



**Statement of Subcommittee Chairwoman Martha McSally (R-AZ)
Border and Maritime Security Subcommittee**

*“An Examination of the Maritime Nuclear Smuggling Threat”
July 7, 2016*

Remarks as Prepared

Our nation’s sea ports are essential to our economic growth and prosperity. More than \$1 trillion dollars of goods pass through these corridors of commerce, from cars to oil to corn and everything in between.

The global supply chain supports millions of jobs in the United States and around the world. An attack on our ports, or in the interior, especially with radiological or weapons grade nuclear material, would be a catastrophic event that could cause a large loss of life and significantly damage our economy.

We know that terrorist organizations have long aspired to obtain and use nuclear, chemical, and biological weapons and it is clear that, like Al Qaeda, ISIL is intent on attacking the West.

However, it is an open question whether they could use the global supply chain, and specifically a cargo container, to deliver and employ such a weapon here in the homeland.

Nevertheless, security of maritime pathways into our country, which are crucial to our way of life, must be secured. Black market trade of nuclear and radiological materials highlights the very the real threat such materials could end up being used against the Homeland.

Recent reports revealed that radiological and nuclear material become lost or stolen several times a year, especially in Russia and other former Soviet states. Several years ago, the FBI was involved in a sting operation that disrupted the sale of cesium, which would have been enough to contaminate several city blocks.

Before the terrorist attacks of September 11, 2001 forced a reexamination of the nation’s maritime security vulnerabilities we had a weak security regime at most of the ports across the global supply chain.

In short succession, Congress took action to address both real and potential maritime security gaps by tightening domestic port security requirements, funding the installation of radiation detection equipment, and creating a biometric access control card for sensitive areas of the port

Overseas we implemented a series of physical security requirements at certain foreign ports, increased the amount of information that shippers provide to the Coast Guard and U.S. Customs and Border Protection before vessels leave the port, and stationed officers at foreign ports to allow Customs officers to inspect containers before they arrive on our shores.

Through the National Nuclear Security Administration we worked with foreign partners to strengthen their capacity and ability to control, detect and interdict nuclear and radiological materials before they can make their way to the United States – the so called first line of defense.

While security has increased, contraband like drugs and weapons still makes their way into the legitimate stream of commerce, with relative ease – often deeply concealed and hard to detect.

Should a terrorist organization obtain radiological or weapons grade nuclear material and be willing to lose positive control over the device during shipment, then the same smuggling pathways could be leveraged to make it to the U.S. before being detected.

Under that scenario, we could not wait for a radiation portal monitor to detect nuclear material as it leaves a domestic sea port – by that time it could be too late.

So, Congress enacted a requirement to scan using either x-rays, or some other method, 100% of cargo containers before they leave foreign ports.

Pilots under the Secure Freight Initiative tested the idea, but found it difficult and extremely costly to scan every single one of the approximately 26 million containers that pass through the ports every year.

Success of such a mandate also relies on foreign government cooperation that would allow the United States to construct a massive scanning regime on their turf, which is often not the case.

Secretary Johnson and his predecessors routinely used waiver authority granted by Congress to bypass the 100% scanning requirement indicating that this mandate is, “highly improbable, hugely expensive, and in our judgment, not the best use of taxpayer resources to meet this country’s port security and homeland security needs.”

To provide the most effective use of taxpayer dollars, CBP instead uses risk-based targeting, based on advanced manifest data to screen all shipments and target those that are of most concern trigger other red flags. Once those shipments are identified, officers x-ray or physically inspect high-risk cargo upon arrival at a U.S port.

Through successful programs, like the Container Security Initiative, CBP works with host governments to station CBP officers abroad to scan the highest threat shipments that are bound for the United States.

In total, some 3-4% percentage of cargo is screened by foreign partners or domestically through this risk-based approach to identify cargo of concern.

The gap between the 100% scanning requirement and the current 3-4% actual scanning rate is stark.

If the nuclear smuggling threat is significant, as recent cases from places like Moldova have indicated, we have to move in the direction of more scanning and screening, and to the extent it can be done, overseas before cargo containers load vessels bound for the Homeland.

We need more than one layer of defense to secure the nation – we need several lines of defense to give officials.

The private sector will also play an important role, so I will be interested to learn how we can mitigate risk throughout the global supply chain, including partnership with private industry like the Customs Trade Partnership Against Terrorism program.

In the absence of 100% scanning, I would like to hear how CBP assesses the accuracy of its risk-based screening algorithms to ensure they are in fact screening for the highest-threat shipments and that screening is paying security dividends.

I am looking forward to hearing from the witnesses today on their thoughts on the right balance between scanning everything without regard for risk, and the current amount of scanning that, at first glance, seems to be very low.

Terrorists are nothing if not persistent, so our maritime security measures must properly align to the threat in order to prevent the use of the global supply chain to deliver a radiological or weapons-grade nuclear materials to the Homeland.

I thank the witnesses for being here today and yield back the balance of my time.

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