

Opening Statement of Chairman Joseph Lieberman
“Preventing Nuclear Terrorism:
Hard Lessons Learned From Troubled Investments?”
Washington, DC
September 25, 2008

Good morning and welcome to this seventh in a series of hearings held by this committee to examine the very real threats and challenges posed by the possibilities of nuclear terrorism against the United States.

With today’s hearing, we will specifically examine the Domestic Nuclear Detection Office’s management of the two main programs designed to detect and thwart the smuggling of nuclear materials into the United States – the Advanced Spectroscopic Portal monitors – or ASP – and the Cargo Automated Advanced Radiography System – or CAARS.

I hope we can also use some of our time today to examine the overall problems DNDO has experienced with the hope that we can together make it a more effective organization and create a blueprint the next Administration can use to move forward.

The mission of DNDO is a mission where failure is not an option.

The danger of terrorists acquiring a nuclear weapon is real and present. Between 1993 and 2006 there were 1,080 confirmed incidents of illicit trafficking in nuclear materials – with 18 of these cases involving weapons-grade materials and another 124 involving material capable of making a so-called “dirty bomb” that would use conventional explosives to spread nuclear material. This is serious stuff.

ASP and CAARS were supposed to work in tandem, scanning all cargo coming by air, sea and land for nuclear material.

ASP was designed to detect unshielded nuclear materials with greater accuracy and fewer false alarms than the portal monitors now in use.

CAARS was designed to complement the ASP system by detecting high-density materials that terrorists could use to shield nuclear radiation from nuclear materials from ASP detection.

But while these programs looked so promising when announced just a few years ago, but it now seems that neither is likely to live up to expectations, which does leave our nation at risk – especially the unprotected areas that lay outside of the established land, air and sea ports of entry.

Let me say a little more about the ASP.

According to a tough and disturbing report from the Government Accountability Office we will hear more about this morning, the price of the ASP has ballooned from an estimated \$1.2 billion two years ago to as much as \$3.8 billion today and apparently no less than \$3.1 billion.

It is also behind schedule and, apparently, will not be deployed as aggressively as initially planned -- for instance, it won’t be used to screen rail cars and extra-wide trucks – leaving dangerous gaps that can be exploited by terrorists that, apparently at this point, DNDO doesn’t know how to fill.

The short life of the ASP program has raised fundamental questions that need to be answered today: Most importantly, how can the system be improved against nuclear terrorism?

The current generation portal monitors do an excellent job of detecting radiation. But they do not identify the type of radioisotope or and determine whether it is harmless or dangerous. That much we do know.

DNDO advocated the ASP program as a means of reducing the rate of false alarms from the current portal monitoring system. But CBP officials, who are the ones that will deploy and operate the radiation portal monitors system, have concluded that the false alarm rate of the current-generation monitors does not present a serious operational problem.

Secondly, I'm concerned about the consequences of what GAO's report tells us about DNDO's recent decision not to develop the other variations of the ASP system.

Previously, we had understood that these ASP programs were going to provide a "family" of twelve systems of various sizes and configurations that were supposed to help fill other gaps in the domestic nuclear detection architecture, by mounting ASP sensors on the roofs, for instance, of Border Patrol trucks or building ASP sensors into mobile devices.

So I'd like to know here this morning what DNDO's plans are moving forward.

I'd also like to know how much DNDO now thinks a complete system that covers not just ports, but also general aviation, small-craft maritime activities and unprotected land border areas, which must be part of a comprehensive system to prevent the smuggling of nuclear material, is going to cost and when it will be ready for deployment.

I am also concerned about the future of the \$1.3 billion CAARS program. The CAARS system, which was supposed to have delivered 20 units this year, but as far as I can determine, has essentially been abandoned following technical difficulties that would have made the system too complex to deploy in domestic ports.

DNDO has called this a "course correction" and now refers to the effort as the Joint Integrated Non Intrusive Inspection Program – or JINII – with dramatically scaled down goals.

CAARS was supposed to be the next generation of an automated x-ray technology that could detect shielded nuclear material – a critically important function. However, this program has also failed to live up to its promise.

DNDO says it has halted the CAARS acquisition and has apparently decided to start over and is now considering using already available technology. I'd like to know what transpired over the last two years, which has left us basically where we were two years ago.

Two years ago, ASP and CAARS were being described by the DNDO as absolute necessities in securing our nation against nuclear terrorism. They were going to represent DNDO 2.0. Now, both are in jeopardy.

As a matter of process, I want to express my concern about GAO's investigators' claims that DNDO refused to provide the kind of detailed documentation needed to prepare an accurate report, and that DNDO instructed its contractors to refuse to cooperate with GAO.

GAO works with Congress and the American people. These are vitally important programs and Congress' oversight of them cannot be overestimated. DNDO must cooperate fully with GAO if these programs are to succeed.

And as we explore these questions, I want our witnesses to help us with the broader and critical question. This Committee is not about "gotcha" investigations. It is about getting things right. So, how do we get DNDO on the right track?

I realize DNDO is a relatively new agency – formed by executive order just three years ago – and it has an enormously difficult task.

But its mission is critical to our homeland security against a clear and present danger and as I said before, failure is not an option. I want to be both DNDO's strongest supporter and its toughest critic in the years to come. I welcome our witnesses here today, and look forward to your testimony.

Senator Collins?

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