

Testimony by Joseph Lawless  
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On behalf of the  
American Association of Port Authorities (AAPA)

### **Prevention of and Response to the Arrival of a Dirty Bomb at a U.S. Port**

Subcommittee on Coast Guard and Maritime Transportation

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10:00 a.m.

2167 Rayburn House Office Building

Thank you Chairman Hunter and Ranking Member Garamendi for convening this important and timely hearing. My name is Joseph Lawless. I am the Director of Maritime Security at the Massachusetts Port Authority (MASSPORT) and I am here today on behalf of the American Association of Port Authorities where I am the Chairman of the Security Committee.

AAPA is the unified and collective voice of the seaport industry in the Americas. AAPA empowers port authorities, maritime industry partners and service providers to serve their global customers and create economic and social value for their communities. Our activities, resources and partnerships connect, inform and unify seaport leaders and maritime professionals in all segments of the industry around the western hemisphere. Security is a top priority for all of our members. This testimony is on behalf of our U.S. members.

Securing our ports and communities from dirty bombs cannot happen without strong partnerships. This means the ongoing relationship with port authorities, the federal government, specifically the Customs and Border Protection (CBP), the United States Coast Guard (USCG), the Federal Bureau of Investigation (FBI), shippers, port workers and local law enforcement, who all play a vital role in identifying threats and combining security resources to coordinate if a dirty bomb were to arrive on U.S. shores.

The threat of dirty bombs ending up in the hands of people who want to cause harm to this country, was underscored by accounts of disrupted illicit smuggling operations this fall. It was reported that over the last five years, there have been at least four attempts by criminals in Moldova to sell radioactive materials to Middle Eastern extremists. If any of these smuggling plots were successful, these radioactive materials could be used to

construct a dirty bomb that could ultimately be used against us. The concern is that terrorists could exploit the maritime transportation system to convey a dirty bomb into this country. Stopping dirty bombs before they reach our shores is a priority. But we must have an effective system of detecting dirty bombs if they were to make it to our shores.

A fully funded and staffed Customs and Border Protection Agency is the first step in fighting the threat of dirty bombs. CBP officers meet the ships at all ports of entry to check the manifests and utilize radiation portal monitors.

CBP and ports rely on Radiation Portal Monitors or RPMs to detect dirty bombs in containerized cargo shipped into this country. RPMs are a detection device that provides CBP with a passive, non-intrusive process to screen trucks and other movements of freight for the presence of nuclear and radiological materials. Mandated in the Security and Accountability for Every Port Act (SAFE Port Act) in 2006, the 22 largest container ports by volume must have RPMs and all containers must be screened for radiation.

Almost ten years have passed since RPMs were mandated. However, a decade into this program, questions have been raised regarding who pays for the maintenance of the RPMs, who is responsible for paying for new portals during a port expansion and what is the long term obligation for the next generation of RPMs? A DHS Inspector General 2013 CBP Radiation Portal Monitors at Seaports report states that *“Initial estimates of the deployed RPMs showed an average useful life expectancy of 10 years.”*

What we hear repeatedly from our member ports is, the lack of clarity in funding and administering the RPM program, has become a real hindrance in how we protect our ports.

We are fast coming to the end of the first generation of RPMs' life expectancy. Ports such as Tampa, Jacksonville, Long Beach, NY/NJ, and Mobile have all reported complicated discussions with their regional CBP officers on the ongoing responsibilities related to the RPMs.

A recent example is the Port of Jacksonville (JAXPORT) where CBP requested that JAXPORT assume financial responsibility for the RPMs technology sustainment, i.e., hardware, software, and connectivity. This is significant given the complex and critical nature of these federally owned and currently maintained systems.

Other ports are reporting similar disruptions in the RPM program. There is too much at stake for ports and CBP officers to have to engage in policy and funding negotiations. Congress and the Administration must set a clear path on the RPM program.

RPM detection is a federally mandated program. CBP should request adequate federal funding to purchase, install and maintain all RPM equipment at ports throughout the United States. If this is not feasible, then the Department of Homeland Security should

consider the creation a stand-alone priority within the Federal Emergency Management Agency's (FEMA) Port Security Grant Program (PSGP) titled "Radiation Detection Portal Monitors" or expand upon the chemical, biological, radiological, nuclear, and explosives (CBRNE) core capability to allow ports to request security grant funding in support of the purchase and installation of radiation detection portals.

Regarding the PSGP, many port authorities have utilized grants to obtain Rad/Nuc detection equipment. Personal radiation detection devices that first responders wear on their belts, isotope identifiers that are used to determine the sources of radiation alarms and sophisticated backpack detection devices, are some of the items acquired through the PSGP. These items not only supplement CBP's efforts, but also enhance law enforcement's role in the USCG small vessel Rad/Nuc detection program. I would urge Congress to restore funding the PSGP to its original level and maintain the PSGP as a stand-alone Homeland Security Grant Program. Additionally, we would encourage that whenever possible, the grants go directly to the ports, so that our security facilities will have the necessary resources to fully implement their security programs.

In conclusion, we must provide law enforcement agencies, such as CBP and our port security directors, with the tools and the resources to succeed. I appreciate the opportunity to testify this morning and I look forward to answering any questions that you might have.