



Is There an Explanation?

By Jim Giermanski

On September 25, 2006, the U.S. Department of Homeland Security (DHS) released its “Fiscal-Year 2006 Infrastructure Protection Program” (IPP) “... an important component of Administration’s larger, coordinated effort to strengthen the security of America’s critical infrastructure.” The IPP is awarding \$400 million to protect this critical infrastructure. The \$400 million is divided into seven programs:

1. Port Security Grant Program (PSGP) \$168,052,500;
2. Transit Security Grant Program (TSGP) \$135,998,093;
3. Buffer Zone Protection Program (BZPP) \$47,965,000;
4. Chemical Buffer Zone Protection Program (Chem-BZPP) \$25,000,000;
5. Intercity Bus Security Grant Program (IBSGP) \$9,530,000;
6. Intercity Passenger Rail Security Program (IPRSGP) \$7,242,855; and
7. Trucking Security Program (TSP) \$4,801,500.

Since surface transportation through our land ports-of-entry carried goods valued at \$55.9 billion in the first seven months of 2006, one would assume that land ports-of-entry would be included in America's critical infrastructure and be eligible to apply for funds. However, the Port Security Grant Program listed only seaports identified by the United States Coast Guard as eligible to apply. Thus, one assumes that land ports-of-entry would be included in the Buffer Zone BZPP program. However, with respect to the BZPP, DHS says, "The list of eligible sites within each state will remain classified for security purposes." State agencies will administer these funds. Land ports-of-entry are not included in the other remaining five IPP programs. So where are they? Are land ports the secret sites referenced in the Buffer Zone program and therefore, in fact, critical infrastructure? In an attempt to determine whether land ports were classified as critical infrastructure, I examined the National Infrastructure Protection Plan (NIPP). In it, there are "13 Critical Infrastructure Sectors:"

1. Defense Industrial Base;
2. Telecommunications;
3. Drinking Water and Water Treatment Systems;
4. Public Health and Health Care;
5. Chemical Production and Distribution;
6. Energy;
7. Banking and Finance;
8. National Monuments and Icons;
9. Information and Technology;
10. Emergency Services;
11. Agriculture and Food;
12. Postal and Shipping; and
13. Transportation.

There are four other key resources: government facilities, commercial facilities, dams and nuclear power materials. Nowhere in all 17 categories are land ports-of-entry listed. Consequently, I reviewed some associated plans. These plans were: the National Plan to Achieve Maritime Domain Awareness; the Maritime Transportation System Security Plan; the Maritime Commerce Security Plan; the Maritime Infrastructure Recovery Plan; and the International Outreach and Coordination Strategy. Nowhere in them was there mention of land ports.

Was the seeming omission of land ports merely a matter of definition? To find out, I went to the Maritime Transportation Security Act of 2002. Section 70101, Definitions, contained the following: "The term 'facility' means any structure or facility of any kind located in, on, under, or adjacent to any waters subject to the jurisdiction of the United States." That could explain why Detroit is eligible for PSGP funds. But it doesn't explain why Laredo is ineligible. Again, land ports-of-entry were nowhere to be found. Are they less important to our economy than seaports?

We certainly know about seaports. As reported by the Government Accountability Office, the Brookings Institution estimated costs associated with a seaport closure resulting from the detonation of a weapon of mass destruction to be \$1 trillion. The consulting firm Booz, Allen and Hamilton found that just discovering an undetonated weapon of mass destruction would likely keep other seaports closed with a cost of \$58 billion. The School of Public Affairs at the University of California, Los Angeles, reported that a five-day cost of a labor dispute, alone,

resulted in a cost to the economy of \$4.7 billion. As recently as March 2006, the Congressional Budget office cited impact studies revealing that a 10-day shutdown of West Coast ports would cost the economy \$1.9 billion per day. Simulation studies of a three-year shutdown (clearly possible with a dirty bomb) reduced "...real GDP by between 0.35% and 0.55%, or \$45 billion to \$70 billion, per year." Recently the Rand Corporation released a report containing "what if" findings that stated, "...a nuclear explosion at the Port of Long Beach, California, could kill 60,000 people instantly, expose 150,000 more to hazardous radiation and cause 10 times more economic loss than the 9/11 terrorist attacks."

So could this happen at a land port? What volumes of international commercial traffic (containers/trailers) pass through the U.S. land ports? According to the Bureau of Transportation Statistics, there are 92 U.S. land ports-of-entry. Using only the 24 commercial crossing ports along the Southern Border (California 5; Arizona 6; New Mexico 2; and Texas 11) for the year 2003, the latest inbound-only truck-crossing statistics, one finds that Arizona had 313,250 inbound truck crossings; California 1,019,908; New Mexico 33,263; and Texas 2,871,624, a total of over 4.25 million trucks. There were 607,000 rail containers during that same year. Since the actual value of merchandise is known for July 2006, one can see steady increases in import values since the 2003 truck crossing data. From July 2005 to July 2006, there was a 17.2 percent of change increase in merchandise values carried by truck and 31.4 % by rail, indicating increased crossings.

The facts are that there are millions of inbound crossings just from Mexico to the United States through our land ports-of-entry and each crossing could be a means of detonating a

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dirty bomb, or radiation dispersing device (RDD), which could close some of these border ports for years to come. Additionally, since it is well-known that we have little cooperation from Mexico on container security and border crossing security (note that Mexico does not have one Container Security Initiative operational port, nor has it signed U.S. Container Security Declaration of Principles as other countries have done), the capacity of a terrorist cell to take out the bridges over the Rio Grande is without debate and horrifying.

Assuming someone in DHS believes that land ports-of-entry are critical infrastructure, how are they eligible to apply for IPP funds? Apparently, each of the Southern-border states can apply for them through the Buffer Zone Protection Program. And assuming that will happen, one can easily see what amount of money will go to each of these states. Arizona will receive \$567,000, New Mexico \$189,000, California \$5,835,000 and Texas \$2,268,000 for a total of

\$8,859,000 (18%) of all funds going to the states for buffer zone use, or 5% of what the seaports will receive, or .02% of the total to protect America's critical infrastructure. Again assuming that 100% of the state BZPP money went exclusively to the 24 Southern border and ports, it would amount to less than \$400,000 per port, and we all know that won't happen.

So how does DHS identify critical infrastructure? Or does Congress do that without DHS input? Or is it the state's job to do that? Are there economic studies available that treat land ports-of-entry and their importance to the economy, the adjacent citizenry and all of us? To that regard, I contacted friends at the Texas Transportation Institute, an agency of the Texas A&M University System and one of the largest transportation research entities in the country; the Center for Transportation Research, an agency of the University of Texas System; and an office of the U.S. Federal Reserve Bank that researches and evaluates the economic role played by the Southern border in our national economy. Each agreed enthusiastically that studies need to be done, but, unfortunately, each also said that there is no money available to do them, thus no economic empirical support for the criticality of our land ports.

One is left with only a few options:

1. Land ports-of-entry are not U.S. Critical Infrastructure;
2. Land ports-of-entry are, but are the Secrets contained in the BZZP;
3. They are, but they are not eligible for funding;
4. They are, but the states have the responsibility of getting the funding, but the states do not know they are;
5. The states know they are, but the states don't know how to get them funded; or
6. Land ports-of-entry are Critical Infrastructure but nobody knows they are.

An inevitable conclusion for me is this. On October 13, 2006, President George W. Bush signed into law The Security and Accountability for Every Port Act ("The SAFE Port Act"). In it, the language is crystal clear and refers only to seaports, vessels and maritime security. There isn't a hint that it could include land ports-of-entry. How is it possible? Were there no advocates for land ports? Were there advocates, but they were not taken seriously? Or was Congress simply ignorant of the critical significance of land ports?

One final observation: On Tuesday, January 9, 2006, the House passed the 9/11 Bill. In it, Section 2004, p. 24, contained the list of critical infrastructure. No land ports-of-entry were included. In Section 210A, page 137, lines 17-24, there was no mention of land ports among the other infrastructure cited. And again in Section 216, pages 158-163, where critical infrastructure was included, no land ports-of-entry could be found. The Bill is now in the Senate. Hopefully, the inclusion of land ports-of-entry will be discussed there.