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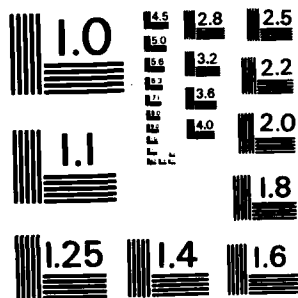
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BY THE U.S. GENERAL ACCOUNTING OFFICE

Report To The Committee Of Defense And
Transportation And Commerce, Federal
Emergency Management Agency

Continuation of Report of the
Committee To Assess the Effectiveness of
The Federal Emergency Management Agency
United States Army



UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

NATIONAL SECURITY AND
INTERNATIONAL AFFAIRS DIVISION

B-198912

The Honorable Caspar W. Weinberger
The Secretary of Defense

The Honorable Elizabeth H. Dole
The Secretary of Transportation

The Honorable Louis O. Giuffrida
The Director, Federal Emergency
Management Agency

We have completed a survey of defense and civil agencies' current efforts to ensure that ports ^{1/} in the United States can sustain military deployment operations during mobilization. The United States would be very dependent on ports during a war. Since troops and material--as much as 95 percent of all dry cargo and 90 percent of all petroleum products--will be transported by ships, the need for secure and operational ports is clear.

Both government and private concerns will play various roles to sustain operations at ports during mobilization. Those involved include many Federal agencies such as the Army's Military Traffic Management Command (MTMC) and Corps of Engineers; the Coast Guard and Maritime Administration (MARAD) of the Department of Transportation (DOT); the Federal Emergency Management Agency (FEMA); and port authorities, private contractors, and local businesses. Thus, well coordinated efforts at all levels are essential to assuring continuous port operations leading up to and during mobilization.

Our objective was to examine whether certain ports in the United States could conduct sustained wartime operations considering the number of public and private organizations involved. We obtained but did not evaluate U.S. military intelligence analyses of U.S. ports.

^{1/}Ports for the purpose of this study include the piers and contiguous areas, access roads, channels, bridges, and local support systems needed to keep the ports operational.

Overall we found that the Department of Defense (DOD), DOT, and FEMA are aware of the many problems identified from planning for mobilization, preparing risk assessments, undertaking programs to assist local agencies in responding to wartime contingencies, conducting tests and exercises of ports' wartime capabilities, and holding conferences to enable participants to jointly explore common port operational problems. Since they are in the process of taking corrective actions or developing initiatives, we terminated our survey. However, certain issues should be considered during the current corrective process. These issues are:

- An opportunity exists for coordinating and sharing planning information among the key Federal agencies as well as with other organizations to enable the resolution of potential conflicts.
- Certain Federal organizations are independently preparing lists of ports to be used during mobilization. To allow for the marshalling of available resources to meet critical needs, essential ports must be so designated.
- Roles and authority of key agencies over ports are similar or overlapping and need to be clarified.
- Only certain organizations are involved in tests and exercises of the ports' capabilities for mobilization. All organizations should be involved.
- Legal impediments have been identified by two agencies. These agencies should continue dealing with this problem. Other agencies as well need to identify legal impediments and develop initiatives to permit effective port operations during mobilization.

Our major concern, however, is the absence of an organization to integrate the results of agency efforts and to assess the overall impact of identified deficiencies on port operations. Some officials believe this is FEMA's role under Executive Order 10421. However, a recent study of FEMA's overall legal authority suggested that time and lack of interest may have diminished the force of the order. If FEMA should assume leadership, then it will have to decide how to satisfy that responsibility.

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Attempts to coordinate efforts of organizations involved in port operations for mobilization have not been fully successful. The affected Federal agencies need to decide who should take the lead in optimizing the many agency efforts so that available resources are targeted in crucial areas. The above issues are discussed in greater detail in the appendix.

We did not request written agency comments on this report, but we did discuss its substance with selected DOD, DOT, and FEMA officials and incorporated their views. We appreciate the cooperation extended to us during the survey and we would also appreciate being informed of any actions or initiatives taken on the issues discussed above.

We are sending copies of this report to the Secretaries of the Army and Navy, Commandant of the Coast Guard, and Director of the Maritime Administration. We are also providing copies to selected congressional offices that have expressed an interest.

for Bill W. Thurman
Frank C. Conahan
Director



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ABBREVIATIONS

DOD	Department of Defense
DOT	Department of Transportation
FEMA	Federal Emergency Management Agency
FORSCOM	U.S. Army Forces Command
GAO	General Accounting Office
MARAD	Maritime Administration
MTMC	Military Traffic Management Command
OJCS	Office of the Joint Chiefs of Staff

CHAPTER 1INTRODUCTIONBACKGROUND

Execution of U.S. national military strategy is predicated on the rapid movement of men and materials through U.S. strategic ports to support forces in forward deployed areas and foreign military commitments. Efficient and effective operation of port activities during mobilization will be vitally important not only to the accomplishment of national military objectives but also to the economic well being of the Nation.

Sealift will be the primary means of any major overseas deployment, reinforcement, and resupply, according to the Office of the Joint Chiefs of Staff (OJCS). The OJCS estimates that 95 percent of all dry cargo and more than 90 percent of all petroleum (the latter outweighing all other cargo combined) will be delivered by sea. More than 10 million tons of cargo and 110 million barrels of liquid would have to be shipped by sea in the first 180 days of conflict to support American forces currently stationed in Europe and their reinforcements in support of the United States' North Atlantic Treaty Organization commitment. These figures do not include resupply requirements for European troops or Western European civilian needs.

U.S. ports have the capability to handle U.S. military needs without interfering with commercial traffic, providing they can respond quickly and effectively and can operate without disruption. However, due to the increase in the volume of shipping, amounts of hazardous cargoes, and numbers of inexperienced personnel operating within the port complex, the threat of accident and damage will most likely rise significantly. Many Federal defense and civil, State, and local entities will have to institute various security measures to avoid serious accidents and to minimize disruptions to commercial shipping.

In addition, U.S. ports and waterways may become targets for covert or overt enemy action. Several of these ports already have been closed to Soviet Bloc and other communist shipping by the National Security Council. The potential for irreparable damage and disruptions at the ports during the deployment to and resupply of theaters of operations is similar to the threat against the U.S. industrial base as a whole, according to some defense and civil analysts.

Over the past 15 years, the Navy has concentrated on a forward strategy, which provides for a defense well beyond U.S. territorial waters. The protection of ports and harbors and their approaches is left primarily to the Coast Guard, which can provide minimum protection at best. Therefore, other security

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forces like the private ones at the ports and nearby corporations, local police, and National Guard units will all need to become involved.

The commercial port facilities, when designated for defense use, will be operated by various Federal agencies like the Army's Military Traffic Management Command (MTMC), Maritime Administration (MARAD), and Coast Guard. However, few active duty personnel are currently assigned to the mission of securing ports' facilities during military movements. Reassignment of personnel from other lower-priority mission areas and mobilization of reserves may have to provide most of the military personnel needed to assure continuity of port operations until normal recruitment channels and recruit training centers are able to meet the demand.

Currently, however, primary responsibility for the operation and protection of vessels and waterfront facilities continues to rest with masters, owners, operators, and agents of those vessels and facilities. Therefore, supporting plans must consider the capabilities of the private sector as well as Federal security resources to provide effective coordination and security at the numerous key ports listed on the next page.

EXAMPLES OF UNITED STATES COMMERCIAL
SEAPORTS IMPORTANT TO MOBILIZATION

Port city	MIMC		COAST GUARD prepositioned ammo permits (note a)	MARAD common user (note b)
	Deployment	Resupply		
Port Arthur, TX				X
Baltimore, MD	X	X	X	X
Beaumont, TX	X	X	X	X
Boston, MA	X	X	X	X
Charleston, SC	X	X	X	X
Corpus Christi, TX		X		X
Galveston, TX	X	X	X	X
Gulfport, MS	X	X		X
Houston, TX	X	X		X
Port Hueneme, CA	X			X
Jacksonville, FL	X	X	X	X
Los Angeles, CA (note c)	X	X		X
Long Beach, CA (note c)	X			X
Mobile, AL	X	X		X
Morehead City, NC		X		X
New Orleans, LA	X	X	X	X
New York, NY (note c)	X	X	X	X
Norfolk, VA (note c)		X	X	X
Oakland, CA (note c)	X	X		X
Philadelphia, PA		X	X	X
Portland, OR		X		X
San Diego, CA	X	X		X
Savannah, GA	X	X	X	X
Seattle, WA (note c)		X		X
Stockton, CA		X		X
Tacoma, WA (note c)	X	X	X	X
Tampa, FL				X
Wilmington, NC	X	X	X	X

a/The prepositioned ammunition permits allow for unit basic loads of ammunition during deployment but do not permit ammunition shipments during supply/resupply operations.

b/Common-user allocation includes certain Federal agencies, each of which will have responsibility for moving critical commodities through the ports.

c/Los Angeles and Long Beach are counted as one port area; the Port of New York includes the Port of New Jersey and the Military Ocean Terminal at Bayonne, New Jersey; Norfolk includes Portsmouth and Hampton Roads; Oakland includes San Francisco and the Military Ocean Terminal Bay Area at Oakland; and Seattle and Tacoma are counted as one by MIMC.

Source: Prepared by GAO from records available at the Coast Guard, MARAD, and MIMC.

OBJECTIVES, SCOPE, AND METHODOLOGY

This survey was to begin another review in a GAO series on the capability of the U.S. forces, facilities, and equipment to survive and recover from attempted sabotage and conventional and unconventional warfare actions. Because of the great importance of sealift to mobilization, we focused on the capability of U.S. ports to conduct sustained operations during periods of heightened tension and mobilization. (Ports, for the purposes of this study, include the piers and contiguous areas; transport nets such as roads, rails, and channels leading into and out of the piers; and bridges spanning the channels.) For example, we wanted to determine how effectively defense and civil agencies and other key participants, such as port authorities, are working together to plan for a smooth transition from peacetime to wartime in port operations.

We were also interested in determining (1) if sufficient planning and coordination have been accomplished to establish what roles the key participants will assume in a time phased sequence, (2) whether the most efficient alternatives have been identified to compensate for the lack of critical resources, and (3) the adequacy of these plans to identify alternative shipment modes, including other ports, if problems of natural disasters or sabotage occur.

To accomplish these objectives, we interviewed key Department of Defense (DOD), Department of Transportation (DOT), and Federal Emergency Management Agency (FEMA) officials; reviewed pertinent plans, procedures, and readiness analyses; and observed pertinent exercises and conferences.

We assessed some of the major DOD, DOT, and FEMA initiatives, both ongoing and planned, to cope with identified port sustainability problems and identified requirements for effective port operations. We also identified the U.S. military intelligence analyses and Coast Guard risk assessments of the vulnerabilities of ports and waterways, and various U.S. defense and civil agency plans to process large volumes of military equipment and supplies quickly while dealing with major interruptions to commercial traffic. However, it was not practical to evaluate the credibility of that intelligence.

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We performed our work during the period July 1982 to January 1983 at selected DOD headquarters offices in Washington, D.C. including MTMC and the Corps of Engineers, the Coast Guard and MARAD of DOT, and FEMA; and selected Army, Navy, Coast Guard, and FEMA subordinate commands or regions, and commercial port authorities at several Atlantic, Gulf of Mexico, and Pacific ports in the United States. We also consulted with representatives of the Federal Bureau of Investigation. This work was performed in accordance with our current generally accepted government audit standards.

We also reviewed several GAO reports ^{1/} on the adequacy of plans, systems, and coordination in program areas similar to those discussed in this report. Issues such as civil preparedness, survivability and recoverability of key support facilities, Coast Guard readiness, and security at military installations were among the areas covered in these reports. We used pertinent data from these reports in our analysis. DOD has responded to some of our concerns by taking or planning to take corrective actions. In spite of DOD's progress, more improvement is needed as illustrated in this report.

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- ^{1/}"Military Readiness, Mobilization Planning and Civil Preparedness: Issues for Planning" (PLRD-81-6, February 25, 1981).
"Readiness of the U.S. Coast Guard" (PLRD-82-98, August 18, 1982).
"DOD's Industrial Preparedness Program Needs National Policy To Effectively Meet Emergency Needs" (PLRD-81-22, May 27, 1981).
"Defense Needs Better System for Assuring Adequate Security at Reasonable Cost on U.S. Bases" (PLRD-81-1, March 6, 1981).
"Defense Planning for Post-attack Recovery of Key Support Facilities in Europe: Opportunities for Improvement" (C-PLRD-82-1, November 9, 1981).
"Federal Electrical Emergency Preparedness Is Inadequate" (EMD-81-50, May 12, 1982).
"The Federal Government Is Still Not Adequately Prepared To Respond To Major Electrical Emergencies" (GAO/EMD-82-125, September 13, 1982).
"Emergency Plan . . . MA . . . ID" (LCD-80-52, April 17, 1980).

CHAPTER 2ISSUES AND OPPORTUNITIES FORIMPROVED PORT OPERATIONSDURING MOBILIZATION

Numerous public and private port security and sustainment programs are now available and some efforts have been made to coordinate them so that port operations remain continuous during military mobilization (see ch. 3). Nevertheless, much more coordination is needed among Federal agencies and between Federal and local government and private entities; some Federal guidance and direction are also needed to make optimum use of these efforts and potential resources. Coordination problems exist in a variety of areas which include assessing wartime threats to ports and channels and providing security for them while important military cargo is being deployed.

Sustaining ports during military movements is an area where local government agencies and private entities, as well as nearby reserve forces, can play vital roles. The object is to let these organizations know what will be expected of them, how fast they need to respond, and how to work together to achieve their objectives.

POTENTIAL FOR MORE
EFFECTIVE PEACETIME PLANNING
AND INFORMATION SHARING EXISTS

Key agencies need to coordinate their planning and share information to more effectively test these plans in deployment exercises. This will enable them to identify and resolve potential conflicts during peacetime. To illustrate, the exchange of MTMC Battlebooks and related Coast Guard mobilization plans at the port level would enable these agencies to work together more effectively with a minimum of confusion as they respectively implement their plans.

In addition, we believe the MTMC-administered contingency response program should include private port representation, such as the American Association of Port Authorities, as it does with the trucking, rail, and air industries. These industries participate heavily in the movement of military forces, equipment, and supplies. Defense authorities agree that mobilization cannot succeed without substantial private involvement.

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Key participants in military port operations have not been provided the information they need to adequately determine what is expected of them. The Corps of Engineers, MARAD, and Coast Guard, for example, need reliable information from DOD on the volume of equipment to be moved, the critical ports, potential alternate ports, and contingency measures should ports become incapacitated.

Part of the problem is deciding who is to have access to this information. The sharing of sensitive mobilization data has been a problem even among Federal agencies. The Corps of Engineers, for example, has not been able to obtain necessary military movement data from DOD's Time Phased Force Deployment List in order to plan participation in certain port operations.

An official of the Corps' War Resource Study Center said in June 1983 that the Corps, at a minimum, needs to know the ports and types of vessels to be used to prepare for the dredging needs. If the Corps had access to this information, it would be able to advise on the relative maintainability of those ports. Also, due to its non-DOD status, the Coast Guard has been unable to specifically identify if any port threat assessments have been done.

A FEMA representative recently expressed concern over the lack of effective command, control, and communications among the key port agencies. For example, he said there is a need for State governors and adjutants general, ship owners, local security forces, contractors, and union leaders to become more involved in military movements through the ports, since these parties can affect the success of the movements. However, they cannot be expected to effectively perform in a wartime environment if they have not practiced their roles in cooperation with the defense community in advance of the conflict.

The need to involve non-federal groups creates security problems. For example, to what extent can information be shared with commercial port officials who normally do not carry security clearances? How much and what kind of sensitive data can be shared with them to implement an effective mobilization contingency? Although this problem has not been solved, the recently established standby contract between MARAD and key ports may ultimately help alleviate this problem by specifying those port positions that will be responsible to MARAD during wartime. If and when the position occupants have been cleared to handle sensitive military information, an important communication link between defense planners and managers will have been established.

BETTER DATA ANALYSES AND
CONSOLIDATION ARE NEEDED

A decision must be made as to which agency is to consolidate, synthesize, and disseminate information affecting military shipments and security at ports.

Major differences exist among the various Federal defense and civil agencies involved in mobilization as to what constitutes key ports for mobilization. The principals identifying these key ports are MTMC for DOD and MARAD for DOT; the Coast Guard and the Navy are also involved.

MTMC selects ports that best fit DOD's mobilization needs; MARAD as resource manager for maritime support arranges to have key port facilities available; the Coast Guard is charged with the security and safety of the ports and channels; and the Navy is charged with protecting the sealanes. In preparing its plans, each agency independently prepares a list of ports which it considers key facilities for mobilization purposes.

The MTMC and MARAD lists are the only two that are similar, since MARAD's list is driven by the MTMC's requirements. Even in this case, however, a slight difference between these lists exists. For example, although Port Arthur is on MARAD's list, MTMC does not consider it to be important to mobilization because it will be used only as a back-up facility to larger ports and no deployments or resupply cargo are scheduled to move through it.

There are wide differences between the MTMC/MARAD, Navy, and Coast Guard lists. For example, the Coast Guard list of facilities more than doubles those on the MTMC/MARAD list, and the Navy list is close to four times greater. A Coast Guard planning official said that his agency now uses the Navy list of key ports for planning purposes. Other defense and civil officials are not concerned that the lists differ, because the lists serve different purposes. While having some merit, this latter contention ignores the necessity for dozens of agencies to effectively coordinate activities during military movements through the ports in wartime.

We believe if these lists could be conformed and ports prioritized in the planning process, it would (1) give each participant a clearer understanding of where each port stands relative to mobilization, (2) enable planners to more effectively prepare for a surge in operations, and (3) assist the

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Coast Guard in allocating scarce security resources where most needed since it cannot cover them all. This would also enable other support organizations ^{2/} to provide better area coverage.

Likewise, various intelligence gathering agencies, including those of the military services and the Federal Bureau of Investigation, have conducted a number of threat investigations affecting port security. Conclusions, though, have not been consolidated so agencies remain confused as to what ports are in need of the most protection and what initiatives should be taken to provide even minimum security at commercial ports.

Federal guidance should specify the minimum port security, developed according to key ports' relative importance to mobilization. Coast Guard and FEMA officials have said that private entities are anxious to have this information; even though peacetime security is the responsibility of port owners and operators, they are interested in the critical positions of their facilities. With adequate information, the Coast Guard could help owners plan the increase of security levels at particular ports when contingencies develop.

One critical problem with providing port security during mobilization is deciding who has a legitimate reason to be in the port area. The national port security card program, in effect during the Korean War, has become inactive at most ports. Planners assume that one of the first things a President would do in a national emergency would be to activate the port security card system. However, some experts believe an ongoing program of card issuance is needed during peacetime to avoid a severe bottleneck during early stages of mobilization. A MARAD official added that such a system would also help reduce pilferage.

During military movements, the port security forces need a roster of all military and civilian personnel with legitimate cause to enter the port area. A Federal organization such as the Army or the Coast Guard could develop such a list.

^{2/}During mobilization, various Federal, State and local governments and private organizations will provide a wide range of support. Examples include the Corps of Engineers for channel dredging, fire and rescue units to respond to explosions, utility companies to repair damaged lines, and local contractors to help port agencies maintain continuous operations.

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A Coast Guard staff study is currently underway to determine if reestablishment and redirection of the national port security card program is needed. Revisions being considered would streamline the program, and enhance security by limiting access at strategic ports through which forces and resupply will deploy during mobilization. In the meantime, the port industry's efforts to develop private identification systems and access control for security purposes continue to be encouraged by Federal officials.

FEMA has initiated a program to study and recommend a "Port-cities Emergency Planning System" to help the nation's political, business, and military leaders identify, develop, and integrate security systems and procedures that will counter threats against certain critical port areas. FEMA's initial study of this issue at five ports is scheduled for completion in late 1983. During this period, a series of workshops are planned to bring together the key officials responsible for continuous port operations. These workshops will serve an important function, not only as a forum for exchanging information but also as a means to develop and disseminate security guidance for national defense ports and related facilities.

ALTERNATIVES NEED TO BE IDENTIFIED

With better information, key agencies can begin to plan alternative actions to compensate for the lack of resources or problems that might arise if there is a disruption to or loss of primary ports. The Coast Guard, for example, has the wartime responsibility to protect ports and critical navigation channels but it does not have and probably will not have the resources soon to fully protect the key ports. A previous GAO report ^{3/} concluded that the Coast Guard in recent years has assumed increased wartime responsibilities with no commensurate increase in resources. Protecting facilities within the perimeters of the ports is not the only problem since security needs include land approaches, staging areas, channels, and bridges spanning the channels.

The interrelationship of ports and surrounding facilities and the potential impacts their loss would have on military operations can be illustrated by the Port of Beaumont and the 40-mile channel leading into it, which is spanned by three bridges. Beaumont has been identified by the Army, Navy, Coast Guard, and MARAD as important to national defense.

^{3/}"Readiness of the U.S. Coast Guard" (PLRD-82-98, August 18, 1982).

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The extreme vulnerability of the Beaumont operations to both sabotage and accidents was highlighted in recent port exercise evaluations. According to the evaluating officials, obstructions such as a sunken ship or a destroyed bridge in the channel leading into the port could delay military movements out of the port by days until the Corps of Engineers could clear the channel. Therefore, one important contingency to plan for is the use of alternative ports.

Port redundancy is considered by experts to be an important planning factor for sustaining military shipping in any protracted conflict involving extensive mobilization. Except in a few instances, alternate ports are currently designated only for satisfying military scenarios in different geographic areas, not as backup ports in the event of disruption to or loss of primary ports. MTMC officials said that it is sufficient merely to be aware of each port's capabilities and to make decisions as to which alternate port is most appropriate for backup use when it becomes known which ports are not available and for what reasons.

The wait-and-see attitude frequently assumed by planners does not provide for advanced testing to determine if, in fact, a given contingency has been fully anticipated. For example, since planners do not know whether a given backup port is viable, the commanders and their forces, who would be expected to carry out their roles under changed conditions, will not have sufficient opportunity to practice their contingency roles.

We were advised in June 1983 that alternate port/berth facilities have been required in recent exercises. This is a positive step which recognizes that backup ports should be provided for in mobilization plans.

CERTAIN ROLES AND AUTHORITY NEED TO BE CLARIFIED

The roles and authority of some key agencies need to be clarified, particularly in those situations where these responsibilities are similar or overlap. How much responsibility, for example, do MTMC and the Coast Guard have in assuming smooth transition of cargo through the ports and out to the open sea? What are the security implications?

The overlapping MTMC-Coast Guard role was highlighted in an April 1982 mobilization exercise. Both have key roles with MTMC having overall responsibility for ensuring that cargo and loading operations go smoothly. The Coast Guard at the same time is responsible for ensuring the safety and security of the port. In the April exercise, the Coast Guard had expected MTMC

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to provide security details relating to certain military movements. However, late in the exercise MTMC decided not to provide such details and the Coast Guard was expected to provide more security than it had planned. As a result, no security was provided for an important power facility, the loss of which could have incapacitated the port facility for several hours, according to a Coast Guard evaluation.

In our report to the Secretary of Transportation entitled "Readiness of the U.S. Coast Guard" (GAO/PLRD-82-98, August 18, 1982), we noted that the current authority and perceived roles of several agencies may cause confusion. Problem areas needing attention include security requirements determinations, not only the physical security of shoreside and offshore port facilities but also terminal and terminal service contracting, and delineation of Navy and Coast Guard responsibilities. These problems must be addressed because of the Coast Guard's involvement in all these areas and its ongoing efforts to determine the optimal size of its Active and Reserve forces.

In commenting on our August report in November 1982, a DOT official agreed that the cited problems are a continuing concern, and efforts are underway or planned to help solve such problems during mid-1983 and beyond. For example, coordination problems will be addressed in a memorandum of understanding between DOD and DOT clarifying the interrelationship between the Coast Guard and Maritime Administration roles and those of the Army's Military Traffic Management Command and the Navy's Military Sealift Command.

MTMC officials outlined in June 1983 the following recent initiatives that should alleviate the coordination problem:

- A MTMC/Coast Guard memorandum of understanding on port safety and security was signed on March 9, 1983.
- The Coast Guard has assigned a liaison officer to MTMC to assist in joint planning at the ports.
- A MTMC/Coast Guard study group has been initiated with MARAD, Corps of Engineers, Military Sealift Command, and Naval Control of Shipping Organization, to develop a joint memorandum of understanding on port readiness. The group has targeted project completion and signing by all agencies by May 1984.

These officials consider Coast Guard/MTMC coordination to be improving and thus not a problem. We intend to continue monitoring these efforts as part of GAO's responsibility for examining the adequacy of Defense forces' readiness and contingency planning, identifying and recommending ways to correct any deficiencies found, and for reporting findings and recommendations to DOD and the Congress.

KEY ORGANIZATIONS NEED GREATER
INVOLVEMENT IN DEPLOYMENT EXERCISES

Currently key organizations such as the Coast Guard and local contractors are not linked into DOD's military exercise programs, although they sometimes participate in certain exercises. ^{4/} This not only detracts from exercise realism, but also may deprive these key organizations of an opportunity to participate and thereby improve their related capabilities.

The Army Corps of Engineers also does not participate in certain key port exercises like the outload of military equipment during the annual REFORGER exercise. During mobilization, the Corps would be expected to remove obstacles like sunken ships and fallen bridges from channels. In addition, although the Corps has entered into certain construction contracts to go into effect in key port areas when mobilization begins, no such arrangements exist for repairing ports or clearing waterways of obstructions caused by sabotage, which is a well known threat.

The Coast Guard has responsibility for the safety and security of navigation in the vicinity of bridges. However, past military exercises have demonstrated that physical security plans for the protection of bridges spanning critical navigational channels are deficient. The Coast Guard's evaluation of its recent participation in a military exercise involving the outload of military equipment and supplies through the Port of Beaumont, Texas, has highlighted this problem.

Since State Police are apparently responsible for bridges which are part of the state highway system, they should either be invited to participate in the exercises or at least be briefed on the results occurring when substantial military shipments pass under the bridges. Also, certain National Guard elements may possibly be called on to secure bridges in port areas. Neither the State Police nor the National Guard participated in the Beaumont exercise. These agencies should at least be informed of the results of such exercises and their potential role in an emergency. The Coast Guard considers bridge security an open question since it does not know who will secure these bridges during military movements in wartime.

^{4/}The MTMC/Coast Guard memorandum of understanding on port safety and security signed March 9, 1983, requires that these agencies exercise together. Being tied into DOD's exercise programs would facilitate implementation of this requirement.

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In addition, Beaumont exercise participants assumed that helicopter patrols would be available under contract with the Coast Guard to help secure the port, the channel leading to it, and the surrounding area. Since helicopter patrols did not actually participate in the exercise, officials in the exercise could not assess whether using such patrols is a feasible security measure. A local helicopter company did provide limited overview service during the exercise and it could easily have been incorporated into the exercise as a surveillance-type security mission.

The Beaumont exercise also lacked the participation of other key support organizations, which would conceivably be potential sources for patrolling the port and vicinity during such an operation. These other organizations include the U.S. Air Force Civil Air Patrol, which supports local governments, among other things, in search and rescue operations and civil defense; and active and reserve elements of the Air Force which will provide airborne reconnaissance and damage assessment following a nuclear or conventional attack.

Joint military exercises are an appropriate means of enhancing coordination and cultivating working relationships among the public and private organizations that will be involved in mobilization. While in some instances it might not be physically practical to fully involve certain entities, likely participants could be alerted to the possibility that they might be needed to assist during an actual mobilization. Thus communications would be opened between the mobilization planners, managers, and support organizations.

POTENTIAL FOR MORE EFFECTIVE COORDINATION IS RECOGNIZED IN OTHER STUDIES

The need for coordination, relating to the sustainability of wartime port operations, was vividly illustrated by the following unclassified quote from a recent Army intelligence report analyzing the vulnerabilities and contingency planning associated with four key U.S. ports and corresponding waterways in the Gulf of Mexico area.

"...the most striking finding...was the lack of coordination between federal, state, and local agencies concerning mobilization contingencies. In fact the vast majority of organizations had not even considered their responsibilities during a mobilization. Efforts should be made to insure that all involved federal agencies are fully cognizant of their responsibilities, and that state and local agencies are informed of mobilization support requirements they might expect. . ."(Underscoring supplied.)

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Two other intelligence reports covering a half dozen other ports in the Gulf and Southeastern United States arrived at similar conclusions.

We believe such a lack of coordination will hinder effective port operations in some locations during mobilization. Therefore, every effort should be made to address the problems as expeditiously as possible. Increased Federal guidance is appropriate, at least until the major port coordination and other sustainability problems are resolved.

LEGAL CONSTRAINTS NEED TO BE ADDRESSED FURTHER

According to the Corps of Engineers and FEMA, another major problem that needs to be resolved in advance of mobilization is the numerous legal impediments to effective mobilization. Existing legislation, designed to overcome some of these constraints during national emergencies, is limited particularly when applied to certain critical operations. For example, most of the authority under the emergency statutes extends only to the President after he has formally declared the emergency. However, long before an emergency is declared, many military operations would have to begin so that forces and their equipment could be moved soon after the declaration.

Another legal problem is the extent of FEMA's role as it relates to the security of the U.S. industrial base facilities, particularly key commercial ports.

Constraints to Corps of Engineers' missions

Army Corps of Engineers officials state that their missions would be particularly constrained by certain peacetime laws which would continue to be in effect at the same time when mobilization support operations should begin.

The Corps of Engineers has a responsibility to maintain a broad, effective, and experienced military and civil construction capability for meeting national defense emergencies. It must be prepared to mobilize all of its existing resources for the early and continuing construction support essential to national defense. The Corps believes that it needs sufficient authority to initiate and carry out this essential mobilization mission in any future emergency circumstances. Enactments of authorizing legislation may not be possible in time to enable the construction of individual mobilization requirements.

The Corps must plan and execute the total Army and most of the Air Force construction required during mobilization. During mobilization, Corps missions will be expected to rapidly transition from a civil to a military support focus. According to a

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recent Corps mobilization posture statement, its roles during mobilization will include

- expanding facilities such as billets, utilities, and road and railroad facilities;
- expanding port facilities;
- constructing transport bypasses for tunnels and bridges; and
- dredging key harbors, channels, and anchorages.

Much of this support will be provided through the use of private contractors. These requirements, coupled with the need to enter into related real estate transactions, will require that substantial amounts of funds be available prior to the start of these operations.

The Army is very concerned that the Corps of Engineers would not be able to undertake these mobilization responsibilities in a reasonably expeditious fashion because of certain statutory constraints. According to a recent Corps analysis, these constraints without adequate statutory provisions for emergencies include the Budget Impoundment Control Act, the National Environmental Policy Act, and congressional requirements for reports and approvals on certain real estate transactions. Such problems also surfaced in several recent military mobilization exercises. In those exercises, Corps officials identified about 300 restrictive statutes that they believe could seriously impact on the Corp's ability to support the services in their early mobilization efforts. While there may be some duplication in these findings, the magnitude of the constraint is considered very substantial.

Some of the legal constraints could possibly threaten the ultimate success of U.S. mobilization efforts, according to Corps of Engineers officials. To illustrate, existing emergency legislation, although it grants broad powers to the President, is limited in its application. Section 301 of the National Emergencies Act (50 U.S.C. 1631), for example, provides that

"When the President declares a national emergency, no powers or authorities made available by statute for use in the event of an emergency shall be exercised unless and until the President specifies the provisions of law under which he proposes that he, or other officers will act. . ."

This emergency authority, however, does not become effective until the President (1) declares a national emergency and (2) enumerates in the declaration of national emergency, or in a later order, the provisions under which he will perform.

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For these reasons, the Corps has drafted proposed legislation that would grant broad powers to the Secretary of the Army, which he could exercise after a presidential directive has been issued. In proposing this new legislation, the Corps hopes to solve in advance some of the serious problems which it foresees during mobilization. This legislation would enable the Secretary to waive certain environmental or social welfare regulations, which the Corps asserts seriously hamper mobilization efforts and result in the loss of valuable time, and it would also allow the Secretary to transfer funds from the Corps' civil programs to its military programs to make timely mobilization preparations.

The proposed legislation has been under Army headquarters consideration since mid-1981, but officials have not yet decided the best route for that proposal. For example, should the Army ask for exceptions to certain constraining statutes, should the proposed legislation be submitted as part of a Civil Works legislative package, or should it be submitted to the Office of Management and Budget to be included in the President's legislative package? Also, which congressional committees will have to consider it? Compounding the issue is the fact that the Corps of Engineers is not the only military operation that feels it is being constrained by peacetime statutes.

The legal constraints problem needs to be addressed and resolved either at the Army headquarters level or at the DOD level.

Legality of FEMA's role regarding the physical security of the U.S. industrial base needs attention

Another legal issue is the current scope of FEMA's responsibilities particularly as they relate to assuring continuity of key port operations. For example, FEMA and other officials believe that Executive Order 10421 gives the FEMA Director general responsibility for protecting industrial facilities important to war mobilization, which include key commercial ports. However, a recent analysis of FEMA's overall legal authority to support civil security activities reported numerous problems associated with the proper implementation of the order. ^{5/}

^{5/}Pompan & Murray, "A Practical Guide To the Legal Authorities For Reducing Widescale Consequences of Incidents Caused By Deliberate Manmade Acts," completed in March 1983 under a contract with FEMA.

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Executive Order 10421 was promulgated 30 years ago during the Korean War to deal in part with the physical security of the U.S. industrial base facilities including ports. Under the order, certain Federal agencies must "develop and execute" plans for this purpose. FEMA has a supervisory role and therefore must set the standards for the plans, assign facilities to agencies, and coordinate the planning.

Circumstances have changed greatly, however, since the early 1950s with regard to the quality of Federal agencies' planning and preparedness and their roles and responsibilities under the order. According to the analysis, the large number of Federal and non-federal agencies involved, the inherent constitutional problems associated with the interaction between the government and private agencies, and the lack of effective implementation of the order over the last 30 years have further complicated the difficulties of FEMA's coordination role under Executive Order 10421.

As a result, several important questions arise which must be addressed by the FEMA Director before he can undertake his stated responsibilities. For example, have time, lack of interest, and lack of implementation over three decades diminished the force of the order for practical purposes? Should the Director recommend rescission/reissuance or revision of the order? What measures should FEMA take to fulfill its responsibilities? Until these basic questions are addressed, FEMA will find it difficult to cope with the coordination problems discussed in this report.

CHAPTER 3CONCERNS OVER FEDERAL DEFENSE AND CIVIL EFFORTSTO ADDRESS PORT SUSTAINABILITY

Federal agencies have initiated numerous efforts to address anticipated mobilization and sustainability problems including

- assessing port security programs and capabilities,
- establishing a high level mobilization board, a contingency response program and other programs to assist local agencies in responding to emergencies that exceed their capabilities,
- increasing mobilization planning, and
- conducting military exercises and conferences that address port vulnerabilities.

Although these efforts are vitally important to improving the wartime sustainability of U.S. ports, they fall short of solving the overall port sustainability problem discussed in chapter 2.

INTELLIGENCE STUDIES AND RISK ASSESSMENTS

The U.S. Army Intelligence and Security Command is completing a series of analyses to assess the threat, vulnerabilities, and security problems of major ports around the country in order to provide counter-intelligence support to key military units planning to use the ports.

The intelligence assessments completed to date have observed that the military is relying heavily on the continuity of these facilities to support a successful mobilization. In spite of the vulnerability of these ports, sufficient planning and coordination are lacking among military, municipal, and private organizations to provide adequate security and recovery capability if the ports' operations are disrupted.

The intelligence analyses emphasized that mobilization, reinforcement, and supply/resupply of U.S. forces around the world will require extensive use of U.S. ports and shipping capability. Port operations can be easily disrupted by terrorists or saboteurs. For example, in most cases, blocking a single, narrow channel can prevent port passage as could collapsed overpasses, such as highway and railroad bridges.

In addition to the Army intelligence analyses, the Coast Guard will assess the threat to and vulnerability of important ports to assist Coast Guard units in quantifying the risk to national strategic mobility.

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The risk assessment approach is currently being tested by Coast Guard reserves in three districts to determine its practicality and usefulness. The approach focuses on identifying the "choke points" of key military and commercial port facilities and then determining the level of internal or external threat likely to be directed to those facilities during periods of heightened tension and mobilization. Once these test results are reviewed at Coast Guard headquarters and found satisfactory, the Coast Guard will develop a prototype that should strengthen its overall planning process.

Recognition of the port vulnerability problem is an important step in improving the survivability of these important facilities. Furthermore, the results of these analyses could help the responsible DOD and civil managers improve coordination and planning between the various Federal, municipal, and private concerns. Although some action has been initiated to identify the scope of the port vulnerability problem as discussed in this section, DOD and civil managers apparently have done little to either consolidate the results of these assessments or to inform the key participants of the composite results. Coast Guard officials said, for example, that they had had difficulty determining whether any intelligence analyses of port vulnerability had been conducted.

NATIONAL SECURITY AFFAIRS EMERGENCY MOBILIZATION PREPAREDNESS BOARD

The Emergency Mobilization Preparedness Board, established by the President in early 1982 and chaired by the Presidential Assistant for National Security Affairs, was charged with improving the national capability to respond to major peacetime and wartime contingencies. The Board, composed of key representatives from 23 Federal agencies and divided into 12 functional working groups, was tasked with developing a statement of national policy on emergency mobilization preparedness. From this policy, the Board was to develop a plan of action to integrate military and civilian objectives and capabilities and to formulate the levels of resources required to achieve national objectives.

Although the Board's charter seems to encompass the issues and problems discussed in this report, as of November 1982 it had not yet studied port sustainability nor did it expect to address that area in the near future.

DEFENSE AND CIVIL MOBILIZATION AND
RELATED CONTINGENCY PLANS AND PROGRAMS

Various defense and civil agencies have prepared planning documents that directly or indirectly concern port sustainability. These plans, as they relate to certain agencies' involvement in port operations, are discussed below.

DOD Master Mobilization Plan

DOD has prepared a Master Mobilization Plan providing instructions and guidance to the various DOD mobilization participants. Civil agencies and subordinate defense agencies have been asked to develop consistent mobilization plans. However, at the time of our survey, the agencies responsible for port sustainability had not responded specifically to this overall plan, although they did have some plans that addressed the issue.

Army mobilization plans and programs

The Army and its subordinate commands have prepared various planning documents and programs to strengthen their mobilization efforts in U.S. ports. For example, MTMC Battlebooks support the Army Forces Command mobilization participation. The Battlebook summarizes the data needed by the facilities at MTMC operational locations encompassing key port areas. It lists the sequence of events for mobilization, and includes a description of the facilities, personnel, and equipment resources needed and available. Battlebooks are required to be maintained by all active MTMC water terminals and MTMC designated reserve units. This planning document is an integral part of MTMC's mobilization planning and is part of its Basic Emergency Plan.

MTMC's Basic Emergency Plan establishes guidelines for the development and implementation of its emergency plans, which are published as annexes to the Basic Plan. The Emergency Plan covers a range of problems which could have a direct impact on mobilization efforts such as transportation strikes, domestic emergencies, transportation controls, emergency airlift and traffic management, civil disturbances, and mobilization.

The contingency response program is a key link between the Army mobilization plans and its ability to mobilize quickly. This program, developed in 1980 by MTMC to cope with DOD's emergency transportation shortfalls, gives DOD priority access to commercial lift in preparation for deployments and mobilization. The program is composed of a team of representatives from the commercial transportation industry,

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various Federal civil agencies, and DOD. Each representative could play a key role in the employment of commercial transportation assets, including U.S. ports and channels.

The program also could provide valuable input for the work of the Emergency Mobilization Preparedness Board (see p. 20).

Army assistance to local law enforcement agencies

DOD Directive 3025.12 establishes the agency's policy for the use of military resources in the event of civil disturbance, which could be disruptive at key defense ports. The Army is DOD's executive agent for these programs.

The Army has developed two programs to assist local law enforcement agencies. One program would provide Army troops to help local agencies cope with civil disturbances pursuant to guidance in Army Regulation (AR) 500-50. Under the second program, the Army would loan equipment and supplies to local agencies under certain circumstances; guidance for this program is provided by AR 700-131.

The Army policy is to cooperate with civilian law enforcement officials to the maximum extent possible consistent with the needs of national security and military preparedness, the tradition of limiting direct military involvement in civilian law enforcement activities, and the requirements of applicable laws. However, there is a limit to the authority of the Federal Government to participate in local matters. The most important of these, from a civil disturbance standpoint, is the Posse Comitatus Act (18 U.S.C. 1385).

The Posse Comitatus Act prohibits the use of the Army or Air Force to execute or enforce laws, except as authorized by the Constitution or Act of Congress. DOD Directive 3025.12 identifies six instances where military forces can be used: (1) to prevent loss of life, (2) to protect Federal property and functions, (3) to assist state agencies when they are unable to control domestic violence, (4) to enforce Federal law, (5) to protect the Constitutional rights of citizens, and (6) to assist the Secret Service in performing its protective duties.

MTMC's ports for national defense study

Concern over how capable the Nation's seaports are to support defense requirements led MTMC to initiate a Ports for National Defense Program. A study entitled "Ports For National

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Defense, An Analysis of Unit Deployments Through Continental United States (CONUS) Ports," dated April 1982, focuses on the need to identify port facilities necessary for the rapid deployment of major U.S. tactical forces.

The MTMC study was comprehensive and evaluated 23 commercial port areas; other key ports have since been added (see p. 3). The major objectives were to identify those ports with facilities best suited to meet the deployment requirements of specific types of units and ships moving through the ports during mobilization and to identify alternate facilities that could be used if the primary facilities are unavailable.

The study focuses on various major units that would deploy through the respective ports, such as a Naval Mobile Construction Battalion, Marine Amphibious Force-Assault Follow on Eschelon, Army Armored Division, and others. The study analyzed existing capabilities and did not consider possible facility damage from a disaster, an accident, or sabotage. MTMC generally concluded that all commercial ports analyzed have the capability to support all designated U.S. Army, U.S. Navy, and U.S. Marine Corps units under the given scenarios.

The study provides a compendium of the most significant port characteristics as they relate to the various unit-movement requirements and ship selections and also describes the capabilities that these vessel support system characteristics afford the mobilization efforts.

Civil agencies' mobilization plans

FEMA is in the process of preparing a Federal Master Mobilization Plan for civil agencies, and is involved in updating and writing plans in support of national mobilization and other emergencies. Some of the supporting plans deal with emergency operations, relocation of key operations, disaster response, recovery, and continuity of operations.

Some other civil agencies such as MARAD and the Coast Guard have also prepared plans in support of national mobilization. For example, MARAD is in the process of revising its War Support Plan as well as updating procedures to activate its role of National Shipping Authority and the National Defense Reserve

Fleet which will rely on key U.S. ports. ^{6/} It has also just completed a new regulation that will implement the Defense Production Act by establishing an administrative mechanism for granting priority and allocating exclusive DOD use of facilities and services at U.S. ports. MARAD officials expect that final publication and approval by the Office of Management and Budget will occur soon.

The Coast Guard also has plans for its own mobilization as well as those for supporting that of the Army and Navy. These plans are being rewritten to merge with other defense plans and conform with the DOD Joint Operational Planning System procedures. Coast Guard plans relate specifically to key ports and the various missions to be performed at each location.

CONFERENCES TO ENHANCE INTERAGENCY COORDINATION

Agencies at the Federal level have recognized the criticality of port area security and the ports' ability to recover from disruptions. For example, FEMA, the U.S. Readiness Command, MARAD, MTMC, and the U.S. Army Forces Command (FORSCOM) have initiated actions to increase awareness of the issues and promote cooperation and coordination among agencies. FEMA and the Readiness Command are sponsoring a series of conferences to be attended by civil and military agencies. MARAD also has sponsored a series of port planning conferences designed to increase awareness, knowledge, and cooperation of all Federal, State, and local agencies responsible for key ports.

Examples of recent conferences include one led by FEMA's Dallas Regional Preparedness Committee in which DOD programs to assist local law enforcement were discussed; a regional civil military coordination conference held by FEMA's Dallas Region; law enforcement conferences involving Federal and local agencies to assess operational security requirements, and mobilization planning conferences at Sunny Point led by MTMC and the U.S. Army Corps of Engineers; and an emergency port planning exchange sponsored by MARAD.

^{6/}The National Defense Reserve Fleet is a fleet of reserve ships constituted under the Merchant Marine Ship Act of 1946 to be activated to meet the U.S. shipping requirements during national emergencies. The Ready Reserve Force component of this fleet is a group of selected ships maintained in advanced readiness for activation within 5 to 10 days of notification by MARAD as part of its National Shipping Authority role.

MTMC and FORSCOM have also initiated a series of port briefings at preassigned commercial ports for unit deployments. These meetings include a tour of the outloading port facility and provide a forum for key players to gain an understanding of each other's roles and missions necessary to effectively execute a rapid deployment of combat forces.

Each of these conferences and briefings have made important contributions to the overall wartime sustainability of U.S. ports.

LARGE-SCALE MOBILIZATION EXERCISES INVOLVING PORTS

Two major mobilization exercises are periodically undertaken which involve military movements through U.S. ports. A command post exercise, ^{7/} referred to as MOBEX, is conducted every 2 years to test the Nation's ability to mobilize and deploy under simulated wartime conditions. Another exercise involves the deployment of U.S. Army forces to Germany, referred to as REFORGER. Both exercises are part of the JCS exercise program.

The biennial MOBEX includes the participation of military and selected Federal agencies. Some specific capabilities tested in recent MOBEXs include (1) inter-service and non-military interface at the national and local levels, (2) availability of requirements to support mobilization and deployment of forces, and (3) effectiveness of training programs.

The annual REFORGER field training exercise includes certain active and reserve forces and, starting in 1982, the Coast Guard. The exercise is designed to demonstrate U.S. capability to reinforce Europe with personnel and equipment in a crisis. The exercise also involves the Navy Military Sealift Command to transport equipment and the Air Force to airlift forces from the United States to Germany and back.

These exercises have helped to identify problems with sustaining mobilization-type operations through certain ports. However, as discussed previously (see p. 13), this device could be used even more effectively if it included increased participation among the parties that would be involved in an actual mobilization.

^{7/}Command post exercises involve the commander, the staff, communications within and between headquarters, and only a minimum of troop movement. The majority of troop movement is simulated in command post exercises. Field training exercises are conducted under simulated war conditions in which troops and equipment are actually present.

CHAPTER 4OVERALL OBSERVATIONS

Various Federal agencies are acting to identify and correct problems concerning the capability of U.S. ports during national emergencies, but many of the actions taken have been developed independent of each other and not driven by a single focus or overall plan. Therefore, inconsistencies and problems have arisen that have not been adequately addressed.

Planning in advance for all contingencies that can be reasonably anticipated is a requirement of DOD regulations. Emergency type regulations and plans have been prepared which could cover port disruptions. Some of them have not been fully developed, are not being fully tested, or are not capable of being implemented under current conditions. Certainly a lack of resources is one of the problems, but this could be partially solved by clear guidance, well-defined roles, and plans that identify known problems, as well as alternatives to compensate for such shortfalls.

To assure that available resources of various Federal, State, and local agencies are marshalled and effectively utilized, the Secretaries of Defense and Transportation and Director, FEMA, might establish a jointly managed system to operate the planning and programs associated with military movements through U.S. ports during periods of heightened tension and mobilization. While we are not recommending that a particular agency manage such a system, one agency needs to be responsible for providing overall guidance and direction for sustaining port operations during military movements. Some officials believe that this is a logical FEMA role, but the basic authority defining that role apparently has been clouded, if not diminished, over several decades by changed conditions, lack of interest, and lack of implementation.

To the extent practical, a port sustainability system should provide for (1) the sharing of all relevant program information, including selected intelligence on threat and vulnerabilities and agency plans, (2) access to needed support in emergencies irrespective of the source of that support, (3) agreements specifying interreliance, responsibilities, contact points, and sources of support, (4) identification of alternate ports, (5) joint exercising of plans to include all key wartime public and private participants, (6) a priority and allocation system for distributing vital life support such as water and electricity between civilian and military needs if a portion of that support is lost, and (7) periodic review and assessment of the continued relevance and realism of such joint plans.

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DOD, DOT, and FEMA officials, responsible for military movements through U.S. ports, should enlist maximum support and participation from appropriate State, municipal, and private emergency organizations and potential contractors in preparing for such contingencies. For example, since non-Federal entities will likely be needed to ensure the continuity of military movements through U.S. ports, an extensive effort should be made to encourage them to interact to the extent practical and to guide them as necessary during military exercises. Arrangements with local contractors and emergency organizations should specify the priority to be given to military needs and the level and types of support that will be rendered if needed.

We did not request written agency comments on this report. However, we discussed the report with selected DOD, DOT, and FEMA officials in June 1983, who suggested various additions and changes based on recent initiatives. We have updated the report to reflect the recent initiatives.

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