

**STATEMENT OF SENATOR JON KYL
CHAIRMAN
SENATE SUBCOMMITTEE ON TERRORISM,
TECHNOLOGY, AND HOMELAND SECURITY
SENATE JUDICIARY COMMITTEE**

“DETECTING SMUGGLED NUCLEAR WEAPONS”

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Overview

The 9/11 Commission said: “The greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons. [Our report shows that] al Qaeda has tried to acquire or make weapons of mass destruction for at least ten years. There is no doubt the United States would be a prime target.”¹

In recent years, this subcommittee has looked at the threats posed by chemical, biological, and Electro-Magnetic Pulse attacks on the United States. Today, we will examine the most dire threat we face today -- nuclear terrorism. We will be hearing from officials responsible for preventing the smuggling of nuclear weapons into this

¹ 9/11 Commission Report, Chapter 12, pp. 380-381.

country. We want to hear about the work they are doing, the challenges they are facing, and what we in Congress can do to help ensure that the American people are protected from nuclear terrorism.

The 9/11 Commission's findings echo the argument of a review conducted before 9/11 by Howard Baker and Lloyd Cutler, which found that, "The most urgent unmet national security threat to the United States today is the danger that weapons of mass destruction or weapons-usable material in Russia could be stolen, sold to terrorists or hostile nation-states and used against American troops abroad or citizens at home."² To Russia, we should now add other potential nuclear sources such as Pakistan, Iran, and North Korea.

Terrorists would need no more than nine pounds of plutonium, or 35 pounds of highly-enriched uranium, to create a nuclear explosion.³ A trained nuclear engineer – and there are plenty of them looking for work worldwide – could use this small chunk of material to create a nuclear device that would fit in a van or small watercraft.⁴

There have been plenty of efforts by terrorists and smugglers to acquire these nuclear materials. According

² United States Department of Energy, Howard Baker and Lloyd Cutler, co-chairs, Russia Task Force, "A Report Card on the Department of Energy's Nonproliferation Programs with Russia," January 10, 2001.

³ Graham Allison, *Nuclear Terrorism: The Ultimate Preventable Catastrophe* (New York, NY: Times Books, 2004), p. 47.

⁴ 9/11 Commission Report, Chapter 12, pp. 380-381.

to the IAEA, between 1993 and 2004, there were 662 confirmed cases of smuggling of nuclear and radiological materials – and those were just the instances that we know about. Of those confirmed cases, 21 involved materials that could be used to produce a nuclear weapon and over 400 involve materials that could be used to make a dirty bomb.⁵ It is clear that this threat is very real, and deserves our utmost attention.

U.S. Government Response

Increased awareness of this threat spurred the President to create the Domestic Nuclear Detection Office within the Department of Homeland Security in April 2005. DNDO was intended to be a single accountable organization with dedicated responsibilities to develop the global nuclear detection architecture, and to acquire, and support, the deployment of the domestic system to detect and report attempts to import or transport a nuclear device or fissile or radiological material intended for illicit use.⁶

In addition to DNDO, other government agencies, such as the Defense Threat Reduction Agency and the National Nuclear Security Administrations, play a role in preventing nuclear terrorism. We will hear about these

⁵ Quoted in testimony before the Homeland Security and Government Affairs Committee by Eugene Aloise, Director of Natural Resources and Environment Team at the GAO, March 28, 2006.

⁶ <http://www.dhs.gov/dhspublic/display?content=4474>.

organizations today, and how they work with DNDO to keep America safe.

In its recent markup, the Appropriations Subcommittee on Homeland Security cut DNDO's research and development budget by 30 percent. We want to look today at the impact of that cut on the ability of the United States to develop technologies for detecting smuggled nuclear weapons. In addition, I look forward to discussing nuclear detection programs that may come before the Senate in the near future.

Finally, I would like to consider the proposition that the US is approaching the issue of nuclear detection at far too leisurely a pace. Some have advocated a "Manhattan Project" approach to nuclear detection, modeled after the intensive, all-out efforts by US scientists to build the first atomic bomb. I'll be asking our witnesses to address this, and to give an idea of what additional funding could do for their offices, and nuclear terrorism prevention in general.

Witnesses

The subcommittee will hear from five experts.

Mr. Vayl Oxford

Mr. Vayl Oxford was appointed Director of the Domestic Nuclear Detection Office (DNDO) in September 2005, reporting to the Secretary of the Department of Homeland Security with responsibility for establishing the jointly staffed office and for directing all activities associated with the organization. Before this appointment Mr. Oxford served as the Transition Team leader and Acting Director of DNDO. He previously served as the Director for Counterproliferation at the National Security Council.

Dr. Peter Nanos

Dr. Nanos is the associate director, Research and Development, Defense Threat Reduction Agency (DTRA). Before going to DTRA, Dr. Nanos was the director of Los Alamos National Laboratory in New Mexico, having served since 2003. He was named the interim director of Los Alamos National Laboratory in January 2003. Dr. Nanos is a retired vice admiral in the United States Navy, and a 1967 graduate of the U.S. Naval Academy.

Dr. Steve Aoki

Dr. Steve Aoki is the deputy under secretary of energy for counterterrorism. Before assuming this he was Senior Advisor for International Affairs to the Administrator of the Department of Energy's National Nuclear Security Administration. Before joining DOE, he served at the U.S. Department of State as the Director of the Office of Proliferation Threat Reduction. From 1993 to 1996, he was on the staff of the National Security Council, with responsibility for nonproliferation and export control policy. He also was a program manager at the Lawrence Livermore National Laboratory, which is part of the National Nuclear Security Administration.

Dr. Michael Levi

Dr. Levi is a Fellow for Science and Technology at the Council on Foreign Relations. He has also been a fellow at the Brookings Institution and the Federation of American Scientists. Dr. Levi holds a PhD in War Studies from the University of London (King's College), and an MA in physics from Princeton University.

Dr. Fred Iklé

Dr. Fred Ikle is a Distinguished Scholar at the Center for Strategic and International Studies and a member of the Defense Policy Board. Before joining CSIS in 1988, Dr. Iklé served as under secretary of defense for policy

during the first and second Reagan administrations, and director of the U.S. Arms Control and Disarmament Agency during the Nixon and Ford administrations. From 1999 to 2000, he served as commissioner on the National Commission on Terrorism.

Conclusion

We have a distinguished panel of witnesses before us today. I am interested in examining with them how to make the nation safer by developing and deploying nuclear detection technologies. In today's budget-constrained environment, we cannot simply spend money on every technology that might keep us safe. But if a nuclear 9/11 is in fact the greatest existential danger facing this nation, then we must ensure that we are acting in a manner proportionate to the threat. That includes providing adequate funding, adequate authority, and adequate attention to the relevant agencies of our government.

Today the subcommittee will consider whether enough is being spent on nuclear detection, and specifically what the likely impact will be of the Appropriations Committee's cuts to DNDO's budget. In addition, I would like to examine whether the money

being spent is allocated correctly, between organizations, missions, and technologies.

Finally, the subcommittee is interested to know whether there is anything else the Congress can do to facilitate the work of the organizations represented here at the witness table. I look forward to all of your statements, and to the lively discussion that is sure to follow.

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