

**STATEMENT OF SENATOR JON KYL
CHAIRMAN
SUBCOMMITTEE ON TERRORISM, TECHNOLOGY, AND HOMELAND SECURITY
SENATE JUDICIARY COMMITTEE**

**“COVERING THE WATERFRONT — A REVIEW OF SEAPORT SECURITY SINCE
SEPTEMBER 11, 2001”**

27 JANUARY 2004

Overview

Today, the Subcommittee on Terrorism, Technology, and Homeland Security will examine how to protect our seaports against terrorism. Even before the tragic events of September 11, this Subcommittee concerned itself with the protection of Americans from terrorist attacks within our shores. Senator Feinstein and I have worked to address the problem of identifying terrorists and stopping them from entering the United States. However, I think the public needs to be made more aware that our seaports offer access points for terrorists and their weapons, including weapons of mass destruction, to enter our country with relative ease.

Consider the fact that an attack that shut down a major American port for even a few days could devastate the regional economy that it serves.¹ Indeed, by one estimate, a nuclear weapon detonated in a major seaport or Washington, DC, would kill 50,000 to 1 million people and would result in direct property damage of \$50 to \$500 billion, losses due to trade disruption of \$100 billion to \$200 billion, and indirect costs of \$300 billion to \$1.2 trillion.²

This hearing is a follow up to the one held by the Subcommittee in February 2002, shortly after the attacks of 9/11. That hearing highlighted the importance of seaport security. For example, in response to the attacks of 9/11, the Transportation Secretary had to shut down virtually the entire airline industry for four days, and check each plane, to ensure the safety of air travel and prevent additional terrorist attacks. If we ever had a similar situation with shipping — if we had to shut down our ports and check all of the ships for terrorists — commercial shipping would be shut down for at least four months. As an official from the Department of Transportation testified, “[i]f anything can bring our economy down, that can.”³

¹Council on Foreign Relations, *Terrorism Q & A: Ports*, at http://www.terrorismanswers.com/security/ports_print.html (last visited Jan. 23, 2004).

²Abt Associates, *The Economic Impact of Nuclear Terrorist Attacks on Freight Transport Systems in an Age of Seaport Vulnerability*, Apr. 30, 2003, at 7 (executive summary).

³*Securing Our Ports Against Terror: Technology, Resources, and Homeland Defense:*

Hearing Before the Subcomm. on Technology, Terror, and Government Information of the Senate Comm. on the Judiciary, 107th Cong., 2nd Sess. (Feb. 26, 2002), at 23 (statement of Captain William Schubert).

Today's hearing will seek to determine what progress has been made and what more needs to be done. Before the attacks, the Coast Guard devoted not more than 2 percent of its operations to port security, according to the Council on Foreign Relations. In the months immediately following September 11, it spent 50 percent to 60 percent of its time and effort defending U.S. ports. Since then, that figure has fallen to between 20 percent to 30 percent because of other commitments and mounting costs.⁴ In fact, Noel Cunningham, the Los Angeles Port's chief of police, said the Los Angeles harbor remains "wide open" to terrorist attack.⁵

Witnesses

The Subcommittee will hear from three experts.

Rear Admiral Larry Hereth, U.S. Coast Guard

Rear Admiral Larry Hereth is currently serving as the Director of Port Security in the Marine Safety, Security, and Environmental Protection Directorate at U.S. Coast Guard Headquarters in Washington, D.C. As Director of Port Security, he oversees all aspects of the Coast Guard port security mission and coordinates activities with other Coast Guard programs, other government agencies, and industry to improve Maritime Homeland Security. He is a 1973 graduate of the United States Coast Guard Academy, and has also received an MBA from the Florida Institute of Technology. In his 29 years of service, Rear Admiral Hereth has had a broad-based career with an emphasis on field operations. His assignments have taken him throughout the United States with multiple tours at east, gulf, and west coast ports.

Director Gary M. Bald, FBI

Director Bald is the Inspector-Deputy Assistant Director of the FBI's Counterterrorism Division. He oversees the FBI's operations in international and domestic terrorism, and in terrorist financing. Prior to this appointment, Director Bald was the Special Agent in Charge of the Baltimore Division. In 1999, he was detailed to the Criminal

⁴Council on Foreign Relations, *Terrorism Q & A: Ports*, at http://www.terrorismanswers.com/security/ports_print.html (last visited Jan. 23, 2004).

⁵*About 12 Million Containers Enter U.S. Ports Annually; Only 4% Get Security*, WALL ST. J., Apr. 21, 2003, at B1.

Investigative Division of FBI Headquarters, where he headed a high profile Organized Crime/Corruption investigation. Director Bald has served in the FBI since 1977.

Executive Director Robert M. Jacksta, DHS

Director Jacksta is the Executive Director of Border Security and Facilitation for U.S. Customs and Border Protection. He directs the activities of Border Security and Facilitation, with policy oversight for day-to-day operations at ports of entry. Director Jacksta has been with the Customs Service since 1973. He has served as the Port Director of Washington, D.C., and as the Executive Director of Passenger Programs. In 1999, he received the Commissioner Outstanding Performance Award. Director Jacksta has a Bachelors of Science in Criminal Justice from Buffalo State College in New York.

Conclusion

We are now aware of the economic fallout from the destruction of the World Trade Center towers. The closing of any of the 12 major seaports would also have severe economic effects, not only locally but throughout the nation. It is increasingly important that local, state, federal, and private entities make a coordinated effort to ensure the safety of our ports.

We have a distinguished panel of witnesses before us today. I am interested in examining with them how we can inspect a greater portion of containers without delaying the movement of goods through our seaports, and what assistance Congress can provide to reach our objective of protecting our seaports, economy, and citizens.

I would like to thank Senator Feinstein for her hard work in putting together this hearing. We have always had an excellent working relationship, and I look forward to examining this issue with her.

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