart illustrating the combination of USGS topographical information with bathymetric data



NOAA ship Rude



Print-on-Demand chart with highlighted security zones

# NOAA's Capabilities

Atmospheric and Chemical Dispersion Models

NOAA Corps

NOAA Ships and Aircraft

Fishery Enforcement Agents

Weather Forecasts

All-Hazard Emergency Message

Quick Response Surveys of Ports and Channels

Electronic Navigational Charts

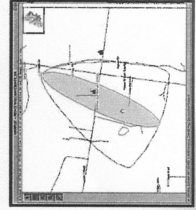
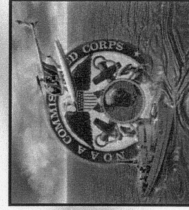
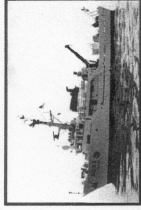
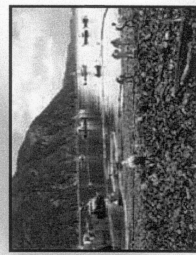
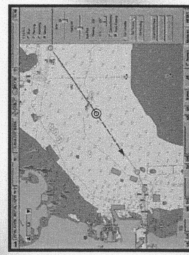
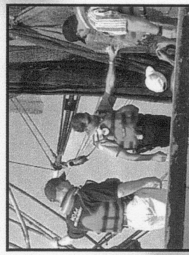
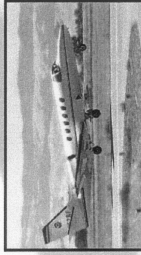
Real-Time Tide and Water Levels

Hazardous Materials Spill Response

Damage Assessment and Restoration of the Marine Environment

GPS Positioning

Aerial Photography and Remote Sensing



Senator KERRY. Thank you very much, Mr. Gudes. I appreciate your contribution.

Admiral, if I could begin by going back to that chart, let me just ask you, first of all, is there an order of priority that has been created, or is being created, with respect to ports themselves. Are you identifying ports that are perhaps most sensitive, or have the assets that might be potential targets for terror activity? And also within ports, is there a listing of the priority of those entities that, likewise, in order of priority need various levels of protection?

Admiral LOY. Yes, sir. In both instances there has been a lot of good work done in that regard. As I indicated earlier, we have some 360-plus ports in our country, but 50 of them are a list of places where all of our mobilization activities would take place. All of our strategic ports, if you will, are identified inside that inventory, and as I indicated earlier, about 95 percent of the commerce of the nation is facilitated out of those 50 ports, so if we were rank-ordering, quote-unquote, in the notion of the totality of the ports inventoried, those 50 would stand apart, and that is quite clear within the ports, sir.

Our challenge on, for example, September 11 not only to activate area contingency plans, which Senator Snowe cited as being good things to have, in spite of her concern as it relates to the ad hocery associated with making them come alive at any given port, and we can talk to that if you would like, but within those ports are direction became what is it that we want our people to be doing, and we focused first on high risk or high profile incoming vessels, tankers, if you will, that carried particular kinds of products, petroleum products, LNG, LPG, anything like that. That became an instant hit, if you will, in the high interest vessel list.

Anyone that was in the business of concentration of people, cruise ships, high speed ferries with significant numbers of people aboard, and then the infrastructure surrounding or within the port, is there an oil terminal there, is there a nuclear power plant there, is there an LNG terminal there, as we find in Boston, is there a naval base there, what is the inventory process associated with identifying those things that would rise to the top, if you will, of a target list, quote-unquote, on the part of the terrorists.

So yes, sir, both of those I think we have done an awful lot of very good work on, and are clearly part of this series of elevating steps that one would take once we have a better feel for the domain in which we are working, and I want to keep going back to that as often as I can, or need to, to advise that from my seat, my perspective, we really need to put energy into awareness and prevention so that we find ourselves equipped and armed in advance, as opposed to where we found ourselves on September 11.

I mean, I am in there, but for the grace of God go I.

The FAA Administrator has had a nightmarish several weeks as it relates to dealing with the aviation challenges, because that was a choice the terrorists made, and I am not here to suggest to you in any other capacity that that choice could have been a different kind of choice, as we all know, but armed with the aftermath now, and 30 days later, we owe the country a much better capability with respect to awareness, prevention, response, and consequence management in the maritime sector.



Senator KERRY. Now, measuring that awareness that you talk about so properly, certain kinds of ships coming into a port will present different kinds of potential threats, correct?

Admiral LOY. Yes, sir.

Senator KERRY. Some of those threats, in fact, will not be on the ship itself, if the proper screening has taken place with respect to who is on the ship.

Admiral LOY. Absolutely.

Senator KERRY. But some threats could take place from the proximity of the land, correct?

Admiral LOY. Potentially, yes, sir, so we are concerned about terminals as we are about the ship itself plying the waters.

One of the first things Admiral Clark and I spoke about, and we have spoken, by the way, at great length, including Secretary Mineta and Secretary England. I cannot tell you how thoughtful the Navy, as our nation has been, in terms of recognizing that for 200 years we were supposed to come to them and offer them particular competencies for the war over there. They understand graphically that part of their responsibility is to provide whatever kind of an asset inventory would be helpful to us, the Coast Guard, being responsible for the homeland security dimension.

But yes, sir, you are right on target with respect to being as concerned about terminals and on the land side as we are about the ships plying the waters, and the Navy's concern was, any one of those freighters out there can become a rogue vessel of some kind with ambitions of doing something that we do not want done, and thus, our concerns with respect to escorting naval assets to and from their facilities, establishing security zones, assisting the Navy with respect to force protection, et cetera, et cetera, all must be part of the scene.

Senator KERRY. Well, with respect to the domain you referred to, the maritime domain, what is the definition of that maritime domain? Does it extend only to a certain mileage from the United States, or does it begin with a port of embarkment in some other country?

Admiral LOY. Absolutely, sir. At the ultimate end, for us as a nation to have domain writ large awareness, we would certainly not stop at the EEZ. We certainly would not stop at the 3-mile limit, or the 12-mile limit, or the 24-mile limit, all of which have legal implications, as you well know. I want to know about the crew that is boarding that vessel wherever it is departing from on its way to the United States, to provide even greater time and attention to analyzing carefully, deeply, in terms of the people, the cargo, and the vessel itself.

My notion is a rather simple, but I think powerful one. There are databases that we own, for example, about people. INS has a great database about people. The visa section of the State Department has a great database about people. The customs folks have as good a database as there is today about cargo. I would argue strongly that there is a requirement for us to pay serious attention to their capacity as well, to get a better handle on the millions of containers coming in our direction, and only about 2 percent of them that are actually being opened up to physically find out what is in them.

An enormous challenge there, but people, vessels, and cargo is the magic about finding the whole issue on any given ship, so I want to be able to screen the manifest of that crew. When we board them at the sea buoy, if that is what our choice is on a high-risk vessel, I want to validate that the people are in control who are supposed to be in control of that vessel, I want to know if the third mate has a drug record, I want to know whatever it is that my captain of the port needs to know to provide an adequate level of security, given the threatcon condition that we might be operating in.

Senator KERRY. Prior to September 11, is it fair to say that none of that knowledge exchanged hands or was available?

Admiral LOY. There was a small cell, sir. About 2 months before the administration changed, I was able to capture the imagination of a senior director in the National Security Council who sponsored the beginnings of a cell that would be in the business of merging databases and fusing intelligence, and fusing information bases so that we truly had the whole picture of what was going on.

It is a small cell in our Intelligence Coordination Center in Suitland, Maryland, but it has grown leaps and bounds, as you might imagine, since September 11, when all of a sudden that notion has captured the imagination of many others.

Senator KERRY. Has anybody talked to you about coordination with the Homeland Security Office?

Admiral LOY. Yes, sir. I had a very good several-hour discussion with Governor Ridge up in Harrisburg a week ago Friday, explaining to him some of these conceptual notions that I hoped would be part of the original framing elements of his enormous task that he has been so kind to take on for the President. I think there was a good receptivity to those notions and their importance, and at the same time a pledge of continued support and accountability on my side to him for the maritime dimension of his challenge.

Senator KERRY. Well now, prior to all of this, I guess about a month or two before these events, I had a meeting, wearing my hat as Chairman of the Asia Subcommittee on Foreign Relations. I met with the Prime Minister of Singapore, and one of the topics we discussed was port security.

There is a huge amount of concern about what comes into their port and what goes out. It is one of the largest ports in the world, with huge numbers of ships coming to the United States. I do not mean to single it out, but there is an awareness there. They are very aware of security issues.

Admiral LOY. And they are very good at it.

Senator KERRY. And they are extremely cooperative, but it is an enormous task. The question has to be asked whether we do not now need to encourage an international maritime agreement that enhances cooperative security measures in all of these ports so that we have a much better sense ahead of time of what is leaving the port, who is leaving the port, and that those containers are, in fact, inspected prior to loading. I mean, that is the only surety that I know of to guarantee that a multi-tiered, container-laden ship coming in does not have a surprise package.

Admiral LOY. Yes, sir, you are absolutely right. I visited Singapore about 7 or 8 months ago. In our port state control matrix, sir, which is a decision tool associated with how aggressively are we

going to deal with which vessel is coming at us, clearly as part of that decision tool we are concerned about the port state control system of the port that it is departing from. That is one of the entering arguments as to whether or not it finds itself at the top of our list, as opposed to the middle or the bottom of our list as a concern element as that ship approaches us.

Associated with that is how well do they do their job as that vessel is loaded, where do the containers come from that go aboard that vessel. The container that is showing up in Charleston may or may not have actually first gotten on the ship in its last port of call. It might have been two or three ports of call before that.

So as a notion, for example, if in our total scrutiny we would find a third mate with a drug record and X number of containers on that vessel that had been boarded three ports ago in Barranquilla, and the vessel itself has some kind of a record of either the shipper or the charterer or someone else as a sloppy management tool, you can bet, as a result of a mature maritime domain awareness effort, when we have a mature one, that is going to stick out like a sore thumb for us.

Senator KERRY. Well, I do not want to use all the time. I have not put myself under a clock, and I thought, since there were only a few of us, we would just exhaust some lines of questioning and move on. Let me just say that it seems to me that there are ways to manage these concerns and there are a lot of balanced interests that we need to think about here, including the movement of commerce and the cost of business. We have been moving toward this more seamless economic world.

We are obviously going to have to deal with some of these questions, but it seems to me that there are some smart ways to approach them in terms of working with those trading partners who are most willing, and beginning to give a stamp of approval to those who are most cooperative. Then, you begin to get a gradation of both companies and countries that are on the upside of really being good at their security, and that might give them an accelerated clearance process.

I am convinced personally that as we put the squeeze on the terrorist world, we are going to make it an awful lot harder for them to do some of the things they have been able to do. Everybody needs to understand that if there is a willing individual who wants to commit suicide, he can find a way somewhere to hurt some people. That has always been true, but as we move to build a more civilized world, with greater respect and recognition for differences in cultures, hopefully, we can diminish that. That would be part of the purpose of this.

The point I want to make is, it seems to me, we also ought to make some judgments about where we do some of our off-loading. We can minimize some of the interruption by minimizing the exposure if something were to happen in a certain situation. Perhaps we should even grade some of our ports by virtue of what kind of residential housing is in the vicinity, or what kind of collateral plant effect might occur, so that if the worst did happen, we are at least minimizing impacts. That might be the best we can do in some kinds of situations, I am not sure, but I think we need to

think carefully about how we maintain our capacity to move goods and products.

Admiral LOY. Yes, sir. The first phase report of the Hart-Rudman Commission did some very good thinking about that, and we have watched that, and frankly that became a part of the germination, if you will, to my notion about awareness up front of the rest of the paradigm we have used so often.

On the international scale, sir, I could not agree with you more. I have already talked to Secretary-General O'Neill of the International Maritime Organization to challenge him to widen his spectrum from just safety and environmental protection notions to add the security dimension as an absolutely legitimate part of his work as he contributes, if you will, to the international effort associated with antiterrorism causes.

As it relates to local collateral times of damage, and arranging where things are actually done, I think the LNG issue in Boston is a classic example of that, Sir, the fact that we have an LNG terminal where we have it there was, in fact, a large part of the mayor's concern, the mayor of Everett's concern, the gas people's concern, your concern, my concern in terms of reaching a legitimate security environment with which they could press on what they needed to do there.

Had that been located out in the hinterland somewhere with no potential to wipe out a couple of hundred thousand people in downtown Boston, it probably would have been a very different kind of discussion that we could have had with respect to the points you make, so I think you are right on, sir.

The last point I would make is, we as an organization have been working very hard to find our way as a legitimate player in the intel community, and as both a user and contributor, and we are working very hard in that regard, and I think there has been a receptive audience in the key committees on the Hill this year, and there is growth there of great value to enable us to be a good contributor and user of whatever the MDA package can produce for us in the future.

Senator KERRY. Well, I am glad to hear you say that, and I will just end and turn to Senator Snowe by saying that every American needs to understand that the single strongest weapon, by far the single strongest weapon has nothing to do with our military structure in this war. It is not our bomb, it is not an aircraft carrier, it is information.

The single strongest weapon in this effort is information, and every American can contribute to that by being attentive, thoughtful, and observant. Indeed, your folks, positioned as you are in so many places, need to be contributors to and part of that network. In the end, this effort will only be as good as where we know someone is, or what we know they are planning, or what we think their connections are, and that is the most important thing of all.

Senator Snowe.

Senator SNOWE. Admiral Loy—I concur with the Chairman on the issue of information. I think that there is no question that we have to move in a concerted, comprehensive way to develop a system so that we have that information in order to counteract any potential threats in the future.

Even prior to September 11, there were several reports, and I know that even you had testified in July about how our maritime infrastructure could be vulnerable to a terrorist attack.

We have had several papers written in the Hart-Rudman report. There was also the report that I referred to as well that was done on crime and security at our Nation's seaports, and I know Commander Flynn wrote a paper for the Council on Foreign Relations that talked about a chilling scenario concerning a delivery of a chemical weapon coming from another country into the United States, where its destination may be Newark, but it had stops in California and Chicago. Tell me, as I understand—and he makes reference to that in his paper—that Customs does not require a filing of the manifest of the cargo until they reach their port of entry. Is that correct?

Admiral LOY. I think that is basically correct, and it is one of the reasons that I mentioned earlier my support for serious attention being paid to providing the Customs Service the wherewithal they need to get a handle, so to speak, on the cargo end of that vehicles-people-cargo piece. Their ability to contribute that as a part of the domain awareness puzzle is absolutely critical, and I would certainly hope that we would find a way to enable them to do that.

Senator SNOWE. That seems to me to be something that has to be done sooner rather than later. I am concerned about timeframes here in terms of when all of this is going to happen, to identify what is most immediate, what is most urgent under this compelling circumstance, so that we make sure that we leave no stone unturned. In this instance it is hard to believe that in fact they could be delivering cargo, which we might not have any idea of its contents until it has made its way all across America. This is particularly troubling when it had stopped in two different locations prior to its final destination, before they are required to disclose their manifest.

Admiral LOY. And there is absolutely no doubt that the sophistication level of the terrorist is such that they could take advantage of those kinds of things.

Senator SNOWE. So interception at sea is obviously a critical issue here, and I am talking about information, so that we have the information prior to a ship entering a port of the United States.

Admiral LOY. Exactly.

Senator SNOWE. Is this something that could be turned around quickly? Is this something we can change?

Admiral LOY. I met with Commissioner Barnard—Judge Barnard literally has, I think, been the new commissioner of the Customs Service for about a week now, and I had an initial meeting with him yesterday.

I was literally waiting for him to come and sit in his chair so that we could forge the appreciation of each other's challenges in that regard, and selectively, collaboratively help Governor Ridge with putting that kind of thing right front and center as a first order of business for him to grapple with in his new responsibilities. But yes, ma'am, I think we do need to get to that immediately. I think you have an excellent point.

Senator SNOWE. In this report on crime and security, it went on to say, it is estimated that 95 percent of the cargo that enters the

country from noncontiguous countries does so through its seaports. Obviously many of our seaports are located adjacent to or in major metropolitan areas. A terrorist act involving chemical, biological, radiological, or nuclear weapons at one of these seaports could result in extensive loss of lives and property, and so on, obviously.

Admiral LOY. I remember standing 2 years ago with Secretary Slater at Houston, and we were standing in front of about 6 tons of cocaine that we had apprehended in the middle of the Caribbean, and it should have been a day of great joy that we had just made a significant seizure and done something very good.

The only thing going through my mind was, when those guys found their way through that load of iron ingots to find that cache of cocaine in the bottom of that freighter, what else could have been there? What else could have been there, and were we not able to design the challenges to the intel system to give us counter-narcotics oriented products to work from, if we had not been able to do that, would we have even been aboard that freighter as it plied the Houston ship channel, an enormous challenge.

So you are absolutely right.

Senator SNOWE. Is there any developing technology that could be embedded in these containers in some way that cannot be removed so there is a way of tracking?

Admiral LOY. I think the crucial key as to whether or not—first of all, your comments about the other nation's ports control process and how we are validating what was originally put in the container, is still there, and nothing else, and then it is the breaking the system en route. Can we seal them electronically in some fashion, so that as they approach the port we absolutely are convinced that they have not been reopened and something else added en route as they go from port to port, or in your case as it arrives in California and stops in Chicago on its way to Newark.

I think the technology is there, and we simply need to be about that standard-setting process that makes that a solid part of our commercial experience in the country.

Senator SNOWE. Well, this report went on to say the state of security in U.S. seaports generally ranges from poor to fair, and in few cases good. That is not encouraging.

Admiral LOY. I am not about to sit here this morning, Senator Snowe, and remotely infer that we have got a handle on this, or that you can rest comfortably that the maritime side of this homeland security package is Okay. It is not.

Senator SNOWE. So we really have to establish what is most critical, the highest priority that deserves our attention, and provide support to reinforce what you need to do.

Admiral LOY. I would offer that we need to fill the cells there as it relates to activities and assets, and by assets I mean not only just—if someone is coming to the Hill today, 30 days after the event, with a shopping list of everything that is going to make it well, they have not thought it through, I guarantee you that up front.

The notion of a calm, accelerated but methodical thought process as to what activity set is important, what asset package is important, and what outreach to other people who have a legitimate responsibility in security, those are the array of things we need to

populate that matrix with to gain a comfort zone between now and years from now, quite frankly.

Are there things that surfaced at the top of the list? Absolutely, and we should get about those, and you have identified a couple. We need to get about those as quickly as we can, and in the meantime we have to have as comfortable a feeling as we can from this organization that we are doing in that other bar chart what the nation demands in port security, and not jeopardize the other missions that are important to national security at the same time.

Senator KERRY. Would you yield for just a quick moment?

Senator SNOWE. I would be glad to.

Senator KERRY. Admiral, how quickly could you submit to this Committee a list of your sense of the sort of asset priorities so that we can begin to make some judgments?

Admiral LOY. I am in the middle of doing that exactly as we speak, sir. Within the administration that package will be coming together. From the Coast Guard's perspective I pretty much have a good feeling for it already, and will offer that to Secretary Mineta and to the administration as at least from where I sit the right way to go.

Senator KERRY. Can we ask you, would you share that with us?

Admiral LOY. Whenever I am licensed to do so with the administration.

Senator KERRY. When you are licensed to do so. Well, maybe I should be more precise in my questions today, then.

Admiral LOY. And I will push that license, sir.

Senator KERRY. I assure you, we will, too.

Senator SNOWE. Just one other question. The force protection condition is what I know the FAA and our local officials, use to initiate their local plans. Is that what this is going to mirror?

Admiral LOY. Absolutely. We already have very significant area contingency plans in the maritime sector in all the ports of the nation. I would say we owe that area contingency plan a stronger security chapter, based on what we have learned in the wake of September 11.

Senator SNOWE. So it will not just be the largest ports?

Admiral LOY. Oh, no, ma'am. It will be all the ports.

Senator SNOWE. Because I think that is critical.

Admiral LOY. There is a national core, and there are obviously unique natures to each and every one of those ports. Some of them have a nuclear power plant. Some of them have a Navy base. Some of them have an oil terminal. Some of them have whatever they have.

So there is a core, however, of what I will call—a model port would have attributes and thresholds that we want to maintain as a standard across the nation, and then any given port and its harbor safety committee should be about the business of guaranteeing those national standards, and deal with whatever is peculiar to their port.

Senator SNOWE. Thank you. Thank you, Mr. Chairman.

Senator KERRY. Thank you, Senator.

Senator Nelson.

**STATEMENT OF HON. BILL NELSON,  
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Thank you, Mr. Chairman. Admiral, I had visited a couple of our major ports in Florida this past weekend on the issue of security, and am encouraged with the port security bill that has come through this Committee, and of which will be offered an amendment on the floor by Senator Hollings, cosponsored by a bunch of us on the Committee, that will increase both the grants and the loan guarantees rather significantly for the upgrading of the port security. That is just one component.

The other component is your component, and we need to make sure that you have the resources that you need as you go about the business of port security from the water side.

As I listen to the dialog between you and the Chairman and Senator Snowe, it occurred to me that, with the application of technology in Florida, we have taken care of the problem that used to be rampant in our ports, and that was automobile theft, and I actually got into this 4 years ago as the elected insurance commissioner in Florida, because automobile thefts were driving up the insurance premium on automobiles, and I mean, it was rampant.

So what we did was, we tapped a spinoff of space technology, a gamma ray machine that in essence takes a picture of the tractor trailer as it comes through. In essence it is an x-ray but without the radiation harmful side effects of x-ray, and you can see what is in that container. That is then lifted off of the tractor trailer and put onto the ship.

It has virtually now, on the East Coast of Florida—the first one 4 years ago was at the Port of Miami. We now have them at Miami, Everglades, Canaveral, and Jacksonville, and I just went and saw the one operating normally in Jacksonville this past Monday. It has virtually stopped theft of automobiles.

Admiral LOY. In Florida.

Senator NELSON. Now, that is in Florida, through ports.

Now, that is the application of a technology. Now, that is a specific reason, and all of those containers when they come into that port, they go into that machine. It is probably no more than 15-second delay for a truck that is moving onto that port facility, and then if there is an automobile in there, they then check it with the manifest to see if, in fact, there is supposed to be an automobile or motor cycles, or all of the myriad things we saw going through the Port of Jacksonville on Monday.

So I call that to your attention in case there might be some application of a technology such as that on the reverse, to take care of what the Chairman was talking about. Some port, somewhere in the world, loads a container. That container ultimately is bound for the United States. We really need to know what is in that container, and is it going to be so expensive to do that in other ports around the country, and is there any impediment to commerce, which there does not appear to be in what we have seen operating in those East Coast ports in Florida, so I throw that out there for your consideration.

Admiral LOY. Senator Nelson, I think you are right on, and let me compliment the State of Florida, because I think the State of Florida, in terms of grappling with some of these issues, through



yourself and certainly through Senator Graham and his sponsorship, with the last administration of the Seaport Security Commission, as well as Governor Bush and his challenges with, for example, the River Walk game plan down in Miami, we are focused on counterdrug, to be sure, but in the interest of, quote, cleaning up the Miami River, and all that that represented, enormous inter-agency cooperation and direction from the State of Florida made us get about the business of doing that job, so I think Florida has some good examples for lots of us to learn from, and we are looking very much at that.

On the technology piece, that same gamma ray emitter is in several locations, for example, along the Southwest border as it relates to trucks coming and going to Mexico. If you take your notion and extrapolate it just a little bit to establish some kind of safe zone, you are talking about the containers going onto the ship and outbound, an enormously important thing to do.

We also want to be able to do the same thing with those coming off the ship, inbound, Senator Snowe's challenge as to California-Chicago-Newark, and if there was a safe zone within that port that you could, in fact, run those guys through before they get on the truck, or on the train going to wherever they are going, that inter-modal connectivity and guarantee by way of technology would be an enormously constructive addition to what we are doing in our ports today.

The CHAIRMAN. There's no doubt in my mind that a lot of the long-term resolution of some of the issues of how we're going to keep commerce moving rapidly and not add cost that's prohibitive to the goods that we're moving is ultimately going to come from technology. There's no question in my mind that good venture capitalists right now, and the entrepreneurial spirit of this country, clearly see a market of opportunity. We have some of those great companies in Massachusetts. I visited a number of them who are doing all kinds of things with personal identification whether it's retina identification or fingerprint. I'm convinced we are going to find a way to facilitate a lot of these issues that right now seem confounding to us, but great technology fixes will help deal with the electronic surveillance. For instance, some containers could have seals that indicate whether they've been broken or not. These are just huge possibilities here. And I think some companies will both make a lot of money as well as provide a great deal of security for the country over the long haul by doing that. We should be pushing that, may I add. I think one of the most significant things the U.S. Congress could do right now is augment the federally funded research projects. The FFRD is where we ought to be heading and we should be pushing the technology curve very significantly. It should be one of the most important pieces of the economic stimulus package. This will create new high value-added jobs and will provide greater security to the country, and there are vast opportunities in that as far as I'm concerned.

Admiral LOY. Yes, sir, if I may, just to go back and leave my thoughts on the table with respect to activities and assets and to be a bit more responsive to your question, the first level we have defined is this new normalcy. We're never going to go back to the September 10 chart that I showed you at the beginning, to find

what the new normalcy is, what the nation wants out of this Coast Guard as it relates to not only port securities up-tick but is it or is it not at the expense of those other mission areas?

The CHAIRMAN. I want to push you on that a little bit, Admiral. I know you don't have license yet for the full measure of what you're going to submit. I'm not going to ask you to tell me what you're going to submit. But I am going to ask you some fairly direct questions about that new normalcy, and I think we've got to have an understanding of it. Maybe I could ask the Commander to put the chart back up that showed the differential. Could we do that? We can't be sitting here in this Committee and struggling with you for 15 years or more. I've been on this Committee now for a long time. I've been here for 17 years. We've been fighting for the protection of our fisheries all of that time. We've closed fisheries in New England. We've seen a diminution in the Atlantic salmon. We're seeing tuna populations decline. You run through the species and we're seeing depletion, and all of us have known there's too much money chasing too few fish. So, if you reduce the effort, you have to manage the effort that you are engaged in because great sums of money are involved. Managing fishing effort requires enforcement. And you're the enforcing mechanism. I know it is unacceptable to Senator Snowe, myself, Senator Breaux, Senator Stevens, Senator Hollings, the people who have been part of this for a long time, to believe that there is any plusage or acceptability in diminishing that effort. So, when I look at this chart, the alarm bells go off. On fish, particularly, you've got a big blue chunk on the track there on the left and a tiny little red piece on the right, which means you have diverted very significant assets from fish enforcement. Is that correct?

Admiral LOY. That's absolutely correct, sir.

The CHAIRMAN. And I assume you would agree with me that's not supportable in the long haul.

Admiral LOY. Well, that's absolutely my conviction, and I would offer that in the wake of the roles and missions review for this organization 2 years ago, it is also the Administration's conviction because they've reinforced the findings of that particular roles and missions study. So, I think we're all sort of on the same—we may be in violent agreement about that as a notion that that array of missions, including especially those associated with national security implications, you know, those that are—this monetary connection between drug profits as an engine for international terrorism, absolutely the worst time for us to be backing away, in my opinion.

The CHAIRMAN. Well, let me second that in a self-serving way. Three years ago I wrote a book called *The New War*, and it's interesting that CNN and countless others are now daily blasting us with a moniker about the new war. But the book was about the interconnection of all of these criminal enterprises—the flow of money, money laundering, the connection to drug trafficking, to gun smuggling, and to terrorism. It's all part of the same package.

Admiral LOY. Absolutely.

The CHAIRMAN. And I notice that a component of your reductions is also in alien migrant interdiction. So, in other words, you have an order to immediately protect ports and to reduce your interdiction of aliens coming illegally into the United States.

Admiral LOY. Which is another dimension of that international crime market that you were describing earlier.

The CHAIRMAN. But equally as significant, if not more, it is a potential dimension of the terrorist market.

Admiral LOY. Absolutely.

The CHAIRMAN. Because any one of these people coming in illegally could be a terrorist crossing the border, and if they now know, "Gee, we've got the United States protecting its ports but I can get into the country and create some other kind of mischief," whether it's on a train or in a city, or a water supply, that doesn't make sense. That's not protecting the United States.

Admiral LOY. Correct, sir.

The CHAIRMAN. So, at least de minimis as I look at this chart, I know I want to get back to enforcement of other priorities as well. And for Senator Snowe and me and others, where we were on September 10 was not adequate. And I don't think it was for you. Am I correct?

Admiral LOY. We have always felt we could do more for the nation if we at least had 100 percent operational capability of the resources we currently have.

The CHAIRMAN. So, you were basically doing the best you can under difficult circumstances?

Admiral LOY. Yes, sir.

The CHAIRMAN. Now, you're doing the best you can but only in targeted areas. You know you're not doing the best you can because you know you're not at September 10 levels in other areas that are important.

Admiral LOY. I think so. Yes sir.

The CHAIRMAN. So, at least we've got to bring you back to that level, many of us believe your real needs are well beyond that level. Now, currently the Administration asked us for \$5.2 billion for Coast Guard operations and programs this year. I know your answer. On the face of your testimony, you've already said that's not going to be enough. We've got appropriations bills on the floor now. We're dealing with this at this moment. We're going to enter into negotiations for a continuing resolution almost as we speak. I want to know, ballpark, what I ought to be telling Senator Daschle, Senator Lott, Senator Stevens, the appropriators, is rational here. Now, I mean, is \$5.2 billion half of what we need?

Admiral LOY. No, sir. It's not nearly that dramatic but I think, in my negotiations with both the department very strongly and with our pad level in OMB, we have a package there that I think would do several things that are important. One, we have to note that in the 2002 budget, for example, there is a line item that talks about a *15 percent operational reduction*. *I don't think this is the time for that*, for this organization. There are specific assets that are being decommissioned sort of in advance of the Integrated Deepwater System project that you so correctly noted earlier in your opening statement. Deepwater level maintenance and those kind of port vulnerability assessments, the technology piece that Senator Nelson was talking about, attention to MDA, attention to that awareness prevention thing absolutely has to be done. We currently have a schedule associated with three major acquisition projects—Integrated Deepwater System, the National Distress and

Response Modernization Project and the Port and Waterway Safety System project—all of those should be looked at very carefully, I think, for the potential that they represent to add port security to the nation in a more accelerated fashion than perhaps they are currently being scheduled for. We are scrubbing as we speak the requirements set in those projects to make absolutely certain that in the wake of September 11 the things we're asking our contractors to do for us are along the right path. If they need a 10 degree rudder change one way or the other, we need to get that to them early and we're working very hard to do that. So, Senator Kerry, I appreciate very much not only the inference but the strength of the support that you're describing and I will get to you as quickly as I can.

The CHAIRMAN. Well, we'll talk. I'm going to talk personally with Governor Ridge and with Secretary Mineta and others, and I think as a Committee we are going to try to push this as a priority within the larger context of things. It's really incomprehensible to me that our budget choices here should be locked in by down-the-road reductions in the revenue level to the U.S. Government measured against the current needs. I mean, we just can't stay in a paradigm that some people thought existed last March and many of us said then did not exist. Now we know even more that it's gone. We know it by the stock market. We know it by the losses of jobs across the country. We know it by the economic figures. I'm not going to go to the "I told you so" routine, but there's just a deep sense among a lot of people here that knowing what we now know, having believed that something was folly before, that continuing down that road and short changing you, for drug efforts, for immigrant interdiction, etc. is unacceptable on its face.

Admiral LOY. And it's not shortchanging me. It's shortchanging the American people.

The CHAIRMAN. That's what I mean and I appreciate your saying it more clearly. Senator Hollings wanted me just to check with you. On his port security bill, which I know you support and you've already testified several times favorably in response to, he'd like to proceed with that bill next week and obviously we think that's imperative, but we haven't heard from the Administration yet. Do you have any sense of when we're going to get the Administration's report or the Department's report on this?

Admiral LOY. My understanding is that, when the last I touched that base, was that we were sort of re-licensed to offer ideas, whatever would be appropriate to Senator Hollings' bill, and we want very much to do that.

The CHAIRMAN. Could you try to help us do that this week so we could begin to get rolling on it?

Admiral LOY. I surely will.

The CHAIRMAN. I know you're pressed but if you can, that would be great.

Admiral LOY. One of the things that's most important is this authorities piece. You know, part of the asset column is not about boats and planes, although there's a significant body count piece to that, absolutely. But the other notion is the authorities piece. In order words, we have a strong inventory of authorities that we haven't yet used in terms of the regulatory aftermath of having that authority but there may be a couple of other ones that in the

wake of lessons learned since September 11 we would encourage Senator Hollings to have as inclusive in the bill. So, yes sir, we will aggressively get at that.

The CHAIRMAN. Admiral Allen, with respect to the Atlantic and your command, is there anything you would like to share with us relative to the questions I've asked Admiral Loy? Perhaps you could tell us about the reductions you've had to make or the needs that you may have at this time.

Admiral ALLEN. Yes, sir. I think the challenges for Atlantic Area and in the Pacific Area my counterpart Vice Admiral Riutta are to translate the commander's intent provided by the Commandant, focus on the leadership he's provided us especially in terms of this intelligence piece and creating that awareness and then translating that into short term tactical moves that we can make while we address the longer term issues of technology, domain awareness and then getting the assets in place. That requires us to come up with some kind of sustainability plan on the order, I would say, about 12 or 18 months while the budget process does its thing and policy decisions are made. That forces the field commanders into making some very tough decisions, a way to allocate the resources we have against the largest threat. Immediately following the 11th, all the major cutters in Atlantic area were deployed in defense of our ports. We have the issues about sustainability for those operations and what's going on in the closed fisheries areas. The day before the 11th we had just made a major scallop seizure on a closed area. We know there are issues to be dealt with out there. I have tasked my district commanders to come back to me and reconcile those lists of critical assets that Admiral Loy alluded to against their current mission threats out there from the other mission areas and within the next couple of weeks provide me a force lay down on what they would do against those highest priorities. I then have to feed that back to the Commandant. We're going to have a short term game plan but the big issue in the field right now is sustainability, sir. We have called up reservists. Nearly one-third of the reserves in the Coast Guard are called up at this point. We have put a general cap on that because if we call anymore up and this extends beyond six or twelve months, we will burn out our ability to refresh the reserve forces. We have had Auxiliary stand-by search and rescue watches at our stations so the active duty crews can go out and do port security issues. So, we have a sustainment issue with our volunteers too. It's a matter of taking those base resources that we had pre-September 10, applying them to the New Normalcy, and identifying two deltas for Admiral Admiral Loy, the delta to achieve the New Normalcy and then how do we buy back some of that mission space so that we're doing our jobs out there in the fishing grounds in the straits of Florida and the deep Caribbean, sir.

The CHAIRMAN. Which is a worse predicament—lack of fixed assets, cutters, patrol boats, etc., or personnel? Or is it simply both?

Admiral ALLEN. Well, there are personnel assets and also the information technology thing. We're moving very quickly as Admiral Loy noted to stand up a fusion center to know more about vessels, cargo, and people. The ability to look at that 96 hours out then gives me times the tactical commander to react to it. The challenge

placed on my shoulders is take that information and develop that into an action plan so the knowledge of a passenger or a cargo is acted upon as far offshore as we can. That means I have to allocate those resources where I need to do them based on that intelligence. Right now, we're trying to develop force multipliers. Based on the outstanding rapport that's been developed between Admiral Loy and Admiral Clark in the Navy, we're actively pursuing partnerships with CINCLANT fleet to transfer assets from the Navy to the Coast Guard so we can leverage all armed forces under the command of the Coast Guard captain of port.

The CHAIRMAN. I know as a matter of order of priority the maritime buoys aren't as high as port security or drug interdiction right now, but, Mr. Gudes, what's the impact of the lack of current support for those buoys and how do we stopgap that as we go forward?

Mr. GUDES. They are very important. We have them around the country. The way it works now, we repair and maintain them, procure them, the Coast Guard brings them back into our national data buoy center in Bay St. Louis, Mississippi, where they're repaired. If all this continues long term, we're going to have to look at some other arrangements. They'll have to be brought back in. They're a public safety asset and we'll work on that.

The CHAIRMAN. Can that be privately contracted?

Mr. GUDES. We may have to do that. We may have to also talk to a military seacoast command but I'd have to refer, I mean, that's really the Coast Guard's mission. It's a partnership. If you go to Bay St. Louis, Mississippi, to a national data buoy center, you'll find NOAA personnel and Coast Guard personnel working together. This is another example I could have used at the beginning. Could I just add one other thing, Mr. Chairman?

The CHAIRMAN. Sure.

Mr. GUDES. I'd just like to say that there are a number of programs that NOAA was working on before September 11 that I think do relate to all the sort of issues you've talked about. We worked a lot with the Coast Guard and Maritime Administration on what we call maritime transportation system. In terms of NOAA's role I said about environmental information, it's things like electronic navigation charts, which before September 11 were about safety and improving port efficiency, going back to some of the comments that were made. That's just as true now, probably more true and in terms of fisheries enforcement, of course, since we have the fisheries service in NOAA, it is critically important to us, but there are technologies like vessel monitoring systems which by having those out on all fishing vessels, some of that's being done in New England now. That's a very effective way, and we also have joint project agreements, joint enforcement agreements, where we're asking the states, we're deputizing the states to do more fisheries enforcement. The Coast Guard does the lion's share of certainly blue water fisheries enforcement, but we also have fisheries enforcement agents at ports and we do undercover work at operations on endangered species and being able to work with the states is clearly important. And once again, I want to thank the Congress because it was actually your efforts, Senator Hollings' efforts, Senator Gregg's efforts, Senator Snowe's efforts and others

that came forward and gave us funding last year to help reimburse the states for that mission. So, thank you.

The CHAIRMAN. Thank you very much, Mr. Gudes. The last question from me. I need to then excuse myself momentarily. I'll leave the gavel with Senator Snowe, but I have to attend a Finance Committee stimulus package meeting for a brief period of time and then will try to get back here. But the Coast Guard, I understand, has been diverting resources to provide a 500 yard protective zone to Navy vessels, and I'm wondering what sort of resources that demands and diverts. Does the Navy pay you for that separate piece? What's the relationship here in that and is that a good diversion of your resources at this point?

Let me take a quick crack at it, sir, and then let Thad tell you what's going on down in Norfolk. In the wake of the Cole tragedy in Yemen, there obviously was all of a sudden a great, great surge of interest with respect to force protection, not only overseas but as it relates to bases and vessels, stateside as well. I have spoken to Admiral Clark about that on a number of occasions and suggested to him that sort of the first order decision was his. Would anybody other than the Navy ever be responsible for the protection of Navy people, bases, and assets and if his answer to that initial question was either yes or maybe, then we ought to talk more about whether or not that is an appropriate niche competency that we could offer to the Navy if it was adequately funded and developed and resourced over time. I think the school is still out a bit on the answer to the first question, but in the meantime, events as they often do, you know, jump into to demand immediate actions and immediate decisions. And so, on the 11th of September and thereafter, Thad in the East Coast and Admiral Riutta on the West Coast have in fact been challenged in San Diego, in Honolulu, in Norfolk. In all of these, whether it's New London, Connecticut or Bangor, Maine, all of these places had enormously important, quote, critical infrastructures. All over the U.S. and assets needed to have the attention of whatever force protection was appropriate, waterside as well as landside. And so, there's been a number of places where individual commanders locally have gotten together and sorted out how best to do that for the moment until the bigger answer is forthcoming.

Admiral ALLEN. Senator, in the wake of the September 11 attacks, Admiral Riutta and I issued emergency rules under Title IV USC 91 that allows us to put a zone around Naval assets for their protection and what that rule consisted of was a 500 yard zone which if you entered that zone you had to be going just fast enough to control the boat. There was another inner zone of 100 yards that was established where you could not penetrate and could be directed out and that carried criminal fines and penalties associated with it. The authority to enforce that zone resides both with the Coast Guard and with Navy under law. So, then it becomes a shared resource issue on how most effectively to apply the zone. And what we've done is we've taken the fleet concentration in Hampton Roads which is the largest fleet concentration in the world for the Navy, and we are setting up emergency procedures right now that will go into effect probably next week for a Joint Operations Center where the Coast Guard and the Navy will joint-

ly operate that. It's important that we do it jointly even if the Navy assets are out there on the water because there's a shared use of Hampton Roads harbor with a lot of commercial traffic and we have to mitigate the impact of anti-terrorism enforcement protection measures for the Navy with the flow of commerce, which is very important post September 11. And that means reaching out to the community too and being a bridge not only to DOD but the local law enforcement community and the local maritime association there, sir. We're actively working at it and we hope to get a good working prototype that we can export to the other fleet concentrations around the country, sir.

The CHAIRMAN. Well, I appreciate your answer. I guess in the aftermath of the 11th a lot of things are provisional, but my counsel would strongly be that, while I completely agree and accept that you have to coordinate, and that even if there were Navy personnel and Navy assets out there, you'd need to be in a coordinated status. I think the strong preference would be, given the way you're strapped on these three or four other areas, for the Navy to use its capacity to ensure protection of its assets and personnel on the water. To tie up your personnel and protection of the Navy, which is after all also on the water, it seems to me that there ought to be a capacity to deal with that themselves.

Admiral ALLEN. Yes, sir. If I could add a comment. The Navy's very much aware that what they want is our statutory authorities and competency. They're more than willing to flow assets toward us. So, it's things we can add without bringing more resources to the fight and that's what we're brokering right now with Admiral Natter at Cinclaws Fleet.

The CHAIRMAN. Well, I'm glad to hear that, and I encourage that obviously to happen. I think that's a good thing. Senator Snowe.

Senator SNOWE. Thank you. Just several more questions. Admiral Loy, Senator Kerry was referring to the legislation authored by Chairman Hollings on the Port and Maritime Security Act. Are there threat assessment schedules in that legislation? Obviously, that's going to have to be expedited. Will there be some input from you, some suggestions as to how we should make some changes in that legislation? Frankly, I think that threat assessments should be done here and now in terms of the various ports. Is that under way now?

Admiral LOY. It is under way now. It is under way on unfortunately a slow bell and I couldn't agree with you more. At the very least, one of the things that would be included in our input to you with respect to that bill would be to at least get to the 50 ports that I described earlier out of the 360, to get those assessments done absolutely as quickly as we can and then allow the port itself to, together with all of its federal colleagues and partners, deals with closing the gaps that are found as those vulnerability assessments are taken. Yes, ma'am, that should be done right away.

The CHAIRMAN. Admiral, I need to excuse myself to go to this meeting and I'll be back as soon as I can, but I just want to say thank you to all of you. Thank you for the job that you're doing, and please convey to all of the Coast Guard personnel our confidence and our gratitude for the long hours and great efforts they're making. We're proud of you.



Admiral LOY. Thank you, Mr. Chairman.

Senator SNOWE. So, at least for the top 50, that will be done immediately.

Admiral LOY. I think it should be done within a year.

Senator SNOWE. Within a year?

Admiral LOY. Yes, ma'am.

Senator SNOWE. That sounds like a long time.

Admiral LOY. It's all about the wherewithal to do it.

Senator SNOWE. I assume that certain things would be done in any event in the meantime?

Admiral LOY. Those things are going on.

Senator SNOWE. The obvious vulnerabilities.

Admiral LOY. We have had with the defense threat reduction agency a game plan where frankly we're now very much poised to do these and do these pretty efficiently. We learned in Baltimore; we learned in Apra Harbor in Guam; we learned in Honolulu and we have a couple going on as we speak. So, the notion of having gotten the bugs out of the process of how do one, those things are behind us. We are absolutely poised to go do those as quickly and as efficiently as possible.

Senator SNOWE. In working with the local communities, for example, on perimeter security and some of those issues, at the various ports?

Admiral LOY. Yes, ma'am. Physical security, whether it's fences, alarm systems, cameras, all those kinds of things, are absolutely a part of those assessments.

Senator SNOWE. Now, let's turn to the sharing of information and intelligence. I notice that you listed a number of agencies. This is an issue that I became well familiar with when I was on the Foreign Relations Committee and the Foreign Affairs Committee in the House as well. We worked on this issue of information sharing and having the State Department have access to the FBI national criminal identification center. It's been a long-standing issue. In any event, my concern is how we go about having this kind of information sharing. I know we're going to have it in the anti-terrorism bill and I worked on that component as well. Frankly, I would like to see it go a step further and include the CIA, DEA, Immigration and Customs, and not just be between the State Department and the FBI. It's important that the State Department have the most up-to-date information so visas are not issued to individuals who pose a threat to this country. But how are we going to go about getting this information sharing with the Coast Guard and all the other agencies? Is that something that you have talked to Governor Ridge about as well?

Admiral LOY. Yes, ma'am. I absolutely did and it was interesting. In his moment with the President, when he was sworn in the other day, one of the things that he mentioned was pieces of pottery that might be left around in terms of rice bowls that would be broken along the way if necessary. When I chatted with him last Friday, I indicated to him that if he bought into my notion of awareness in front of the prevention-response-consequence or management paradigm that the challenges that we have all had for many years in a variety of different functional efforts, counter drug, national security and many other places where an appropriate attention to

sources and methods as being always very, very important for us to be concerned about but to find a way for the fusion process of information sharing to actually occur because until we did that, we will be right back where we started on September 11 and that's not where we want to be.

Senator SNOWE. And I would agree. In fact when you mention sources and methods, that was one of the issues. When I was working on this issue, we actually passed a provision back in 1994. Regrettably, somebody incorporated in it a sunset provision, which expired in 1998, where the State Department would have had full access to this information. But in any event, I did manage to get through a provision to address your concern with revealing sources and methods. It's true if you compromise either criminal investigation or identify sources of methods. And actually, in the law there is a provision that got enacted in 1994 in response to the World Trade Center bombing of 1993, that would give law enforcement officials an out if, in fact, it would compromise serious intelligence and classified information or jeopardize a criminal investigation. So, it is in the law, that type of thing, to address that very issue, so that they wouldn't be reluctant or resistant to share that information. We really do have to break down these barriers.

Admiral LOY. Two thoughts that I have. One, in the 6-months since we started this project, in our Intelligence Coordination Center in Suitland, and by the way I'd be honored to escort you over there some day so you could see it first hand.

Senator SNOWE. I'd like to see it.

Admiral LOY. There has been a solid growth of willingness and from the involved agencies to share the information they have to yield a better product for all of us to work from. The second piece is, I think there's a bit to be learned from Joe McCaffrey's challenge to us of a year and a half ago. Well, we kept sort of pointing to the Intel people saying we're not getting the right kind of products out of you. Therefore, we're not doing our jobs as well as we could. His counterchallenge to us was have you defined the requirements adequately to the Intel community so they can organize themselves to produce those things that would be helpful to you. So, one of the notions that I tried to leave with Governor Ridge was to accept the challenge of defining the requirements about awareness that we need to do better homeland security and then that, as it did in the drug war, they created a new organizational element within the agency and other places to facilitate providing us tactically actionable products. And as you know, we just had our third consecutive record year in cocaine seizures out of the transit zone as a result of those very things happening. So, there's a lesson there for us. You take out drugs. You put in terrorism and capture the notion about defining the requirements of your needs from the intelligence community and let them rise to the occasion.

Senator SNOWE. On the search and rescue readiness, it was already documented by the Inspector General's report in September that we had some serious readiness problem in that regard. You rightly have placed search and rescue as a top priority along with homeland security. How do we address the OPTEMPO issue for your personnel?

Admiral LOY. It's one of two things. It's an infusion of resources that allows the reasonableness of OPTEMPO to be gained or it's obviously, with respect to this chart, some kind of a reduced acceptance on the part of the American people that that's all the functionality they want out of the Coast Guard, and I don't believe the answer to that last question is yes. I just don't believe it.

Senator SNOWE. We will have to figure it out because you have had to shift resources from some of these very important categories in order to address this high security threat. We'll have to do that, but I hope for the long term we can find a way of identifying some resources to support these other critical missions and find a way so we don't have to do that kind of shifting of resources.

Admiral LOY. As I said, we're poised to do that in many ways, that we're poised. We just accepted from the three competing consortium for the integrated Deepwater System project just last Friday. Their proposals came in in final form. A red letter day with respect to all the efforts you and others have done to help us with that project along the way. NDRSMP and the PAWSS system, those are all projects right on the threshold of being productive for the nation and whether there's acceleration potential in them, we have to grapple with that as well.

Senator SNOWE. One other question is can we use fishermen as an auxiliary on the waters? I mean, they obviously can also help to be our eyes and ears. Is there any way for us to be able to use them? I mean, during World War II, they augmented our activities on the sea.

Admiral LOY. Yes, ma'am. As you say, we need sensors out there and whether they are sophisticated technological sensors and satellites going overhead and whatever, that's one contribution to Maritime Domain Awareness. The other contribution is that every fisherman is a sensor and to capture that notion is something that we are in fact thinking of very strongly. We think in the course of the last 10 to 15 years, you know, I love those guys, they're the most independent people on the face of the earth. But we have accommodated a mutual respect, I think, for each other and at this point especially the patriotism that every American is finding a way to contribute, searching for a contribution they can make. That is clearly one that we can gain from the fishermen.

Senator SNOWE. I certainly think so and I think you're right. Individually and collectively, we can make a difference if we're all aware of our surroundings and being vigilant. They certainly could play a role in that regard, a very important role. Mr. Gudes, one question, on law enforcement, on fisheries enforcement. I know as I said earlier that you've had to shift some of your law enforcement personnel for investigative purposes. How is that affecting the fishery enforcement? What do we need to do to address that issue?

Mr. GUDES. The first issue, as I pointed out before, we're trying to rely as much as we can on these law enforcement agreements that we've reached with states. We're shifting around the remaining officers to cover areas that we need to look into. I do think if this continues long term there are some issues we're going to have to deal with as an agency. I still think that the decision that we made on September 11 was the right one, that to allocate these resources to what I thought was the highest priority at that time.

But as it continues long term, this is something we'll have to take a look at.

Senator SNOWE. I would hope that you share your information with the Committee because we want to support you in that regard and not have fishery enforcement affected in the long term because that is obviously important. So, I hope you'll stay in touch with us on that because we certainly would want to provide some support.

Mr. GUEDES. I absolutely agree and the comment I made before, I was just reminded when I talked about vessel monitoring systems; again, this provides a two-way communication, not only to be able to know where the fishermen are fishing for law enforcement purposes, for regulatory purposes, but also to be able to contact back immediately back to port. So, it's one of these dual use technologies, if you will, some term that you use in the national security world.

Senator SNOWE. And I understand that the National Marine Fisheries Service agents may be used as air marshals. Is that true in the short term when the FAA hires and trains additional marshals?

Mr. GUEDES. Yes.

Senator SNOWE. That is true?

Mr. GUEDES. Yes, we have 21 agents that we came forward. Again, they're already trained as law enforcement agents and when the call went out a few weeks ago we looked at our resources and decided that we could offer 21 agents that could immediately, with very little training, take part in helping secure the airways. And, again, that was a decision I made that we made but I think it was the right one.

Senator SNOWE. I want to thank all of you for being here today. I certainly appreciate your service to our country and to everyone involved and to all of the men and women in the Coast Guard. Please express our appreciation and gratitude for what they're doing day in and day out.

Mr. GUEDES. Thank you, Senator Senator Snowe, I sure will.

Senator SNOWE. And we thank you, Admiral Loy. Thank you for the leadership that you have provided consistently in your tenure. Also, we want to do all that we can to be helpful and supportive in that regard. We thank you.

Admiral LOY. Thank you, ma'am.

Mr. GUEDES. Thank you, Senator.

Senator SNOWE. May we ask the second panel to come to the witness table, please? I certainly want to welcome the second panel. We appreciate your presence here today. We have with us Admiral Rick Larrabee, Director of Port Commerce, Department of Port Authority of New York; Captain Michael Watson, President of the American Pilots' Association; Captain Jeff Monroe, Director of the City of Portland, Maine Department of Transportation; and Mr. Ken Petersen, Executive Director of the Maritime Security Council. Why don't we begin with you, Admiral Larrabee.

**STATEMENT OF RICHARD M. LARRABEE, DIRECTOR, PORT  
COMMERCE DEPARTMENT, THE PORT AUTHORITY OF NY & NJ**

Mr. LARRABEE. Thank you Senator Snowe.

Senator SNOWE. I might also mention that we will include the entire text of your statements in the record.

Mr. LARRABEE. Thank you for the opportunity to testify this morning on this very important issue. As you said, I'm Rear Admiral Richard M. Larrabee, United States Coast Guard Retired and I am currently director of Port Commerce at the Port Authority of New York and New Jersey. On behalf of the Board of Commissioners and all of our staff, I want to thank you, Senator Snowe, and all the Members of Congress for your outpouring of support for all of us in the New York, New Jersey region so directly impacted by this terrible event. The Port of New York and New Jersey is the third largest in the nation and the largest port on the east coast of the United States. Last year the port handled over 3 million containers, 560,000 automobiles, and it's the largest handler of petroleum products in the nation. As the Commandant stated earlier, ports like New York and New Jersey are the key transportation links in our global trade. As a result, ports are an essential component of the nation's economy and provide the critical intermodal link for the transfer of goods from ships to our national landside transportation network. On September 11, the world witnessed the use of a civilian transportation vehicle as a weapon to destroy property and take the lives of thousands of innocent people. The tragic events of that day underscore the critical need to meet America's transportation requirements while ensuring the safety and security of our nation. In the immediate aftermath of the attacks on the World Trade Center, the Pentagon and the crash in Pennsylvania, the Port of New York and New Jersey was closed by the U.S. Coast Guard Captain of the Port as a precaution against potential terrorist threat. The response by federal, state and local enforcement agencies, along with the support and cooperation of private marine terminal operators and their security teams was well coordinated and very orderly. The port was reopened on the morning of Thursday, September 13 under new procedures established by the Coast Guard, Customs, local law enforcement and those terminal operators. As the Commandant stated in his testimony, the waterside procedures have included advance notice of vessel arrivals, ship boardings and additional security measures to protect shoreline assets. Additionally, security measures were also instituted at land sites of our port operation. These included increased targeting and inspection of cargo containers by joint federal teams, increased physical security, increased patrols at roadway checkpoints within the port, restrictions on all foreign cruise going ashore and regular security meetings among federal, state and local law enforcement agencies and all of the operators of the port. Over the past month, we have raised many questions as to how national security in general and port security particularly will be coordinated, managed and most importantly funded. Under current manning and mission priorities, the Coast Guard and other agencies are able to adequately respond in an intensive way to these types of events, but these organizations can only sustain this level of security for a short period of time. Currently, there are not enough resources in

terms of personnel and equipment to maintain this level of security over an extended period within the Port of New York and New Jersey, let alone the rest of the nation. Senator Snowe, I congratulate you and the other Members of this Committee for taking up this important issue at this time and respectfully request that you seriously consider the Coast Guard's and other agencies' needs for both personnel and equipment to provide the level of protection and response that we need as a nation. In addition to the issues of resources among the challenges that we face in addressing the issue of port security is the question, as the Commandant said, "Who's in Charge?" In 1989, in the wake of Exxon Valdez, we faced a similar question when it came to identifying who was in charge in the event of an oil spill in one of our harbors. Today, we have an answer to that question because this Committee, the Congress and others took a coordinated approach to developing new laws that laid out clear responsibilities and roles for each of the agencies involved in responding to an oil spill. This could serve as a model to coordinate the various agency jurisdictions to first prevent and, if necessary, respond to a terrorist attack on our ports. It is an issue we hope that the Office of Homeland Security will address.

Communication is the foundation for coordination among the various agency responsibilities for port security. These include sharing intelligence and threat assessment information among federal, state and local agencies, as well as certain limited private interests, such as terminal operators, when in those instances the private companies have an explicit responsibility for securing their operation against a potential threat. As a port director, I cannot give you or my superiors a fair assessment today of the adequacy of current security procedures in place because I am not provided with the information on risk analysis conducted to institute these measures.

Senator Snowe, as you know, and the Committee Members are also aware, Senator Hollings has been considering the issue of port security well before September 11. He and Senator Graham are to be commended for their proactive thinking on these issues as representative of the Port and Maritime Security Act of 2001. My written testimony provides some specific comments on the current version of the bill and I appreciate the opportunity that is being afforded to the Port community to continue to participate in the development of this important legislation.

Providing for national security goes beyond the law enforcement procedures and providing adequate resources. Investment in our transportation infrastructure is critical to both our national defense and our economic well being. This includes sometimes our overlooked elements of the infrastructure such as NOAA's navigation services, especially the tide and current program. NOAA's real time port system which has been inadequately funded over the last couple of years is an essential element along with the Coast Guard's vessel traffic system in providing mariners with safe, secure navigation entering and leaving our ports. We must begin to incorporate security needs in the design and construction of national transportation infrastructure, including the application of new technologies that enhance our security while minimizing the impact on the flow of cargo through our transportation systems.

Finally, Senator Snowe, I want to commend you and thank the Commandant of the Coast Guard, the FBI, the U.S. Customs Service, the Immigration and Naturalization Service and a number of other agencies for the tremendous response they have provided to us in the New York/New Jersey region and the unprecedented level of cooperation among federal agencies and between federal and local jurisdictions over these past few weeks. Their efforts are deeply appreciated and will not be forgotten. Our hope is that with the support of the Congress and the Administration we can provide these agencies with the tools they need to sustain this level of service to the nation not only in times of crisis but over the long haul. Thank you again for the opportunity to testify. I'd be happy to answer any questions.

[The prepared statement of Mr. Larrabee follows:]

PREPARED STATEMENT OF RICHARD M. LARRABEE, DIRECTOR, PORT COMMERCE  
DEPARTMENT, THE PORT AUTHORITY OF NY & NJ

Mr. Chairman, Members of the Committee, thank you for the opportunity to testify on the important issue of port security given the events of September 11. I am Rear Admiral Richard M. Larrabee, United States Coast Guard Retired and I am currently Director of Port Commerce at the Port Authority of New York and New Jersey. On behalf of our Board of Commissioners and staff, I extend our thanks to Congress for the outpouring of support for all in the New York/New Jersey region so directly impacted by these terrible events.

The Port of New York and New Jersey is the third largest in the nation and the largest port on the east coast of North America. Last year the port handled over 3 million containers and 560,000 autos. New York/New Jersey handles more petroleum products than any other port in the nation, along with a variety of other bulk and breakbulk commodities. The harbor also supports a wide range of passenger services including cruise ships and growing, as well as increasingly important, commuter ferry services. Ports like New York and New Jersey are key transportation links in global trade; ninety-five percent of U.S. trade comes by ship. The Port of New York and New Jersey serves a region of 18 million people locally and a larger population of 80 to 90 million people within the 10 state region surrounding the port. Serving consumer demand for international goods is an essential component of our national economy and ports provide the critical intermodal link for the transfer of those goods from ships to our national landside transportation network.

On September 11, the world witnessed the use of civilian transportation as a weapon to destroy property and take the lives of thousands of innocent people. The tragic events of that day underscore the critical need to meet America's transportation requirements while ensuring the safety and security of the nation.

In the immediate aftermath of the attacks on the World Trade Center, the Pentagon and the crash in Pennsylvania, the Port of New York and New Jersey was closed by actions of the U.S. Coast Guard and local law enforcement as a precaution against a potential terrorist threat. This response by federal, state and local enforcement agencies, along with the support and cooperation of private marine terminal operators and their security teams, was well coordinated and orderly. The port was reopened on the morning of Thursday, September 13 under new procedures established by the Coast Guard, Customs, local law enforcement and terminal operators. These procedures include:

*Waterside*

- At sea boarding by joint Coast Guard, Customs and Immigration teams to inspect the vessel, paperwork and crewmembers;
- Tug escort from sea to dock;
- Coast Guard Port Security Units (PSU) providing additional waterside security, including the protection of national assets;

*Landside*

- Increased targeting and inspection of cargo containers by joint federal teams;
- Increased physical security;
- Increased patrols and roadway checkpoints within the port;

- Restrictions on all foreign crews going ashore except in the case of medical emergency and repatriation.
- Security meetings among all federal, state and local law enforcement twice a week and with terminal operators weekly.

These new, intensive security procedures highlight the means that the federal government and others will need to consider as we move forward in the weeks and months ahead. Over the past month, we have raised many questions as to how national security in general and port security in particular will be coordinated, managed and, most importantly, funded.

Under current manning and mission priorities, the Coast Guard and others are able to adequately respond in an intensive way to these types of events, but these organizations can only sustain this level of security for a short period of time. Currently, there are not enough resources in terms of personnel and equipment to maintain this level of security over an extended period within the Port of New York, let alone the rest of the nation.

I congratulate you, Mr. Chairman and the Committee, for taking up this important issue at this time and respectfully request that you seriously consider the Coast Guard's and other agencies' needs for both personnel and equipment to provide the level of protection and response that we as a nation now expect and require.

While the focus of this morning's hearing is on the Coast Guard and NOAA, I know, Mr. Chairman, that you and the members of the Committee are aware that they are only two of several federal agencies that have a role in port security. In addition, there are state and local agencies that also have port security roles and responsibilities.

Therefore, among the challenges that we face in addressing the issue of port security is the question of "Who's in Charge?" In 1989, in the wake of the Exxon Valdez disaster, we faced a similar question when it came to identifying who was in charge in the event of an oil spill in one of our harbors. Today, we have an answer to that question because this Committee, the Congress and others took a coordinated approach to developing new laws that laid out clear responsibilities and roles for each of the agencies involved in responding to an oil spill event. This could serve as a model to coordinate the various agency jurisdictions to first prevent and, if necessary, respond to a terrorist attack on our ports. It is an issue we hope that the Office of Homeland Security will address.

Communication is the foundation for coordination among the various agencies responsible for port security. This includes sharing intelligence and threat assessment information among federal, state and local agencies, as well as certain limited private interests, such as terminal operators, when in those instances the private companies have an explicit responsibility for securing their operations against a potential threat. As a port director, I cannot give you or my superiors a fair assessment today of the adequacy of current security procedures in place because I am not provided with information on the risk analysis conducted to institute these measures.

Mr. Chairman, as you and the Committee members are aware, Senator Hollings has been considering these issues of port security well before the events of September 11. He and Senator Graham are to be commended for their pro-active thinking on these issues. The Senate and others are actively considering the Port and Maritime Security Act of 2001. We look forward to reviewing this legislation with Congress, port operators and private interests to ensure provide adequate resources and funding are in place to provide the highest level of security, commensurate with the vulnerability and threat, while also maintaining the safe and efficient movement of commerce and protection of the public.

Our success in providing heightened port security in the wake of the September 11 attacks clearly indicates that no one entity is responsible or capable for providing port security, but rather, it is a shared responsibility among federal, state and local law enforcement, and private security forces. Thus, any legislation must consider not only those partnerships but also private terminal operators and port authorities as well. The port industry must have the ability to work together with the local Coast Guard Captain of the Port to develop security guidelines and standards specific to the unique nature and vulnerability of each port area, rather than generic guidelines for all ports.

One of the major provisions of the Port Security Bill calls for vulnerability assessments followed by the submission of comprehensive security plans. In the wake of recent events, the schedule of vulnerability assessments, which now calls for 50 ports over 5 years, must be accelerated or at least prioritized. At this point, the Port of New York and New Jersey is not even scheduled for a vulnerability assessment in FY 2002. I believe that this is inadequate.



While the Port Security Bill continues to be revised, we commend Senators Hollings and Graham for drafting legislation that provides focus for a national policy on maritime security. We would, however, appreciate an opportunity to comment on any further revisions before the bill is finalized.

Providing for national security goes beyond law enforcement procedures and providing adequate resources. Investments in our transportation infrastructure are critical to both our national defense and our economic well-being. Given our heightened awareness of the need for greater security, along with our effort to increase capacity at our ports, we can begin to incorporate security needs into the design and construction of national transportation infrastructure. This could include the application of new technologies that allow us to enhance our security measures while minimizing the impact on transportation systems on the flow of cargo.

Finally, Mr. Chairman, I want to commend and thank the Commandant of the Coast Guard, the FBI, the U.S. Customs Service, the Immigration and Naturalization Service and a number of other agencies for the tremendous response they have provided to us in the New York/New Jersey region and the unprecedented level of cooperation among federal agencies and between federal and local jurisdictions over these past weeks. Their efforts are deeply appreciated and will not be forgotten. Our hope is that with the support of the Congress and the Administration we can provide these agencies with the tools they need to sustain this level of service to the nation not only in times of crisis, but over the long term.

Thank you, again, for the opportunity to testify. I would be happy to take any questions.

Senator SNOWE. Thank you, Admiral Larrabee. Captain Watson.

**STATEMENT OF CAPTAIN MICHAEL R. WATSON, PRESIDENT,  
AMERICAN PILOTS' ASSOCIATION**

Captain WATSON. Thank you, Senator Snowe. I am Captain Michael Watson, President of the American Pilot Association. This Association is the national trade association of professional maritime pilots. Its membership is made up of 56 groups of state-licensed pilots, comprising virtually all state pilots in the country, as well as the three groups of United States registered pilots operating in the Great Lakes. APA members pilot over 95 percent of all international trade vessels moving in U.S. waters. We're grateful to be here today to provide testimony as you requested. Our members throughout the country have been working closely with the Coast Guard, helping to implement the security measures that were initially imposed as well as the measures that are currently in effect. In many places, this has required significant changes in pilotage operations. That could be seen in New York the day of September 11. When the port was closed our member groups main pilot station was put on duty at the Battery and for those 3 days of closure was the command headquarters for the Coast Guard, the FBI, etc. Soon after September 11, we conveyed to the Commandant of the Coast Guard the full cooperation and support of the APA and its members. On September 25, my staff and I met with Admiral Pluta, Chief of the Coast Guard's Office of Merchant Safety, and his staff to identify ways that the APA and the Coast Guard can work together to enhance security in our ports and waterways. At that meeting, we agreed to establish an ongoing cooperative project to be conducted under our existing Partnership Agreement with the United States Coast Guard. Before discussing that, however, I would like to provide some background information on the role that the pilots have traditionally played, and can play, in port security. Under normal circumstances, an APA member pilot is the only United States citizen on a foreign ship moving in the fragile port and waterway system that is the lifeline of this country. In the tra-

ditional state pilot system, pilotage is a public service. The pilot's overriding obligations are to the state that issues the license and to the public. The pilot is not a member of the ship's crew. In fact, the state pilotage system seeks to ensure that the pilot is independent of the ship and of the control by the its owners and master. Pilots are not combat personnel, security guards, law enforcement officials, or inspectors. We need to be careful that we do not do anything that would detract from or jeopardize essential piloting functions. To do so would create a risk of an accidental catastrophe that could have effects just as devastating as the one occurring by terrorist design. Pilots are frequently referred to as the eyes and ears of a port and they are in a unique position to detect suspicious or unusual activities. As mentioned earlier by Senator Kerry, information is probably one of the greatest weapons we have today in this threat and the pilots with their partnership agreement in the Coast Guard are positioned to provide that information. A major part of our partnership project with the Coast Guard is an examination of ways to improve communications between pilots serving on ships and the Coast Guard. Pilots recognize the Coast Guard as the ultimate agent for port security. We depend on them and expect them to provide assistance to any pilot who has a problem with a crew member or someone else on a ship who would interfere with the pilot's job. Pilots have long been aware of the possibility that a ship could be involved in an act of terror, either as a target or as a weapon. There are two potential types of terrorist attacks that most concern pilots. The first would be where one or more individuals takes control of the ship, away from the pilot, with the intention of steering it into another ship, a bridge, a fuel dock, etc., to create maximum destructive potential. The second case would be, as in the case of the USS Cole, a deliberate suicide attack on a vessel carrying hazardous cargoes coming from outside of the ship. Several of the security measures implemented by the Coast Guard since September 11 will help to prevent this particular threat. One is the 96 hour advance notice of arrival, which we totally support. In some ports, the Coast Guard has initiated boarding parties and a sea marshal program in which armed personnel board the ship and remain on board during its transit of U.S. waters with the pilot. Our pilot groups have assisted in this program both in the Atlantic and Pacific regions. Other Coast Guard initiatives may provide additional help. We support the Coast Guard's current consideration of placing controls on the people who can take simulator training, especially port-specific programs on full mission bridge simulators. Also, we would urge the Coast Guard to tighten up its scrutiny in the issuing of seamen's documents and controlling who in fact are on board our U.S. flagged vessels. I believe in the long run working with the Homeland Security, the ports, etc., that we can develop a proper security system in this country that will have minimum affect on our marine transportation system as a whole. We support the Coast Guard as the primary agent of port and waterway security. There is no question, however, that the Coast Guard currently lacks the resources necessary to fulfill all of the security missions that it will certainly have. As Admiral Larrabee said, NOAA also too is grossly underfunded. A very important project that he mentioned, I'm a member

of the MTS National Advisory Council to Secretary Mineta and the first recommendation of that Committee prior to this incident was to get more funding for NOAA's ports program. That's an added need for both the Coast Guard and the civilian end of our navigation system. Again, I thank you for allowing me to be here today and I assure you that the members of the American Pilot Association are committed to working with the Federal Government in making our ports more secure. Thank you very much.

[The prepared statement of Captain Watson follows:]

PREPARED STATEMENT OF CAPTAIN MICHAEL R. WATSON, PRESIDENT, AMERICAN PILOTS' ASSOCIATION

Good morning Mr. Chairman and Members of the Subcommittee. I am Captain Michael Watson, President of the American Pilots' Association. The APA is the national trade association of professional maritime pilots. Its membership is made up of 56 groups of state-licensed pilots, comprising virtually all state pilots in the country, as well as the three groups of United States-registered pilots operating in the Great Lakes. APA members pilot over 95 percent of all international trade vessels moving in U.S. waters.

Our members are evaluated, examined and regulated by both the federal and state governments and are charged to provide our ports with safe, efficient, and reliable pilotage service (i.e., the movement of all foreign vessels in the many ports of our country). Our allegiance is not to any one company or business, which has only its bottom line profit at stake, but rather to the citizens of our country by protecting the environment, property and the economic interest of each port area. I am proud to say that the American Pilots' Association is a formal partner working with the United States Coast Guard and N.O.A.A. as a team to accomplish these goals as well as preventing acts of terror against our citizens.

The APA is happy to provide the Subcommittee with information and assistance in its examination of security against maritime threats and the response to the September 11 attacks, maritime security threats and proposals for addressing them and how these activities may affect the our groups as well as the business community which we serve.

The events of September 11 have had a profound impact on our members, as Americans and as pilots. The day-to-day operations of pilots have already been impacted by the terrorist attacks. Our members throughout the country have been working closely with the Coast Guard helping to implement the security measures that were initially imposed as well as the measures that are currently in effect. In many places, this has required significant changes in pilotage operations.

Soon after September 11, we conveyed to the Commandant of the Coast Guard the full cooperation and support of the APA and its members. On September 25, my staff and I met with Admiral Pluta, Chief of the Coast Guard's Office of Merchant Vessel Safety, and his staff to identify ways that the APA and the Coast Guard can work together to enhance security in our ports and waterways. At that meeting, we agreed to establish an ongoing cooperative project to be conducted under our existing Partnership Agreement with the Coast Guard. Before discussing that, however, I believe that it would be valuable to provide some background information on the role that pilots have traditionally played, and can play, in port security.

#### **The Pilot's Role in Maritime Security**

Under normal circumstances, an APA-member pilot is the only U.S. citizen on a foreign ship moving in the fragile port and waterway system that is the lifeline of this country. The pilot comes aboard the ship while it is in U.S. waters to direct its navigation and to prevent it from engaging in unsafe operations.

In the traditional state pilot system, pilotage is a public service. The pilot's overriding obligations are to the state that issues the license and to the public. The pilot is not a member of the ship's crew. In fact, the state pilotage system seeks to ensure that the pilot is *independent* of the ship and of control by its owner and master. For that reason, the traditional state system prohibits pilots from competing for business and otherwise seeks to insulate the pilot from economic considerations that would interfere with the pilot's professional judgment. Indeed, most of the features of a comprehensive state pilotage system are designed to ensure that pilots are free to act in the public interest by doing everything they can to prevent accidents and to get ships where they need to go as efficiently and safely as possible. APA-member

pilots operating under these systems play an important role in protecting our nation, in both normal and extraordinary circumstances.

In order to provide the nation with these critical services, pilots need to focus on their piloting tasks. Pilots are not combat personnel, security guards, law enforcement officials, or inspectors. As we consider ways to assist in enhancing port security, we need to be careful that we do not do anything that would detract from or jeopardize essential piloting functions. To do so would create a risk of an accidental catastrophe that could have effects just as devastating as one occurring by terrorist design.

This is not to say, however, that pilots cannot provide important assistance to the Coast Guard in protecting against threats to maritime operations. Pilots are frequently referred to as the eyes and ears of a port. As the only U. S. citizens on the hundreds of foreign ships with foreign crews moving in our waters each day, state pilots know a great deal about what is happening not only on the ships but in the surrounding waters as well. They are in a unique position to detect suspicious or unusual activities.

For that reason, a major part of our partnership project with the Coast Guard is an examination of ways to improve communications between pilots serving on ships and the Coast Guard. We are looking at communication procedures, methods, and protocols. The idea is to give quick and accurate notice to the Coast Guard of any suspicious activities, particularly on board the pilot's ship, without compromising the pilot's duties or safety.

In this respect, I would confirm to you that the pilots recognize the Coast Guard as the ultimate agent for port security. We depend on them and expect them to provide assistance to any pilot who has a problem with a crew member or someone else on a ship who would interfere with the pilot's job. At the same time, I would submit, Mr. Chairman, that the Coast Guard and the nation need APA-member pilots. No one else can do what trained, licensed, professional pilots do. No system of enhanced shore control or shipboard guards can provide the critical safety functions performed by APA members.

#### **Maritime Security Threats and Protective Measures**

As people who make their living in the maritime industry and work on the water, pilots have long been aware of the possibility that a ship could be involved in an act of terror, either as a target or as a weapon. There are two potential types of attack that most concern pilots. The first would be where one or more individuals takes control of the ship away from the pilot with the intention of steering it into another ship, a bridge, a fuel dock, or some other structure with maximum destructive potential. The second would be, as in the case of the USS Cole, a deliberate suicide attack on a vessel carrying hazardous cargoes. I will comment on the first type of threat.

When a pilot comes aboard a ship, he or she typically encounters an unfamiliar foreign crew and an unfamiliar ship. The pilot will have only a general idea of the cargo and other contents of the ship. After an initial conference with the master during which essential navigation information is exchanged, the pilot and the bridge crew immediately begin working together to conduct the navigation of the ship without incident. That is what should happen and usually does happen. Obviously, this will not happen if there are people on board the ship who are intent on using the ship for harmful purposes.

Several of the security measures implemented by the Coast Guard since September 11 will help to prevent this particular threat. Just last week, the Coast Guard issued a new requirement for a 96-hour advance notice of arrival. That will help provide sufficient time to review crew lists and other information that might identify suspicious or high-risk ships. We intend to discuss with the Coast Guard ways to get that information to the pilots so that each pilot can have more advance information about the ship that he or she is about to handle.

In some ports, armed Coast Guard personnel are boarding ships before the pilot arrives to conduct searches and confirm information provided in the notice of arrival. We intend to discuss with the Coast Guard the scope of the inspections and perhaps suggest things that they might want to look for. Pilots do not have an effective way of knowing whether an explosive device has been planted on a ship or whether navigation controls have been tampered with.

In some ports, the Coast Guard has initiated a sea marshal program in which armed personnel board the ship and remain aboard during its transit of U.S. waters. Our pilot groups have assisted in this program. We understand that the Coast Guard sea marshals will, among other things, ensure that no one on the ship interferes with the pilot doing his or her job. We intend to discuss with the Coast Guard

the role of the sea marshals and how the pilots and the sea marshals can best help each other.

As indicated before, we are currently working with the Coast Guard to enhance the communication between pilots and the Coast Guard. If a problem does develop on a ship when the pilot is aboard, or if a pilot sees something that may be suspicious, we intend to have agreed procedures for getting that information to the Coast Guard quickly and safely. There should also be some understanding of what types of Coast Guard response could be expected.

Other Coast Guard initiatives may provide additional help. We support, for example, the Coast Guard's current consideration of placing controls on the people who can take simulator training, especially port-specific programs on full mission bridge simulators. Long before September 11, we were concerned about increasing reports of simulator training centers allowing their programs, including port-specific programs, to be used by people other than U.S. citizen professional mariners. Even from a purely safety perspective, this is a dangerous practice.

The Coast Guard is also experimenting with tug escort requirements for some ships in some ports. In our view this is less effective than sea marshals. Tugs that are not made fast to a ship have little chance of successfully stopping or redirecting the ship if it has been suddenly and intentionally steered into a target by an unfriendly force.

Finally, we will be reviewing pilot training to see if some additional training is needed. For example, all APA-member pilots receive training in how to assess quickly the quality of a ship and its crews. This assessment focuses on the competency of the crew and the resources of the ship from a navigation safety perspective. Pilots have not had training, however, specifically addressed to techniques for spotting potential terrorists among the ship's crew or other suspicious circumstances on a ship.

#### **Impact of Security Measures on Maritime Transportation System**

Mr. Chairman, I am a member of the Maritime Transportation System National Advisory Council and serve as chairman of its Human Resources Subcommittee. All of us on the Council are concerned about the possible impact that the short-term and long-term responses to the September 11 attacks could have on our vital maritime transportation system. The difficulty is that while we must institute measures to protect our maritime transportation system from the threat of terrorism, we cannot cripple that system in the process. If we do, we will allow the terrorists to hurt us in a way that will be far more damaging than the immediate effects of their attacks. As we institute port security measures, we must ensure that ocean-borne commerce continues to move. The national security of our country depends on it.

I have several comments on the subject. Most importantly, we support the Coast Guard as the primary agent of port and waterway security. There is no question, however, that the Coast Guard currently lacks the resources necessary to fulfill all of the security missions that it will certainly have. Congress needs to provide the Coast Guard with greater resources. At the same time, the Coast Guard should leverage its limited resources by taking advantage of assistance available from state and local governmental entities and, where appropriate, from U.S.-citizen maritime stakeholders, such as APA-member pilots.

There should be greater coordination and information sharing among federal agencies. Coast Guard-led federal security measures must be flexible and responsive to the differing needs of our ports and waterways. We therefore support the Captain of the Port system. With improved communications between national and local Coast Guard offices, the Captains of the Port should retain the authority to tailor security measures to the conditions in their ports.

Finally, the U.S. maritime transportation system must recognize the importance of trained, professional U.S. citizen resources. The maritime industry has been too enchanted in recent years with the false hope that new technology and management approaches will permit the substitution of less costly, untrained, usually foreign, personnel for loyal, accountable American workers. The technology is valuable but only if it is put in the hands of trained professionals who have a stake in the success of our maritime system. I am confident that we can have a first-rate, competitive maritime transportation system without simply opening our ports and waterways to foreign ships.

#### **Conclusion**

I want to assure the Subcommittee that the members of the American Pilots' Association are committed to working with the federal government in making our ports more secure.

Senator SNOWE. Captain Monroe.

**STATEMENT OF CAPTAIN JEFFREY MONROE, DIRECTOR, CITY OF PORTLAND, PORTS AND TRANSPORTATION**

Captain MONROE. Good morning, Mr. Chairman, and Senator Snowe. Maine's largest city certainly feels honored and privileged to be part of these proceedings today. My name is Captain Jeffrey Monroe, United States Merchant Marine. I am the Director of Ports and Transportation for the city of Portland, Maine and I want to take this opportunity to talk about the department's experiences and the city's experience during the events of September 11. My department manages the Portland International Jetport, the city's transportation programs, and the municipal marine facilities in the Port of Portland. Our community of 65,000 hosts 5 million people annually through its transportation system and facilities. Critical to our transportation network is the Port of Portland. Our harbor includes petroleum, container and break bulk terminals as well as cruise ship facilities, international and domestic ferry terminals, and commercial fishing facilities. We have a strategic energy connection to Quebec through a major petroleum pipeline. Portland is the largest tonnage through port and largest international passenger port in New England and the second largest oil port in the U.S. East Coast and the number two fishing port in New England. Our ports lack the same level of coordinated federal preplanning common in the world of aviation. Unlike in our airports where local authorities are to take pre-approved federal action plans in time of emergency, seaports manages everything locally. There are no standardized procedures among ports and there is no cohesive database regarding petroleum, cargo and passenger movements. Every vessel is handled differently. Each federal agency works within its own set of protocols. During the period after the September 11 incidents we were faced with a number of passenger vessel calls in the port. How local representative federal agencies managed each vessel seemed to vary every day. Each had different requirements which would be interpreted by personnel at the local level without coordinated federal direction. The U.S. Coast Guard was stretched to the limit, patrolling the harbor while trying to maintain their search and rescue responsibilities. As a port director I can honestly say that they did an outstanding and remarkable job with the resources that they had. Other federal agencies took actions they thought were appropriate within their own realm of responsibility and followed their own rules and regulations for dealing with emergency situations. There seemed, however, to be little or no guidance from federal managers in Washington, D.C. and little coordination among federal agencies. Vessel operators reported different actions being taken by the same agencies in different ports. There was no unified high level federal command structure. No common communications among federal, state, municipal, and private entities regarding the seaports and threat assessments were not promulgated in a coordinated manner. In most cases, the full extent of the threat was never fully communicated. We secured our seaport and airport in the hopes that it would be sufficient. Certainly, as the FAA is to aviation, so must the role of the U.S. Coast Guard be expanded in port management in order that it can plan and take action in a similar fashion to its sister agency under the Department of Transportation. That expanded

role must include appropriate financial support. The City of Portland has long advocated full funding for the United States Coast Guard to meet its already demanding mission. We also support funding for new security missions with which the Coast Guard may be tasked. We note Senator Hollings bill S1214 provides for such funding but we believe that the bill's funding levels will need to be increased to match an expanded U.S. Coast Guard mission. Expanding funding of NOAA's technology and mapping programs will also be critical as a component of addressing that new mission. All modes of transportation need to be considered under a central management team in the event of national emergency. Seaport, rail, and bus facilities need to adopt the similar planning methods and protocols that are used in aviation. The experience since September 11 clearly demonstrate that federal coordination is imperative. Although the situation surrounding the Greyhound bus incident of October 3rd proved to be an isolated one, it demonstrated the need for broad base planning. Every mode of transportation and their associated facilities and infrastructure is a potential target. On September 11 our airport shut down, flights were grounded, and passengers were stranded. Trains, many containing chemical cars, continued to roll through metropolitan Portland. Tanker movements were restricted. Petroleum reserves were disappearing and every passenger ship that entered port were faced with rapidly changing rules. Trucks and buses moved cargo and passenger as they do every day with no restriction. Clearly, someone should have been thinking of the transportation system as a whole. The FAA, the United States Coast Guard, Federal Rail Administration, MARAD, Federal Highway Administration, the Motor Carrier Safety Administration, along with U.S. Customs and Immigration need to have their roles expanded to meet this new threat. There must also be coordination under a central federal framework. The coordination should come in the form of a new federal emergency transportation agency who will maintain and provide current data, do a wide range of preplanning, coordinate emergency response, and manage post-response logistics. That agency would work with FEMA, U.S. Customs and Immigration, the Department of Justice, and other federal agencies to ensure high level federal coordination. Such a concept was proposed in legislative by Senator Snowe in Senate 1462. Finally, the role of our federally supported airport deployment of the National Guard needs to be expanded to seaports and other large volume transportation facilities. Loans and grants to municipalities and states to support increased security demands need to be made available and allotted in an expeditious manner. The economic impacts of the September attack are just becoming clear but cost to the City of Portland for new security measures are crippling the city's budget. Losses to businesses in Maine are measured in the millions of dollars. The City of Portland cannot bear the increased cost by itself. The State of Maine cannot bear these costs by itself. We need expanded federal help in the immediate future. On behalf of the City of Portland, its officials and citizens we stand ready to work in developing an important transportation program improving interagency coordination and communication nationwide. We appreciate the hard work and support provided by our federal partners in meeting the threat of September

11 and we look forward to a strong relationship in the future. The lessons we have learned in assessing our readiness must be translated into a plan of action that can be achieved quickly as we work to protect our citizens. Thank you. The Chairman: Thank you, Captain Monroe.

[The prepared statement of Captain Monroe follows:]

PREPARED STATEMENT OF CAPTAIN JEFFREY MONROE, DIRECTOR, PORTS AND  
TRANSPORTATION

Good morning Mr. Chairman and distinguished members of the Committee. As the Director of Ports and Transportation for the City of Portland, Maine, I want to thank you for the opportunity to appear before you today to discuss my Department's experiences following the events of September 11.

My department manages the Portland International Jetport, the City's surface transportation programs and the municipal marine facilities in the Port of Portland. With a population base of 65,000, we handle nearly 5 million people annually through our transportation facilities and on our public transportation systems. I would like to briefly explain the security situation of the port as compared to the airport, including other modes of transportation like buses and trains. I want to emphasize that transportation on land, sea and air as a whole, must be dealt with in a coordinated manner across the country.

The Jetport is the largest airport in Maine, serving some 1.4 million passengers annually. We have several inter-city and intra-city bus service providers handling nearly 2 million passengers annually and we anticipate the start of new AMTRAK passenger rail service to Boston before the end of this year.

Also critical to our transportation network is the Port of Portland. Which, while small in physical size, is home to a vibrant and diverse economy. Our harbor includes petroleum, container and break bulk terminals, as well as cruise ship facilities, international and domestic ferry terminals and commercial fishing facilities. We have a strategic energy connection to Quebec through a major petroleum pipeline. Portland is the largest tonnage throughput and international passenger port in New England, the second largest oil port on the U.S. East Coast and the number two fishing port in New England.

But like our aviation systems, our ports by their very nature, have inherent weaknesses making them vulnerable to attack. I know that this Committee is familiar with the final report of Interagency Commission on Crime and Security in U.S. Seaports (The Seaport Commission Report, Fall 2000) and An Assessment of the U.S. Marine Transportation System (MTS, September 1999). We concur with the recommendations contained in both reports. The events of September 11 demonstrated many of the problems in the infrastructure and operations of our transportation system outlined in the reports.

Our ports lack the same level of coordinated federal preplanning common in the world of aviation. Unlike airports, where local authorities undertake pre-approved federal action plans in time of emergency, seaports manage everything locally. There are no standardized procedures among ports and there is no cohesive database regarding petroleum, cargo and passenger movements. Every vessel is handled differently. Each federal agency works within its own set of protocols.

During the period after the September 11 incidents, we were faced with a number of passenger vessel calls in the port. How local representatives of federal agencies managed each vessel seemed to vary daily. Each had different requirements, which were being interpreted by personnel at the local level without coordinated federal direction. The U.S. Coast Guard was stretched to the limit, patrolling the harbor while trying to maintain their search and rescue responsibilities. Other federal agencies took actions they thought were appropriate within their own realm of responsibility. In more than one instance, all passengers and crew were ordered off a foreign flag ship by U.S. Immigration into our terminal, creating a potential safety issue ashore. In another case, every member of the crew of an American ship, all U.S. citizens, were ordered to pack their belongings by U.S. Customs and to remove them from the vessel for inspection. During these instances, the City's resources were stretched to the limit in trying to protect their safety. Tanker operations and vessel movements were appropriately placed under significant restrictions. However, federal agencies had to quickly gather information on fuel availability and demand which should have existed in a readily accessible format. The U.S. Coast Guard did what they could in trying to balance the need for security against supply.



Each federal agency followed their own rules and regulations for dealing with emergency situations. There seemed however, to be little or no guidance from federal managers in Washington DC and little coordination among federal agencies. Vessel operators reported different actions being taken by the same agencies in different ports. Cruise ships, with tens of thousands of passengers, scrambled without any federal coordination to find any pier where passengers could be handled when the Port of New York was secured. There was no unified high level federal command structure, no common communications among federal, state, municipal and private entities regarding ports and threat assessments were not promulgated in a coordinated manner. Only the professionalism of local governmental officials working together with private entities, prevented a bad situation from getting worse.

In most cases, the full extent of the threat was never formally communicated. We secured our seaport and airport in the hopes it would be sufficient. Our resources were stretched to the limit. As you are aware, a state's or municipality's civil authority is limited to three strategic areas of security: prevention, crisis management and consequence management. A city or state does not have the assets available to be fully prepared for threats from enemies who may attack employing methods including conventional weapons or nuclear, radiological, chemical or biological agents. Ports are critical assets, not only to cities and states, but also to entire regions.

The Seaport Commission recognized that "improved coordination—among and through public and private marine transportation system stakeholders at the local, regional and national levels is a key element." The depth of knowledge required for preparation for each of the threats listed above can only be achieved through federal interagency, city, state and private cooperation. We fully endorse such a coordinated approach and encourage the Federal Interagency Committee for Marine Transportation System (ICMTS) to include security issues as a top priority.

Certainly, as the FAA is to aviation, so must the role of the U.S. Coast Guard be expanded in port management in order that it can plan and take action in a similar fashion to its sister agency under the Department of Transportation. That expanded role must include appropriate financial support. The City of Portland has long advocated full funding for the United States Coast Guard to meet its already demanding mission. We also support funding for new security missions with which the Coast Guard may be tasked. We note Senator Hollings' Bill S.1214 provides for such funding, but we believe that the bill's funding levels will need to be increased to match an expanded U.S. Coast Guard mission.

All modes of transportation need to be considered under a central management team in the event of national emergency. Seaport, rail and bus facilities need to adopt the similar planning methods and protocols that are used in aviation. The experiences since September 11 clearly demonstrate that federal coordination is imperative. Although the situation surrounding the Greyhound bus incident of October 3rd proved to be an isolated one, it demonstrated the need for broad based planning. Every mode of transportation, and their associated facilities and infrastructure, is a potential target.

On September 11, our airport shut down, flights were grounded and passengers were stranded. Trains—many containing chemical cars—continued to roll through metropolitan Portland. Tanker movements were restricted, petroleum reserves were disappearing and every passenger ship that entered port was faced with rapidly changing rules. Trucks and buses moved cargo and passengers as they do every day, with no restriction. Clearly, someone should have been thinking of the transportation system as a whole.

The FAA, U.S. Coast Guard, Federal Rail Administration, Federal Highway Administration, Motor Carrier Safety Administration, along with U.S. Customs and Immigration, need to have their roles expanded to meet this new threat. They must also all be coordinated under a central federal framework. The coordination should come in the form of a new Federal Emergency Transportation Agency, who will maintain and provide current data, do a wide range of preplanning, coordinate emergency response and manage post response logistics. That agency would work with FEMA, U.S. Customs and Immigration and the Department of Justice to insure high level federal coordination. Such a concept is included in the legislation proposed by Senator Snowe in S. 1462.

Finally, the role of our federally supported airport deployment of our National Guard needs to be expanded to seaports and other large volume transportation facilities. Loans and grants to municipalities and states to support increased security demands need to be made available and allotted in an expeditious manner. The economic impacts of the September attack are just becoming clear but costs to the City of Portland for new security measures are crippling the City's budget. Losses to businesses in Maine are measured in the millions of dollars. The City of Portland

cannot bear the increased costs by itself. The State of Maine cannot bear these costs. We need expanded federal help in the immediate future.

In closing, the State of Maine possesses more miles of coastline than any state in the continental United States. We share a border with Canada and we are a hub of international trade. Our City has an excellent working relationship with the FAA, U.S. Coast Guard and other federal agencies. The Port of Portland is a microcosm of port activities across the nation and the City of Portland is a microcosm of transportation.

On behalf of the City of Portland, its officials, and citizens, we stand ready to work in developing a port and transportation program improving interagency coordination and communication nationwide. We appreciate the hard work and support provided by our federal partners in meeting the threat of September 11 and we look to a stronger relationship in the future. The lessons we learned in assessing our readiness must be translated into a plan of action that can be achieved quickly as we work to protect our citizens.

Thank you.

Senator Snow. Mr. Petersen.

**STATEMENT OF KIM PETERSEN, EXECUTIVE DIRECTOR,  
MARITIME SECURITY COUNCIL**

Mr. PETERSEN. Thank you Mr. Chairman, Senator Snowe. As the Executive Director of the Maritime Security Council, I'm pleased to have this opportunity to address the Committee today to relate the views and concerns of our membership on the role of the Coast Guard in strengthening U.S. Security against maritime threats. The Maritime Security Council was created in 1988 to address the many security interests of the U.S. and international maritime community. We are a non-profit organization that works closely with U.S. Government agencies concerned with maritime security and counterterrorism. In fact, the Maritime Security Council is the maritime security advisor to both the U.S. State Department, through its Overseas Security Advisory Council, and INTERPOL, the international police agency. Our mission is to advance the security interests of the international maritime community against criminal and terrorism threats. Our international membership includes over 65 percent of the world's commercial ocean carrier fleet by tonnage, most of the world's passenger cruise lines, and numerous port authorities. As a consequence of its role in the maritime community, we're proud to have been called upon to assist in the development of Senate Bill 1214, the Port and Maritime Security Act of 2001, and the U.S. Sea Carrier Initiative and Super Carrier Initiative Programs. The MSC recognizes the U.S. Coast Guard as the leader in the U.S. coastal protection, ensuring that the nation's maritime transportation system for personnel and cargo is safe, reliable, and secure. The Coast Guard is unique in its ability to fulfill its mission of planning, executing and sustaining a robust and flexible domestic maritime homeland defense program, and it has performed this mission admirably—no more so than in the days since the September 11 attack on America. The energy and determination with which the Coast Guard implemented and enforced the requirements outlined in 33 CFR 120 and 129, which is the security of passenger vessels and passenger terminals, as an example, enabled the cruise line industry to respond to the September 11 attack in a uniform, controlled, and effective fashion. The Coast Guard immediately directed increased security measures at U.S. ports, and onboard U.S. and foreign-flagged vessels carrying Amer-

ican passengers or visiting U.S. ports. Subsequent to the attack, the Coast Guard worked in partnership with senior maritime industry executives, and organizations such as the MSC, to enhance the security of our domestic ports. Indeed, the Coast Guard has done exemplary work in its multi-mission, maritime and military service to this nation, all the while being historically underfunded, a fact that is particularly apparent when contrasted with other military services. Its is a tribute to Admiral Loy and his staff, such as Admiral Underwood of the Office of Intelligence and Security, that so much has been done with so little, and it is the fervent hope of the MSC and its membership that appropriate funding for the Coast Guard be ensured, both for the near term and over the years to come. Unfortunately, something has to fall through the cracks when budgets are stretched to the breaking point. A critical shortcoming in our national security planning has been the failure to fund and support security assessments and audits of foreign ports, particularly those ports of embarkation for cargo and passengers inbound to the United States. The U.S. Government must recognize that the leading edge of the boundary of our homeland defense is in fact foreign ports. The transnational nature of terrorism requires, by definition, a foreign launching point for attacks upon our country. This requires not only an understanding on our part of the security posture of foreign ports of origins of goods and passengers coming into our country, but also a preparedness for us to help those ports elevate their standards of security to levels we feel are appropriate, and mirror those within our own borders. Domestic ports cannot be our first line of defense but, in fact, must be a second line of defense behind our proactive efforts to stem the threat at the point of origin. I can tell you, Mr. Chairman, having performed counterterrorism audits in over 160 ports in almost 100 countries that it is frightening them to see how little security there is in some foreign ports that see ships depart their docks on a direct course into the ports of Miami, New York and others in the United States. With the potential of weapons of mass destruction finding their way into the hands of terrorists, one can easily imagine the risk we face should we continue to ignore the security of foreign ports. And, far from being averse to our presence, most foreign ports would welcome constructive security assessments from the United States, particularly when followed up with guidance and assistance in addressing the vulnerabilities that are identified. I can tell you a perfect example. I was performing an audit in the Congo and looking at the new security infrastructure they had built. They had installed beautiful chain link fences around their entire port but they were only five and a half feet high, well below the standard that we have in the United States. When I raised this issue with the commander of the port and said, "why didn't you make this three meters, (nine feet) high, which is the standard in the United States and elsewhere?" "He said," well, sir, nobody bothered telling us." And if we had, he would have been happy to have followed such standards. While the performance of foreign port assessments falls within the Coast Guard's charter, historically the lack of financial and manpower resources has prevented the Coast Guard from aggressively pursuing that aspect of their mission. In some years less than five such assessments were performed. In at

least one recent case, the assessments were canceled altogether, due to the ports being deemed too hazardous for military personnel to visit! And yet, these same ports were not too hazardous for cruise lines to visit carrying thousands of Americans on holiday. As a result, the commercial maritime community has resorted to making critical, often costly operational decisions with minimal, inconsistent information. The MSC launched an initiative in 1997 to categorize and evaluate security in foreign ports through the application of a tiered rating scale pegged to cargo/passenger throughput, GNP and other factors. The International Maritime Organization, an arm of the United Nations, has expressed an interest in working with the MSC and the Coast Guard on this project, which they feel can be used to increase security in Third World countries, in particular, to acceptable levels. What is needed is a holistic approach to this issue. We encourage the Coast Guard to marshal the resources of the intelligence, defense, and maritime communities to work together in finding viable solutions to improve foreign port security in tandem with our efforts here at home. We feel that it is essential for the Coast Guard to provide leadership in this effort. There is a critical need for at least 25 foreign ports to be audited on an annual basis, and our estimates are that the budget would be less than \$10 million. Mr. Chairman, we are moving quickly to address our domestic port security problems and, as I can attest as the newly appointed senior Security Advisor to the 14 deep water ports in Florida, we are doing a lot here at home. But it's not enough for us to simply focus on our domestic ports. Sir, the Maritime Security Council thanks you and Senator Snowe and the Members of this Committee for the opportunity to comment on this issue and the Maritime Security Council stands prepared to assist you with any questions you may have and in your future efforts on this subject. Thank you.

[The prepared statement of Mr. Petersen follows:]

PREPARED STATEMENT OF KIM PETERSEN, EXECUTIVE DIRECTOR, MARITIME SECURITY COUNCIL

Thank you Mr. Chairman and Members of the Committee. As the Executive Director of the Maritime Security Council, I am pleased to have this opportunity to address the Committee today to relate the views and concerns of our membership on the role of the Coast Guard in strengthening U.S. Security against maritime threats.

**Background of the MSC**

The Maritime Security Council was created in 1988 to address the many security concerns of the U.S. and international maritime community. We are a member-driven organization that works closely with United States government agencies concerned with maritime security and counterterrorism. In fact, the Maritime Security Council is the maritime security advisor to both the U.S. State Department, through its Overseas Security Advisory Council, and INTERPOL, the international police agency.

Our mission is to advance the security interests of the international merchant marine community against criminal and terrorist threats. Our international membership includes over 65 percent of the world's commercial ocean carrier fleet (by tonnage), cruise lines, numerous maritime service companies, port authorities, P&I clubs, shipping groups, ships' agents, maritime law firms, and technical and engineering firms serving the maritime industry.

The MSC works with many agencies, including the UN's International Maritime Organization, the U.S. Customs Service, U.S. Coast Guard, U.S. Immigration and Naturalization Service, U.S. Department of State, U.S. Navy, U.S. Maritime Administration (MARAD), U.S. Drug Enforcement Agency, U.S. intelligence agencies, Fed-

eral Law Enforcement Training Center, U.K. Department of the Environment, Transportation and the Regions, and the U.K. Ministry of Defense.

As a consequence of its role in the maritime community, the MSC is proud to have been called upon to assist in the development of S-1214, the Port and Maritime Security Act of 2001, and the U.S. Sea Carrier Initiative and Super Carrier Programs.

#### **U.S. Coast Guard Response to September 11 Terrorist Attack**

The MSC recognizes the U.S. Coast Guard as the leader in U.S. coastal protection, ensuring that the nation's Marine Transportation System is safe, reliable, and secure. The Coast Guard is unique in its ability to fulfill its mission of planning, executing, and sustaining a robust and flexible domestic homeland defense program, and it has performed that mission admirably—no more so than in the days since the attack on America on September 11.

The energy and determination with which the Coast Guard implemented and enforced the requirements outlined in 33 CFR Parts 120 and 128, (Security of Passenger Vessels and Passenger Terminals), as an example, enabled the cruise line industry to respond to the September 11 attack in a uniform, controlled, and effective fashion. The Coast Guard immediately directed increased security measures at U.S. ports, and onboard U.S. and foreign-flagged vessels carrying American passengers or visiting U.S. ports. Subsequent to the attack, the Coast Guard worked in partnership with senior maritime industry executives, and organization such as the MSC, to enhance the security of our domestic ports.

Indeed, the Coast Guard has done exemplary work in its multi-mission, maritime, and military service to this nation, all the while being historically under funded—a fact that is particularly apparent when contrasted with our other military services. It is a tribute to Admiral Loy and his staff, such as Admiral Underwood of the Office of Intelligence and Security, that so much has been done with so little, and it is the fervent hope of the MSC and its membership that appropriate funding for the Coast Guard be ensured, both for the near term and over the years to come.

#### **Threats and Challenges to U.S. Homeland Security**

Unfortunately, something has to fall through the cracks when budgets are stretched to the breaking point. A critical shortcoming in our national security planning has been the failure to fund and support security assessments and audits of foreign ports, particularly those ports of embarkation for cargo and passengers inbound to the United States.

The U.S. Government must recognize that the leading edge of the boundary for our homeland defense is in fact foreign ports. The transnational nature of terrorism requires, by definition, a foreign launching point for attacks upon our country. This requires not only an understanding on our part of the security posture of foreign ports of origin of goods and passenger coming to our country, but also a preparedness for us to help these ports elevate their standards of security to levels we feel are appropriate and mirror those within our own borders.

I can tell you, Mr. Chairman, having audited over 160 ports in over 106 countries, that it is nothing less than frightening to see how little security there is in some foreign ports that see ships depart from their docks and sail directly into Miami or New York. With the potential of weapons of mass destruction finding their way into the hands of terrorists, one can easily deduce the risk we face should we continue to ignore the security of these foreign ports.

And far from being adverse to our presence, most foreign ports would welcome constructive security assessments from the United States, particularly when followed up with guidance and assistance in addressing the vulnerabilities that are identified.

While the performance of foreign port assessments falls within the Coast Guard's charter, historically the lack of financial and manpower resources has prevented the Coast Guard from aggressively pursuing that aspect of their mission. In some years less than five such assessments were performed—in some cases the assessments were canceled altogether due to the target ports being deemed 'too hazardous' for military personnel to visit. And yet, these same ports were not too hazardous for cruise lines to visit carrying thousands of American citizens on holiday! As a result, the commercial maritime community has resorted to making critical, often costly operational decisions with minimal, often inconsistent information.

The MSC launched an initiative in 1997 to categorize and evaluate security in foreign ports through the application of a tiered rating scale pegged to cargo/passenger throughput, GNP, etc. The International Maritime Organization, an arm of the UN, has expressed an interest in working with the MSC on this project, which they feel can be used to increase security in Third World countries to acceptable levels.

We feel that it is appropriate for the Coast Guard to continue to manage this essential program. But rather than task its own constrained resources, it should contract with expert civilian companies to perform these foreign port security audits on its behalf. There is a critical need to see at least 25 ports audited on an annual basis, the cost of which would be a budget of less than \$1 million dollars per year.

In conclusion, Mr. Chairman, in the wake of the September 11 attack on America, the MSC urges that the resources be given to the Coast Guard to accomplish this and other essential missions that are critical to our homeland defense.

The Maritime Security Council thanks the Committee and its members for this opportunity to comment on this issue. We at the MSC stand prepared, as we always have, to assist this Committee and its staff on its important efforts, and will be dedicating a significant portion of our Spring Conference to the issues raised in this hearing.

I will make a copy of my remarks available to your staff and will remain to answer any of your questions.

Thank you.

The CHAIRMAN. Well, Mr. Petersen, thank you very much. We appreciate the offer of future help and I particularly appreciate your strong testimony this morning. Thank you, all of you, for being here. Again, Admiral, thank you very much. I couldn't agree with you more about the question of security really beginning at the place of origin. I was shocked to learn the other day the laxity that has grown into our immigration procedures, the INS process, the visas that are being granted now under visa waivers, apparently without knowledge of who people are and where they come from. This is just extraordinary to me and I know it is not always politically correct, but I think political correctness went out the window also on September 11th. I think we've got to be honest, tough, and direct with ourselves about this. We cannot allow our borders to be a sieve, letting in whoever from wherever with these phony sponsorships and so forth. I believe in immigration. This country's built on it, and I certainly don't want us to become paranoid to the point that we have discrimination and other terrible acts. There's no room for that in this country either, but common sense dictates that we do a better job of determining what's coming into our country, whether it's human or product, that might harm us. Particularly now, when we know there are people who are prepared to die in the effort to destroy who we are and what we are. So, I don't think we have a choice, and that's why I know Senator Snowe and others are intent upon getting serious about this. To me the aviation security bill should have passed days ago. It is a disgrace that we're still sitting here bumbling around. (and likewise, we ought to get accelerated process, you know, just as a matter of common sense, but I'll tell you) As somebody who fought in a war, I know the difference between getting it done and not getting it done, and I am not going to sit around here and watch us twiddle our thumbs and procrastinate and let politics get in the way of common sense. And so I hope we're going to do these things on this budget and I know that Senator Snowe and I are prompted by this hearing to be in touch with Secretary Mineta and with Mitch Daniels in the White House and others as rapidly as possible to make sure that in this budget go-around we are including what we need to do to get this job done.

There isn't one of you, I understand, who hasn't addressed the question of resources, and that's at the heart of this testimony. Let me ask you, if you would just comment quickly, and there's not a

lot of need to sort of go over territory we've already covered, but is there anything that Admiral Loy or Admiral Allen or Mr. Gudes said or anything that we haven't touched on in the context of this hearing that you think we ought to be aware of at this point that comes to mind outside of your prepared testimonies? Is there anything you would like to add in terms of on the technology side, or on the steps we might take to increase preparedness, or on the resource side? Admiral.

Admiral LARRABEE. Thank you, Senator. I think the Commandant's testimony underscored this issue of awareness, and I think in the maritime community we need to do a much better job of that. It's a systems approach that needs to be taken but in a port like New York where we handle over 3 million containers, millions of tons of great bulk material, over 30 billion gallons of petroleum products every year, the idea that we could inspect every pound of cargo is probably not realistic. On a good day in New York over the last 3 weeks, we are able to actually physically inspect about 200 containers. On an average day in New York, we get about 8,000 containers coming through the port and we're not the largest port in the United States. So, you can see the magnitude of the problem. The question is how do you do it smarter. I think Admiral Loy's focus on awareness using intelligence systems that are currently place and ones that maybe need be created, but a better coordination of that information is going to go a long way toward a smarter use of our resources. We're always going to be resource constrained. I don't think there's any question about that. How do we do it smarter is the question and intelligence and information is the answer.

The CHAIRMAN. I have been working on the money laundering issue for a long period of time and we're about to win a victory on the terrorism bill, including some strong money laundering measures. Part of the theory of banking has always been knowing your customer and banks are supposed to be part of the intelligence provision with respect to nefarious types that come in and use the bank. You can usually, as a banker, have a pretty good sniff about sources of revenue that are legitimate and those that aren't, and some banks just have ignored it. I think the same sort of standard is going to have to be put into place and we're going to have to raise the awareness of shippers, the folks who are at the origins of all of these ports, to put them into this system much more authoritatively. You're right, Admiral, we're not going to have the personnel capacity to do an individualized personal inspection on every single piece. But clearly technology can also assist us. I think you would agree with that. If we can step up the curve on penetration screening devices, you could pass a container fully packaged. So the container can be, frankly, fully exposed and its contents can be known. There are ways we've got to advance that process significantly. It's going to become part of the way of doing business, I'm afraid. Does anybody else want to add anything. Yes, Captain.

Captain WATSON. Mike Watson. Listening to these comments and your comments concerning technology in our mode as pilots of navigating ships, we have utilized and continue to utilize advanced technology. But I might take note that the gentlemen with the National Security Council noted to preempt these problems outside

our borders and again I've noticed with the state is Israel, they have established a security system second to none in the world I would imagine. It boils down to trained personnel. And our country has been extremely neglect in the maritime industry to continuing to support trained maritime personnel. We have no American-flagged shipping to speak of today. Our ports and terminals are not operated or the concerns are not primarily bottom line dollar for Americans. They're foreign owned, foreign operated. So, the burden of protection for our country falls with a very small group of people and we should utilize technology to assist, but it will never replace the personnel needed, such as pilots on the ships. If you hired pilots from the Middle East, you'd be very suspect of where your ship is going to the dock these days and trained personnel properly regulated by the local entities is what we need.

Captain MONROE. I would add to that that no matter what type of resources you make available financially, you've got to be able to utilize them in an effective manner with good people. One of the things that I've noticed certainly is the large number of people who because of the limited resources within the Coast Guard, that the amount of talent that the Coast Guard has lost over the years, both of your states, both Massachusetts and our home state of Maine, host two excellent maritime schools, a whole new generation of people coming who need to be trained and prepared for this next era of what we have to face with maritime security. It is not just the Coast Guard's job. It's everybody in the industry, whether it be the people on the docks; whether it be the professional mariners on the ships; whether it be the pilots; whether it be the longshoremen, everybody has to be involved in this and the scope of education and training that needs to be expanded to get everybody keyed up and help them understand what their role and responsibility are is on our waterfront. But also there needs to be a philosophy that goes beyond just the waterfront, and I need to reemphasize this that transportation needs to be looked at holistically. When we talk about seaports, and we talk about all the cargo moving in and out of our seaports, a lot of the cargo that moves into the United States moves through Canadian and Mexican seaports, and they have to be partners with this as well. So that, if we're protecting our ports in Maine or in New York or in Boston or wherever, that Halifax can't be a weak point, that rail shipments that come down out of Canada cannot be a weak point. And that again deals with trained people and proper resources and a holistic approach to transportation.

Mr. PETERSEN. Mr. Chairman, just a couple of comments then to echo what Captain Monroe said. Ours must be a holistic approach. We have to recognize that as the vector of aviation is being closed down as a potential for introducing terrorist acts into the United States, terrorists will shift their sights to some other modality of transportation in order to inflict pain on the United States. And quite clearly when 85 percent of all the goods that we consume or produce are at some point transported by sea and through U.S. ports, we have to recognize that a lot needs to be done. But beyond that, we have to think outside of the box too. We have a port in Florida that supports 14 counties, three airports and most of the eastern portion of Florida with all of its POL, or petroleum require-



ments, as were as aviation fuels and other petroleum products. A ship to be deliberately sunk in the harbor, it could paralyze the port for days or weeks or an aviation threat might be used as a means of attacking such a port. For this reason it is essential that port security professionals work with the FAA. However, it's extraordinarily difficult, for example, to create restricted air space over something such as POL fields collocated at a seaport. This needs to change. There must be an effort by all agencies to work together to recognize that port security is a critical element of our nation's infrastructure.

The CHAIRMAN. Thank you all for your very thoughtful comments. Senator SNOWE.

Senator SNOWE. Thank you. In speaking of contingency plans, Jeff told me shortly after September 11 about the difficulties concerning the lack of coordination and no federal agency being in contact with local communities with respect to the threat that existed on September 11. Jeff, when was the first time that you heard from a federal agency?

Captain MONROE. It was over 24 hours after the incident and we found that ourselves in the first couple of hours actually in most of the first 24 hour period that we were sharing information between the aviation maritime and other sectors to try to piece together as best information that we could come up with.

Senator SNOWE. Well, as a result of your suggestions, coordinating all of the transportation related activities and agencies within the Department of Transportation has been included in the aviation security legislation. I agree with the Chairman. That legislation should have passed last week. I mean, we should have moved promptly to pass that legislation to put it in place, and I regret that that isn't the case today. We should not be dithering when we have serious security procedures that need to be put in place and that legislation is critical to achieving that result. In these contingency plans, whether local or federal, and I know, Admiral Larrabee, the Port of New York and perhaps the Port of New Jersey as well had contingency plans of their own. I understand it is approximately 1,000 pages. Do your contingency plans provide for the event of a terrorist hijacking a vessel?

Admiral LARRABEE. Senator, they do but I think, as Admiral Loy said, it's a chapter in an all-hazards approach to dealing with a lot of different contingencies and it's one that obviously needs to be strengthened. Just in our own case, we have been actively involved in developing an exercise with the state of New Jersey and the state of New York that would have taken place next March. So, we'd already gone through a table top exercise dealing with the incident of a terrorist attack on a port. So, it's been there but it's been part of, sort of a much more balanced approach to doing everything that we do. Today, obviously we've got to put a better focus on this.

Senator SNOWE. Captain Watson, in your pilots' association, you mentioned what is being done. Obviously, hijacking is of the two most serious threats posed to pilots. What kind of preparation have your pilots taken in order to prepare for or to respond to that kind of event, or have they?

Captain WATSON. Post-September 11, as I indicated, I communicated with Admiral Loy right off the bat and we had meetings and as I noted, the American Pilot Association is an independent group but we do have formal partnership agreements with both NOAA and the Coast Guard, and our role is to provide safe, efficient and reliable movement of vessels throughout the country, and we do it working with those groups. The Coast Guard and the American pilots are currently working on some additional measures. I don't know if it would be appropriate to say just exactly what they are at this point. I have more meetings with DOT this afternoon. I feel with the sea marshal program, again, it's personnel and funding. That scenario can be minimized and if it were to occur, we could take a preemptive measure to prevent any major issue with that.

Senator SNOWE. Jeff and Mr. Petersen, would you care to comment? I mean, should that be something that should be standardized within these contingency plans as to how to respond under various scenarios if there was a hijacked vessel?

Captain WATSON. Could I add to that?

Senator SNOWE. Absolutely.

Captain WATSON. You've remarked throughout the hearing of standardization and I know in a lot of my operational procedures, I want everything standardized. The American Pilot Association supports the Coast Guard's approach. When you look at their operational aspect of their captain-of-the-port approach, each major port has a captain of the port that responds to headquarters, etc. The reason they have that is primarily the same reason you have pilots from different states. Different ports have different needs, different problems. A security program for Portland, Maine, for example, would not be a standardized approach to the port of Baltimore or the port of Norfolk. So, standardization in that yes you should work through your harbor safety committees, where the pilots do their thing in the port. These harbor safety committees as the Coast Guard has formed them over the years include all the players and that is the type of standardization you need but not a fixed statement that A, B, C and D will solve your problem in Portland, Maine as well as Miami.

Senator SNOWE. Right. No, I'm not necessarily suggesting that, but there are certain standards that should probably be consistent in a national emergency. I guess I wouldn't want to leave it. In this case, Portland, Maine responded exceedingly well without any guidance or direction from the Federal Government, not really understanding or appreciating at that moment its significance. I mean, and Jeff you can speak to this, but they learned of the FAA shutting down, grounding all aviation traffic.

Captain MONROE. It's fascinating that when you talk to the pre-days or to the people in the aviation industry to the pre-days of standardized response that everybody felt that every airport in the country was very different as well. Yes, seaports do have inherent differences. There's no question about that but there are standard sets of protocols that apply equally and can be worked out equally. All of our terminals are in essence, whether they be oil terminals or container terminals or passenger terminals, have the same sort of protocols that are standard no matter what port you're in and

the coordination between ports is extremely important. If an oil supply is interrupted, for example, in one community, then there's going to be alternative modes that have to be brought into place, particularly if an event like this happened in January or February. The fact that it happened at a time when we didn't have a great demand on heating oil was fortunate bearing the circumstances, but the end result was that if there had been an interruption of the oil support or any of that oil supply, then a standardized set of protocols down through all of the seaports would have worked best and most effectively. We were backing up tankers in Portland. They were backing them up in Boston and New York and everywhere else. Those tankers that were important to provide supplies in other locations and nobody was looking at the entire picture. So, I think even from the days of the founding of this country, seaports have always looked at this in a very independent mode. There are a lot of standardized protocols at a lot of standardized levels that could be approached.

Senator SNOWE. Okay, what would have been the situation if this had been a winter month? Let's just say February with oil supplies for the New England region.

Captain MONROE. We, in Portland had gotten down it because of the protocols in the port had gotten down to about 16 hours of only fuel left in gasoline and home heating oil. If that had been winter-time and obviously that would have been exacerbated and, you know, the question then becomes, it was not only what was happening to the region in Portland, but also what we were doing for the Canadians because we're the major supplier of oil up to Quebec and the Ontario provinces to the refineries in Montreal. So, the potential of being disrupted in Portland not only hurt the local community but also hurt Canada as well. And those protocols needed to be measured. So, as you look and you begin to look at all of the terminals, whether they be containers or passengers or whatever, there were a number of ships displaced. When the port of New York was closed off, all of these cruise ships had to go somewhere and they had to figure that out on their own. They were disbursed out of New York because New York was not available and a lot of them wound up in Boston and some wound in Portland and some wound up in Providence and a lot of other locations, but they had to figure it out. There was no preplan. Same thing with the aviation. We had all of the airplanes grounded and we were trying to connect them to the international ferry so at least we could get people out of Nova Scotia back into the United States, people who wanted to rejoin with their families, many of them who were bound for New York, and who had families missing. So, it was a logistical approach that does need to be standardized. Even though there are inherent differences, there is a good level of standardization that can be put in place.

Senator SNOWE. Mr. Petersen, you had indicated, which I thought was a very interesting point, about doing a foreign port assessment. You indicated in your statement that the Coast Guard has that authority to conduct those port assessments. Have they done any in recent memory?

Mr. PETERSEN. They do, but again, they've been budget constrained for a number of years. The Coast Guard has been working

with a joint committee that includes government agencies and the maritime community to try to identify those ports that are of most significant concern. Weighing in are the cruise lines and the cargo carriers. This Committee tries to assess somewhere between three and ten ports a year. At least, that has always been the plan. Unfortunately, funding and security issues have sometimes left them auditing no ports at all. Let there be no doubt, the Coast Guard is up for this mission. The funding and policies simply prevent them from being able to do so with any continuity.

Senator SNOWE. Well, I was just thinking about the Port and Maritime Security Act that's pending here in the Senate. It does have a threat assessment for ports, and I'm wondering if we ought to be at least identifying some key foreign ports to be included in that if they aren't already. I just don't know, but I think that that certainly is a thought. Is there, Admiral Larrabee?

Admiral LARRABEE. Senator Snowe, I don't think there is, but I do think it's one of the things that the people who are crafting that legislation need to look at.

Senator SNOWE. Okay. So, we ought to get some input on that as well. You mentioned accelerating that threat assessment as I recall in your testimony.

Admiral LARRABEE. Well, I think if you look at the schedule that currently exists in that legislation, it takes us out about 5 years, and I think for most of us that's a timeline that just doesn't seem reasonable at this point.

Senator SNOWE. No. I would agree under these circumstances. How about the 50 out of the 360 that Admiral Loy mentioned, doing 50 within a year?

Admiral Larrabee; Well, I think that's reasonable. I mean, I think it's going to have to be—

Senator SNOWE. Can we move any quicker? And complete more?

Admiral LARRABEE. I think starting with 50 would be good. I mean, I think there's going to be lessons learned from the initial ones that we do and perhaps you do a couple and you see how it works and then you go back and really go at it with some vigor. I also think that you're going to find there's a tremendous amount of willingness to cooperate in those kind of events. So, we could speed that process up. My terminal operators are certainly interested in security these days. They have lots of questions. I think they'd be very interested in cooperating. So, I think it's a process that least speaking from my port we'd be very interested in starting sooner than later.

Senator SNOWE. Well, I notice that in your testimony, you mentioned that the Port of New York and Port of New Jersey are not included in the 2002 risk assessment. Is that correct? Is it in the current legislation?

Admiral LARRABEE. I believe that is correct.

Senator SNOWE. That obviously has to change. We'll have to make sure that it does change in that legislation as well. Captain Watson, you mention this 96 hour rule, that Admiral Loy has converted the 24 hour rule to 96 hours for notification. Is that for the crew list and passenger list?

Captain WATSON. It's for crew, passenger manifest.

Senator SNOWE. Manifest. Do you think that should be put in place permanently as 96 hours? Should we ever go back to 24 hours?

Captain WATSON. I think we're living in a new world, and I support the 96 hour rule. I'm very cognizant of the cost on our transportation network for our security procedures as well but knowing that in some parts of the world these requirements are in effect for transiting canals and waterways and entering ports. I think when the maritime community realizes what they must do and must come up with with technology, the e-mail prospect, everything else, the Coast Guard can be given very good advance notice. And again the Coast Guard is going to be working with our Homeland Security Network to take all these comments we've said and I'm sure Governor Ridge is going to have his hands full putting it together to come out with a winning package. But yes, to answer your question, I would support that completely.

Senator SNOWE. I thank all of you for your excellent testimony here today and for providing us with, I think, some very valuable information as we proceed in the days and weeks ahead. I hope that you will share with us any additional information that you think would be helpful. As Admiral Loy said, we must get it right, and I couldn't agree with him more. Thank you all very much and Admiral Larrabee, we're just so very grateful that you're safe. Thank you. The hearing is adjourned.

[Whereupon, at 12:40 p.m., the hearing was adjourned.]



## APPENDIX

### PREPARED STATEMENT OF JOSEPH N. MINIACE, PRESIDENT AND CEO, PACIFIC MARITIME ASSOCIATION

Mr. Chairman, Members of the Committee, I am Joseph Minace, President and Chief Executive Officer of the Pacific Maritime Association (PMA). On behalf of our member companies, I appreciate the Subcommittee's invitation to provide comments as part of the record of its October 11th hearing on sensitive maritime security issues. By way of background, the principle business of the PMA is to negotiate and administer maritime labor agreements with the International Longshore and Warehouse Union (ILWU). The membership of the PMA consists of domestic carriers, international carriers and stevedores that operate in California, Oregon and Washington.

The PMA and its member companies extend our thoughts and prayers to the victims and their families of the terrorist attacks on September 11. We also extend our prayers to those that are defending our nation and system of government. In this time of self-reflection we have much to be proud of and much to be thankful for.

The events of September 11 stunned the world with their savagery, swiftness and disregard for human life. The attacks were well coordinated and hit at the very heart of our business, trade, emergency and military capabilities. But for the heroic actions of passengers on United flight 93 the toll could have been even higher and included other powerful symbols of our democracy. Due to the multiple coordinated attacks, everyone throughout our country was asking the question "Who (or what) is going to be hit next?" These attacks have been a wake-up call for us all—to assess the threats against us and evaluate our vulnerability to those threats. These attacks have changed the way we must do business.

The Coast Guard is the Department of Transportation agency assigned to provide port security at our nations seaports. However, this is only one of the many duties they perform. In conjunction with other federal and state law enforcement agencies, the Coast Guard provides drug and fisheries patrols and law enforcement, alien migrant interdiction duties, marine environmental pollution regulation and on scene coordinator cleanup enforcement, hazardous materials shipping and marine safety inspections on passenger vessels, tankers, and cargo vessels, search and rescue, and port security. The Coast Guard is a uniformed service with domestic law enforcement authority as well as a military service that augments the Department of Defense in time of war. It is important to note that with all of the responsibility, the Coast Guard's budget and manning is at a 10 year low.

#### **Maritime Domain Security**

The maritime industry and the governing federal agencies reacted immediately to the terrible events of September 11, 2001. The Coast Guard like every other Federal Agency went on high alert to reduce the vulnerability of our ports and terminals to ensure that no other attacks would occur. In Southern California, the Coast Guard immediately responded to the Pacific Maritime Association requests for planning and informational meetings about the incident and additional security measures. Waterside and shoreside patrols were increased. Vessels were boarded at anchorage prior to entry to check crew and cargo documents. Vessels were escorted into and out of the harbor. Tankers were restricted to daylight transits only.

Other west coast Captains of the Port held meetings with the various maritime interests to develop best terminal security practices and worked cooperatively and systematically to increase port security coverage within their ports. They directed our members to review security plans for their terminals and increase security in light of the attacks. They inspected facilities for security perimeters, and increased container inspections.

In San Diego and Port Huneme the Coast Guard worked in concert with the U.S. Customs Service, the U.S. Navy and the Port Police to maximize patrol coverage. Longshore workers going on military facilities to handle cargo have come under ad-

ditional screening. The Coast Guard has brought in reservists and auxiliaries to augment their resources to accomplish this increase in security.

We have seen a marked increase in Maritime Domain Security with the screening and vetting of vessels, offshore vessel boardings, a prototype "Sea Marshal" program in San Francisco, and the recent publication of the Temporary Final Rule in 33 CFR 160 Temporary Requirements for Notification of Arrival in U.S. Ports. We have also seen a large increase in waterside vessel patrols, and cruise vessel escorts. These efforts have been focused on reducing the vulnerability of a hostile crew taking over the control of a vessel, as well as a "USS Cole type" external action against a vessel. Cruise vessels and their terminals have historically been required to implement heightened security and have Coast Guard approved Security Plans as outlined in NVIC 3-96 Security for Passenger Vessels and Passenger Terminals in the wake of the Achille Lauro incident in 1985 and the subsequent passage of the Omnibus Diplomatic Security and Antiterrorism Act of 1986.

#### **Local Facility Security**

We have also seen some Local Facility Security increases but not to the same degree as the Maritime Domain Security increases. These efforts have been centered on inspecting the physical security perimeters of marine terminals, opening and inspecting more containers, and reviewing terminal security plans (generally developed under the requirement of OSHA rules in 29 CFR 1917.30 Emergency Action Plans). There are no comprehensive Coast Guard Regulations requiring terminal security measures. Terminal Security Sub-Committees set up under the auspices of the Marine Transportation System (MTS) port committees are in their infancy and are ramping up to provide input on the short term and long term security measures that should be in place in and around our marine terminals to the National MTS Committee.

We feel the Coast Guard resources are stretched to the breaking point especially in the two largest ports in America—Los Angeles and Long Beach. The current tasking focus, primarily on Waterside Port Security in the aftermath of Sept 11th, has resulted in accomplishing this mission to the exclusion of all others. The Coast Guard should be funded, manned and equipped to be the premier Federal Maritime security agency. Working in concert with the U.S. Customs, the Coast Guard should be controlling the "Local Facility Security" as well as "Maritime Domain Security" in and around our marine terminals.

#### **Access to Waterfront Facilities**

At our facilities, we have an opportunity and an obligation to do better. Our west coast marine cargo terminals have grown to become small cities. 200–400 acre terminals are the norm in Los Angeles-Long Beach, and 50–100 acre terminals are the norm in Oakland and Tacoma. Thousands of trucks roll into and out of the terminals each day. Longshore workers, company employees, contractors, vendors, ship chandlers, ships crew and visitors, and package delivery companies all visit these terminals on a daily basis. Over 6½ million TEUs (twenty foot equivalent units) of containers will roll through the ports of Los Angeles—Long Beach this year. Given the volume of traffic moving in and out of marine terminals, coupled with the large number of itinerant workers involved in cargo operations, there is virtually open and unrestricted access to marine terminals.

There is no regulatory requirement for each person to have identification; there is no regulatory requirement to check identification and positively determine that the person is who they say they are nor is there a system to track or validate one's presence on a marine terminal. Only truck drivers are required to present their license for access to a terminal—and that type of system is in place primarily to coordinate the pick up or delivery of cargo rather than for security reasons. Most terminals conduct these checks, but quite frankly some do not. There simply have been too many transactions on a day-to-day basis to check all identifications. The gates are backed up now. Additional delays to further check driver identification have not been acceptable. September 11 changed all that.

While several steps may be needed as part of a long-term effort to secure the maritime transportation system, the most urgent priority is to establish controls over who has access to marine terminals. In most major ports, there are virtually no controls over who enters the terminals, leaving these critical facilities open to those who would engage in acts of sabotage or seek to move weapons of mass destruction through the port facilities.

#### **Identification System**

A system that can and should be implemented with relative ease and not be intrusive would be to require all people seeking access to marine terminal facilities to



have an identification card which would be used to record entry and exit to a waterfront facility.

We have an obligation to check. We must know who is on a terminal at any time. We have the obligation to provide credentialing that positively identifies the bearer. Furthermore, we also have an opportunity that was not present when the current Coast Guard Port Security Card Program was implemented in WWII. Technology has changed tremendously. We need to employ the latest technology to quickly conduct positive identification checks as part of normal business. It is only through the comprehensive and integrated linking of technology that we can bring the enormity of the problem and the vulnerability at our marine terminals under control.

First, in the near term, all persons coming into marine terminals should be required to carry an approved form of identification and be positively identified with that identification prior to entry. In the long term, integrated systems employing swipe cards, finger print/face/iris readers or other advanced technology means must be used to effect a rapid positive identification.

Persons that do not have credentials but who have a valid purpose for entering a waterfront facility, should be admitted to the facility but only if their identity and business purpose is verified by the port authority or a waterfront company. The credential must be coupled with a requirement that the card be scanned each time the worker passes through the entry gate to the terminal and verified against a database of scheduled bona fide workers.

The Coast Guard should be able to prescribe the essential technical elements and protocols of an approved integrated identification system (much like Customs is doing with their International Trade Data System) and let the private sector build and run it.

Identification of Vehicle Operators and Rail Employees To control and track the countless interchange of trucks and rail traffic, we would propose that all vehicle operators entering a waterfront facility must have an identification credential. This system must be integrated with other DOT agencies with oversight for workers coming on marine terminals (i.e., FRA and FHA). These identifications could be issued by an organization or entity approved by the cognizant agency (e.g. a port authority). The Coast Guard or other designated federal agency would have the responsibility for oversight and monitoring of these positive ID systems. One essential element is that these systems must be able to "talk" to the Coast Guard and the other federal law enforcement agencies. If there is a "look-out" on a particular person the federal authorities should know if that person is attempting to enter a marine terminal.

To illustrate just how far apart we currently are, we recently received an 85 page FBI look out list from MARAD with the latest Transportation Security Information Report (TSIR). It contained the names, aliases and addresses of hundreds of people of interest to the FBI. The TSIR asked that "security personnel reconcile the name list with the names on your facility's employee access list." We have no way of screening this paper list with the thousands of truckers, and workers crossing into our terminals each day. If we are serious about security, we need an electronic system that can track people in the terminals and can also be used by the proper authorities to reconcile the lookout lists.

#### **Advance notice of arrival**

Second, no one should arrive at a marine terminal unannounced. Just like the 96 hour notice of arrival requirement for the vessel, there should be a scheduled arrival requirement for truckers picking up containers, contractors, employees, vendors, ship chandlers and visitors. At some terminals over 3000 trucks arrive each day to drop off and pick up cargo. They are often queued in long lines that are inefficient, environmentally damaging and congest terminal gates. Automated appointment systems would have the triple benefit of improving security, relieving congestion and reducing idling pollution.

Vessel crew lists should be provided to marine terminals in advance of the vessel arrival. Lists of vendors attending specific vessels should be provided to the terminal by the agent. Service and contract vehicles and drivers should be identified prior to arrival. Terminals should also be advised in advance of the trains and their crews operating within the terminal (on dock rail deliveries).

With few exceptions, longshore workers are operated on a multi-employer "hiring hall" employment basis. Longshore workers are dispatched on a daily basis to terminals each day and may work for more than one terminal on any given day or week. For the most part, individual terminal operators have no control over who is sent to work in their facilities, nor track who is present at any given time or why they are there. Dispatch for the workers, like the truckers, should be set up in advance,

so terminal operators will have a complete list of who is authorized to enter their facility that day and time.

An orderly flow will result in more time to process, scrutinize and record the identification of all persons entering marine terminals. Moreover, only bona fide scheduled workers will be admitted to the terminals.

#### **Background Checks**

Criminal background checks must be performed on all personnel working on a marine terminal. However, as we proceed to increase security on our terminals, we need to be mindful of creating unnecessary disruption to the livelihood of the patriotic Americans that currently work at our terminals. Criteria must be established with respect to limiting the criminal background check to a specified period of time, limited to specific crimes and allow the workplace applicant the ability to present information that would be a mitigating circumstance or factor with respect to a criminal violation. Criminal background checks should be conducted by either federal, state or local law enforcement agencies who have access to national (and international) criminal databases. The private sector does not have the expertise or access to law enforcement databases that bona-fide law enforcement agencies possess. In addition, federal criminal background checks should not conflict with existing state law requiring criminal background checks if the state requirements are shown to be at least as effective as the federal requirements.

#### **Drug and Alcohol Testing Requirements**

The marine terminal industry workers are exempt from federal statutory drug and alcohol testing requirements. Congress has enacted drug and alcohol testing requirements for employees working in every other intermodal transportation mode. Substance abuse on marine terminals is not only a health and safety concern, but compromises the integrity of waterfront security.

#### **Stakeholder Participation**

Finally, any federal legislation addressing seaport security must provide local terminal operators, ocean carriers, labor unions and others with a voice in developing seaport security plans. Each terminal is unique in terms of geography, customers, cargo and facilities—and thus faces different threats and vulnerabilities. We are currently working with the local Marine Transportation Systems (MTS) groups. Terminals must be given an opportunity to help shape measures implemented to ensure their security. With this flexibility, however, comes a responsibility and the need for some type of sanctions or enforcement on terminal operators for failure to implement mandated security requirements. At present there are few regulatory requirements for terminal security. As we go forward, the requirements developed should be formalized to ensure uniform application throughout our ports.

In summary, the PMA greatly appreciates the efforts of the United States Coast Guard and other federal and local law enforcement agencies following the terrorist attacks of September 11. The security of our seaports is a national security issue. We must focus on awareness, preparation and prevention. The PMA member companies stand ready to work with the Congress and agencies such as the United States Coast Guard in an effort to deter the use of our seaports as a vehicle for terrorist attacks—and to maintain the viability, vitality and integrity of our marine transportation system.

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#### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN F. KERRY TO ADMIRAL JAMES M. LOY

Senators Lieberman and Spector have proposed in S. 1534, the Department of National Homeland Security Act of 2001, that the Coast Guard leave the Department of Transportation and become an entity under the Department of National Homeland Security. At the hearing, you recognized that many of Coast Guard's missions (including maritime law enforcement, navigational safety, fisheries enforcement, and environmental protection) are being compromised to ensure port security at this time. While this focus on port security is imperative for the time being, it is important that the Coast Guard also maintain its other missions.

- Do you feel all of these areas would remain a priority for the Coast Guard if it is housed in the Department of National Homeland Security?
- Which missions are likely to be more difficult to maintain if the Coast Guard receives direction from this office?

### **Priority of Mission**

*Question.* Do you feel all of these areas would remain a priority for the Coast Guard if it were located in the Department of National Homeland Security?

*Answer.* The Department of National Homeland Security was proposed by Senator Lieberman in the Department of National Homeland Security Act of 2001 (S.1534).

The Coast Guard's current location within the Department of Transportation creates efficiencies and promotes cooperation across different modes of transportation. Our Marine Transportation System (MTS) is linked to our surface transportation system via intermodal connectors; passengers travel via air to embark on cruise ships. Ferry passengers use surface transportation modes traveling to and from water transit facilities, and cargo moves from ships and barges to trucks, rail and pipeline and vice versa throughout the transportation system. Many of our critical activities are linked to sustaining the MTS.

The Coast Guard's military, maritime, and multi-mission nature is of enduring value to the nation's economic and national security. Ports, Waterways, and Coastal Security activities are expected to make up 25 percent or less of the Coast Guard's total operating expenses budget in 2003. The Coast Guard will need continued support of its traditional critical missions as the service reaches a "new normalcy."

### **Mission Difficulty**

*Question.* Which missions are likely to be more difficult to maintain if the Coast Guard receives direction from this office?

*Answer.* The Department of National Homeland Security was proposed by Senator Lieberman in the Department of National Homeland Security Act of 2001 (S.1534).

All Coast Guard missions (Maritime Safety, Maritime Security, Protection of Natural Resources, Maritime Mobility, and National Defense) are critical to the national security and economic interests of America. Flexibility to adjust to changing conditions is the Coast Guard's greatest strength. However, flexibility exposes other missions to less attention as the Coast Guard focuses on keeping Ports, Waterways, and Coastal Security as "Mission 1" alongside Search and Rescue.

The Coast Guard is developing a multi-year plan to attain an appropriate and sustainable level of resources across all missions under its new normalcy. The President's Fiscal Year 2003 Budget request is critical to maintaining a balance among the Coast Guard's national and economic security responsibilities.

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#### RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN F. KERRY TO SCOTT B. GUDES

*Question 1.* Mr. Gudes, you mentioned the Maritime Transportation System and electronic charts in your testimony before the Subcommittee. Obviously, electronic charts will improve navigation in our waters. Can this technology be used to assist the Coast Guard in protecting our ports and harbors?

*Answer.* NOAA's Electronic Navigational Charts (ENC) can be used to assist the Coast Guard with port security. Modern electronic information systems will continue to be key tools for maritime security, port safety and uninterrupted maritime commerce. Mariners need accurate, real-time information displays such as the Coast Guard's Automatic Identification System and NOAA's ENCs integrated with differential GPS positioning, water level and current data, weather conditions and forecasts in order to make informed and safe decisions. NOAA's regional communications links across the military, government and private sector port communities provide an additional element of coordination to port security. NOAA can rapidly disseminate chart updates and critical chart corrections to the mariner, and create and distribute temporary charts, overlays, and data sets as needed by primary responders like the Coast Guard and the Navy. The Coast Guard, port authorities and marine pilots require this information to improve awareness, manage vessel traffic, identify potential problems and respond to incidents when they do occur. NOAA's ENCs are also viable geographic information systems that can support port vulnerability and risk management assessments as the Coast Guard and ports develop contingency plans for security and threat capability.

*Question 2.* NOAA has assets, ships and airplanes that could be deployed to support the Coast Guard. Can NOAA use any of these assets to improve Homeland Security? Would these activities still be within mission areas, or are they a significant departure from core activities? Would this compromise NOAA's ability to carry out its core mission?

*Answer.* Some of NOAA's ships and aircraft have been used for Homeland Security activities and these platforms could be used for other Homeland Security activities. Examples of Homeland Security activities to date are NOAA aircraft LIDAR

surveys of the World Trade Center's debris area and the Pentagon after the September 11 attack, helicopter security surveys of MacDill Air Force Base and NOAA ship hydrographic surveys of harbors. To date, NOAA ships and aircraft have not been diverted from core missions. The helicopter security surveys of MacDill, where NOAA's Aircraft Operations Center is located, have been conducted on an as available basis. The hydrographic surveys of harbors and approaches, being done in cooperation with the Navy to establish baseline survey data on all U.S. ports, have caused NOAA to divert a small portion of its resources from previously planned work in Critical Survey Backlog areas. However, the harbor surveys will provide navigationally significant data and will be used to update NOAA charts, and they do fall within NOAA's core mission area. It is possible that, if a decision were made to have NOAA platforms assist the Coast Guard or be used to meet some of the nation's other Homeland Security needs, NOAA's ability to carry out core missions could be compromised, but this has not happened to date.

*Question 3.* Several of the witnesses discussed the need for Physical Oceanographic Real-Time Systems (PORTS) in our nation's major ports and harbors. How does this program fit into national security?

*Answer.* In the event of the forced evacuation of a harbor or detour of ships, NOAA's tide and current information will be invaluable to support safe passage and continued maritime commerce. The Physical Oceanographic Real-Time System (PORTS) provides rapid updates of water levels, tides and currents. If vessels must leave port immediately, the only way to determine a safe departure time is to use NOAA's real-time and forecast PORTS data. When integrated with GPS technology, these data help to calculate under keel clearances for a vessel's transit, thereby reducing the possibility of ships going aground, blocking other vessels and channels, spilling contaminants, or becoming additional targets. For example, an explosion triggered on a Liquefied Natural Gas vessel or oil tanker trapped in port would likely cause large areas of destruction. NOAA's models of oceanographic and atmospheric conditions and pollution transport provide crucial advance data for re-routing of vessel traffic, port conditions forecasts, and low visibility navigation to keep traffic moving and prevent congestion in other less affected areas. Marine modeling supports predictions of the oceanic and atmospheric dispersion of hazardous materials to protect people and the environment.

*Question 4.* Mr. Gudes, chemical or biological agents could easily come into this country through our ports. What can NOAA do to assist in response or planning efforts to combat such an event?

*Answer.* NOAA's skilled Hazardous Materials and Response scientists respond to dozens of spills of oil and other hazardous materials each year. They also help emergency planners prepare for potential accidents by developing and sharing software, databases and other tools of hazardous material response. NOAA's trajectory forecasts, atmospheric dispersion models, and chemical threat analyses allow emergency responders to make timely operational decisions. In partnership with the Coast Guard, NOAA helps to assess specific chemical transportation threats and conducts toxic air dispersion and waterborne pollution trajectory modeling for specified high-threat chemicals. By working with ports to evaluate their development plans, NOAA can help to pinpoint likely areas of risk related to security and help establish disaster resistant ports.