

**TESTIMONY OF WILLIAM H. JANES  
BEFORE THE COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON BORDER, MARITIME AND GLOBAL  
COUNTERTERRORISM**

William H. Janes

Director, Florida Office of Drug Control and Assistant Secretary, Substance Abuse and  
Mental Health, Department of Children and Families

Monday, November 26, 2007

Miami, Florida

Good afternoon, it is my distinct honor to testify before the esteemed members of the Committee on Homeland Security, Subcommittee on Border, Maritime, and Global Counterterrorism. On behalf of Florida Governor Charlie Crist and state and community leaders involved in our combined efforts to secure Florida and our Nation from a transportation security incident and drug trafficking, I thank Congress and, in particular, this committee for the high level of interest in protecting our nation's ports, the global supply chain, and the citizens of Florida. I appreciate the opportunity to meet with you today.

Specifically, today I will address, per Congressman Gus Bilirakis' request, the diversity of Florida's ports, my assessment of vessel tracking initiatives, critical maritime vulnerabilities as they impact Florida, observations regarding narcotics smuggling, and challenges we currently face.

**Background**

In terms of geography and demography, Florida has many features which make it exceptionally attractive to drug trafficking organizations and, potentially, terrorists. These include an extremely diverse population with strong representation from the Caribbean Basin, Central and South America, and Mexico. Additionally, Florida has approximately 1,350 miles of largely unprotected continental coastline and the Florida Keys archipelago (that lie astride some of the major drug-trafficking routes into the United States), geographical proximity to "source" countries, and strong cultural ties to countries throughout the region. Florida's international ports of entry must, therefore, be considered critical in the national as well as regional counter-terrorism/counter-drug efforts. Importantly, our counter-terrorism and counter-drug efforts must be considered concurrently in any threat assessment or response planning.

During the last decade, Florida has addressed seriously the daunting task of seaport security. Florida's ports have long been regarded as among the most secure in the nation. Our state and local partnerships are strong; our security standards are well understood; and the implementation of security planning is effective. Our emergency responders are

superbly trained having faced the horrific hurricanes in recent years. We are ahead of the nation in developing a biometric port access credential, which if supported by the Transportation Security Administration (TSA) can be implemented immediately. We have implemented an aggressive all hazards, counter-terrorism response concept with seven (7) Regional Domestic Security Task Forces (RDSTF) encompassing all of our state including our seaports and a statewide Domestic Security Oversight Board. Since September 11, 2001, we have expanded our prevention, preparedness, response, and crisis management capabilities to address terrorism in addition to our initial focus on crime, cargo theft, and drug trafficking.

Most states have two or three ports to secure; Florida has fourteen (14) public deepwater seaports. In addition, our coastline is dotted with hundreds of smaller, privately owned commercial marinas and ports engaged in intra-state as well as inter-state and international business. Florida is home to four of the busiest container ports in the nation, and the top three cruise ports in the world. These ports operate within an exceptionally complex inter-modal transport system that must be carefully considered in counter-terrorism and counter-drug operations and planning. Florida enjoys a vibrant and growing economic benefit from these points of entry. Ensuring the continued growth and prosperity of our ports, even as we better secure them from a transportation security incident, drug trafficking, and other illegal activity is of primary concern to Governor Crist, our Congressional Delegation, our legislators, and the citizens of Florida.

The challenge to the security of Florida's seaports is exacerbated by the noteworthy differences from port to port. Each is quite different from the others in terms of parameters of the establishing charter of the port, governance, organizational structure, geography, law enforcement support, labor base, funding mechanisms, and commercial operations. Some provide a full range of cargo and cruise operations. Others offer only specific types of cargo and/or cruise operations. Such diversity may well be regarded as a key contributor to the state's overall economic posture, but it also significantly complicates efforts to standardize security preparedness.

Florida is well served by the Florida Ports Council, the Florida Seaport Transportation Economic Development (FSTED) Council and the top management in each of Florida's deepwater ports. They comprise a community of highly skilled, dedicated, and professional public servants, who are integral in maintaining the balance between commerce and security on our ports. They provide strategic input for the planning, security, and operations of our ports. I am also privileged to chair the legislatively-mandated Seaport Security Standards Council, which is charged to review the existing minimum seaport security standards. This council has also provided an effective forum for discussion of concerns and issues for Florida ports and tenant agencies.

### **Illegal Drug Trafficking (Includes Drug Smuggling)**

As mentioned earlier, the nexus between terrorism and drug trafficking is now well established. However, the nature of the drug trafficking threat is substantially different from a terrorist act. Rather than a major, horrific event or events that typify a terrorist

act, drug trafficking is ongoing. Drug-trafficking is facilitated when cargo volume exceeds monitoring capabilities, vessels remain for lengthy stays, access control is superficial, physical security is limited, security planning is incomplete, law enforcement presence is inadequate, or information security is poor. Accordingly, Florida's minimum security standards emphasize strong access control, law enforcement presence, effective operational guidelines and plans, cargo tracking by tenant partners, and other countermeasures. Despite Florida leading the nation in port security, we remain concerned with our ability to prevent large quantities of drugs from entering our state.

Historically, cocaine trafficking has been the major illegal maritime activity. The fact that our cocaine drug overdose rate has climbed steadily in recent years provide indisputable evidence that cocaine is still available in abundant quantities. Drug trafficking organizations impacting Florida are largely international. Their distribution schemes include multi-state transportation and distribution of illicit drugs at the wholesale level. They supply local drug market areas with cocaine, heroin, marijuana, MDMA (Ecstasy), diverted pharmaceuticals and methamphetamine. These illicit drugs vary in demand across Florida as evidenced by higher demand for methamphetamine in rural areas of the state. Colombians continue to dominate drug and money laundering operations; however, Jamaican, Dominican, Mexican, Bahamian, and Cuban organizations impact drug trafficking in Florida. Interrelated to the drug trafficking problems are violence, human trafficking, and the proliferation of gangs profiting from drug sales. Venezuelan influence and involvement in drug trafficking and money laundering continue to increase. Drug threat assessments at the federal, state, and local levels consistently mention the maritime accessibility to Florida. Our ports, coastline, and waterways provide major access points for drug traffickers.

In 2005, Florida had 1,010,370 registered vessels with 27,204 commercial and 973,859 pleasure boats. These figures do not include out of state commercial, pleasure fishing, and other vehicles that utilize Florida's waterways, often traveling to Caribbean ports. These vast numbers of watercraft, combined with superb navigation technology widely available today, greatly assists small vessel drug smugglers moving around the immense Florida and Caribbean littorals with relative ease and great precision. While the cooperation among federal, state, and local law enforcement is excellent, the sheer volume of vessels and smaller watercraft present a major concern.

Drug seizures and subsequent investigations document that frequently, crewmembers aboard freighters and passengers or crewmembers on cruise ships routinely smuggle drugs into Florida through a "body carry" after the drugs have been concealed aboard the vessel. Cruise ships leaving and entering Florida ports routinely call on drug source and transit countries throughout the Caribbean and Central America.

The volume of cargo being moved through our ports is evidenced clearly in Jacksonville. The Port of Jacksonville (JAXPORT) is one of the largest ports in the nation. It ranks among the top containers ports and one of the busiest vehicle handling ports in the United States. In 2005, JAXPORT's three public marine terminals handled a total of 8.4 million tons of cargo, a new tonnage record for the port. JAXPORT now ranks only behind

Tampa and Port Everglades in total tonnage. Additionally, nearly 20 privately-owned Marine terminals also operate in Jacksonville's harbor without support or management from JAXPORT. These independent port operations are not under the Florida minimum standards for seaports and are regulated by the US Coast Guard.

Florida has three High Intensity Drug Trafficking Areas (HIDTA's) funded by Office of National Drug Control Policy (ONDCP). The three HIDTA's develop annual drug threat assessments and coordinate federal, state, and local law enforcement operations in 22 of Florida's 67 counties. Drug threat assessments for the remaining 45 counties are being developed by the Florida Department of Law Enforcement and Florida National Guard. Florida also has a significant presence from the Drug Enforcement Administration (DEA), Immigration and Customs Enforcement (ICE), and Customs and Border Protection (CBP). We also are assisted by the Joint Interagency Task Force South (JIATF-South), which has responsibility for the sea approaches to Florida. Collectively, these agencies routinely document and interdict significant quantities of drugs moving in our region.

Vessel tracking poses complex issues involving a myriad of federal and state actors, to include U.S. Coast Guard, Customs and Border Patrol ("CBP") and, for smaller vessels, the Florida Fish & Wildlife Conservation. CBP requires that 24 hours before a U.S. bound container is loaded onto a ship in a foreign port that an electronic manifest of that container's contents is sent to the CBP by the shipping company. The Coast Guard in turn must be notified 96 hours before a cargo vessel is scheduled to arrive in a U.S. port of call. During that 96 hour period, the Coast Guard uses an intelligence driven, risk-based process to determine what the appropriate level of engagement should be for any given commercial vessel arriving at a U.S. port: should that vessel be denied entry? Should the vessel be boarded at sea well outside the U.S. port of call?

For the tracking of smaller vessels, to include the one million or so pleasure craft registered in Florida, Florida Fish & Wildlife Conservation supports the funding of the "America's Waterways Watch" program as opposed to the installation of an electronic tracking system on each craft. The tracking of such a large volume of pleasure craft in Florida waterways presents very great electronic challenges, and more importantly, almost insuperable challenges to attempting anything like applying timely analysis and risk-based processes for determining the threat posed by any given small vessel.

As discussed previously Florida's location and geography create a lucrative target for smuggling illegal drugs through our ports. These illegal drugs can then be repackaged or transshipped across the United States. Ongoing efforts to tighten the US/Mexican border create an opportunity for drug-traffickers to increase shipments through the Florida corridor. Nationally, there is increasing evidence that drugs are being transshipped from our region to Europe. Again, the international aspect of drug trafficking impacts Florida, which sits astride these distribution routes. The drug threat assessments are further complicated by current vulnerabilities:

- a. Regional threat versus state response.** Florida is in the middle of a major drug trafficking corridor that includes air, land, and sea approaches. Adjacent states and countries, major transportation hubs, and large bodies of water are part of the corridor. While Florida has many federal, state, and local partners striving to prevent and to interdict drug trafficking, we do not have a regional strategy for response.
- b. Inadequate Resources.** While our federal, state, and local partnerships are strong and effective, there are insufficient staffing at all levels to adequately cover the large geographic area and the volume of vessels, imports and exports, and daily transactions. Non-intrusive inspection technology is being increased, but again is not in sufficient quantities to meet the increasing volumes of goods being moved through our ports. This technology is seldom available outside Florida's 14 public ports.
- c. Internal conspiracies:** Drug trafficking is an illegal, high profitable activity. The insertion or extraction of illegal drugs can occur at any point along the route that otherwise legitimate cargo is being moved. Involvement in this illegal activity is not limited to port personnel but could easily include the vessel's crew or others able to access the cargo on the port (longshoremen, stevedores, checkers, pier superintendents, or communications workers). Unsupervised access to cargo presents opportunities for internal conspiracies.
- d. Tension between commerce and security.** Security costs impact the bottom line for our ports. Perfect security would shut down our ports. There are tradeoffs that must be weighed each day. The tension between maintaining strong security and allowing free flow of commerce is real and a concern for government and port leadership.
- e. Poor information sharing.** Despite the lessons on 9/11, intelligence sharing on our ports is limited. Port directors and security directors seldom have access to intelligence reports. This effort is being addressed by the Florida Department of Law Enforcement, which is implementing a Florida Fusion Center concept, which will only be successful if information is shared by federal, state, and lanks only behind Tampa. This is not the case today.
- f. Imprecise cargo trafficking.** As discussed, the large volume of cargo traffic overwhelms ports across our country. International agreements, non-intrusive inspection technology and security staffs are all important in addressing the problem. However the volume of cargo being moved exceeds our ability to inspect it.
- g. Federal Agency and State Level Planning.** As I have consistently stated, our federal, state, and local partnerships are effective. However, we do not have a national/regional plan that unifies the drug threat assessments and response plan at all levels of government. These assessments and plans must involve our port directors and leadership.

- h. Proactive Law Enforcement Response.** Law enforcement has traditionally responded to criminal activity immediately and then investigated to determine who/what caused the illegal activity. To prevent a transportation security incident or drug trafficking, law enforcement must be proactive with intelligence based policing. Threat assessments that result in actionable intelligence are necessary to prevent illegal activity. This also requires information sharing and coordinated operations at all levels.
- i. Nexus between drug-trafficking and a transportation security incident is not operationalized.** The connection between drug trafficking and a transportation security incident has been recognized; however, we must improve sharing of lessons learned and analysis of drug trafficking as it might be useful to prevent a future transportation security incident. Sharing of intelligence will be important here also.
- j. Counter-drug operations are difficult to resource.** Military requirements and competing priorities have reduced the emphasis on counter-drug operations in this section of the United States. This is evident in the recent removal of US Army helicopters from the Operation Bahamas, Turks, and Caicos (OPBAT) mission that has been successful in interdicting drug trafficking through the Caribbean. Previously, surveillance capabilities were reduced to meet operational requirements worldwide.
- k. Transportation Worker Identification Credential fielding is not optimizing existing technology.** Florida is prepared to implement a biometric credential (TWIC aligned) today. Difficulties in collaboration with TSA are preventing this from being realized.

### **How to Close the Gap**

- a. Fix Responsibility.** Drug-trafficking organizations are international. Too often, our response is local or community based. While states are funded by DHS for counter-terrorism, we do not have a regional counter-drug strategy that addresses air, land, and sea approaches to our state. Federal partners, adjacent states, and local agencies must be included in our strategy. We must fix responsibility at the national and regional levels to develop and implement the plan. Someone must be in charge. This will result in synergistic successes in preventing drug trafficking and a transportation security incident.
- b. Develop a regional counter-terrorism and counter-drug strategy.** As mentioned previously, drug-trafficking is an ongoing process with potential to be used as an avenue for terrorists to create a transportation security incident. Many federal, state, and local agencies are involved in counter-drug operations. Most efforts are local. We do not have a coordinated, multi-state, air/land/sea, and law

enforcement focused regional strategy to prevent and to respond to a transportation security incident. Regional strategies across the United States should cascade from a national strategy.

- c. **Produce a regional drug threat analysis.** While there are multiple drug threat analyses available, we lack a unified assessment that could drive coordinated action in our region. Drug trafficking into Florida occurs through the states that border the Gulf of Mexico (responsibility of the Gulf Coast HIDTA), highway systems from Atlanta (Atlanta HIDTA), water approaches (Joint Interagency Task Force South), and air transportation routes. A common drug threat assessment would assist a more unified federal, state, and local response. An excellent way for this to happen is federal and local support of the important fusion center initiative being implemented by the Florida Department of Law Enforcement.
- d. **Share information.** The sharing of information among federal, state, and local law enforcement can be improved. The Florida Department of Law Enforcement is taking the lead to address this problem. The Florida Fusion Center protects our state by incorporating an all crimes/all hazards approach to information sharing. Intelligence “Stovepipes” that contributed to the September 11, 2001 attack on America must be reduced. Privacy considerations and agency policies adversely impact the sharing of law enforcement intelligence today. This is evident each day as Florida struggles with the Transportation Security Administration (TSA) to align federal and state port access credential. TSA has cited federal laws that preclude sharing criminal background information.
- e. **Involve Port Directors and Port Security Staff.** Port staff are not provided daily intelligence updates. They should be screened for security clearance and included in daily intelligence and operations updates that affect ports in Florida and the United States. They should also receive relevant operations planning information that involved ports or the maritime environment. Port staff are included in exercises conducted by our Regional Domestic Security Task Forces. However, this must expand to include intelligence sharing and daily operations interaction.
- f. **Prioritize OPBAT.** Operations Bahamas, Turks and Caicos has been an important deterrent of drug-trafficking into Florida for many years. Resources reductions have severely reduced operational capability. Most recently, the United States Army removed its Blackhawk helicopters to support other operations. Prior to the military deployments, significant resources were dedicated to preventing the movement of drugs from source countries. We should return to this level of interdiction as soon as possible. In the interim, we should coordinate existing strategies and resources among all partners.
- g. **National Efforts with Regional Emphasis.** The global problem of drug trafficking requires a national and international solution. A formal strategy must

be created with fixed responsibilities that involve our seaports, but also the entire inter-modal transportation systems of seaports, airports, railways, highways, and remote entry points. Lessons learned from counter-drug operations must be analyzed for counter-terrorism. Sharing of information from this national initiative is imperative.

### **Conclusion**

Florida is recognized as a national leader in port security. Florida has implemented one of our nation's first drug control strategies. This strategy clearly emphasizes the importance of port security as part of our law enforcement response. We continue to emphasize and to resource drug prevention and drug treatment as equal to law enforcement in our strategic efforts against drugs. While we have strong, effective programs across the state and we have enjoyed significant success in many of our initiatives, drug trafficking continues at an unacceptable level. It will only be reduced with efforts that synergistically apply with federal, state, and local resources. We thank this Subcommittee for its interest in Florida's and our Nation's security. Your efforts help create the conditions to reduce the illegal drug supply, secure our ports and transportation systems from a transportation security incident, and most importantly, protect our neighborhoods and families. Thank you.