

Ranking Member Yvette D. Clarke (D-NY) Opening Statement

Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies
Committee on Homeland Security

“Preventing Nuclear Terrorism: Does DHS have an Effective and Efficient Nuclear Detection Strategy?”

July 26, 2012

Mr. Chairman, thank you for holding this hearing to discuss developments in the Domestic Nuclear Detection Office Strategy, and the Global Nuclear Detection Architecture. It has been said before, the enormous devastation that would result if terrorists use a nuclear weapon or nuclear materials successfully, requires us to do all we can to prevent them from entering or moving through the United States.

This Subcommittee, in its oversight capacity, has held hearings starting in 2005, and continuing through 2012, regarding the development and implementation of the GNDA and in the decision-making process that involves costly investments in it.

The overarching issues include the balance between investment in near-term and long-term solutions for architecture gaps, the degree and efficiency of federal agency coordination, the mechanism for setting agency investment priorities in the architecture, and the efforts DNDO has undertaken to retain institutional knowledge regarding this sustained effort.

In the policy and strategy documents of the GNDA, DNDO is responsible for developing the global strategy for nuclear detection, and each federal agency that has a role in combating nuclear smuggling is responsible for implementing its own programs. DNDO identified 73 federal programs, which are primarily funded by DOD, DOE, and DHS that engage in radiological and nuclear detection activities.

With the publication of an overall DNDO strategy document and the release of the Global Nuclear Detection Architecture and implementation plan, Congress will have a better idea of how to judge the DNDO’s policy, strategy operations, tactics and implementation.

But we need to know more about their R&D activities, their resource requests, and their asset allocations. And I know that I might sound like a broken record before the day is through, but from the very start of the ASP program which was *officially* cancelled just 10 days ago, July 16, DNDO seemed to push for acquisition decisions well before the technology had demonstrated that it could live up to its promise.

On July 14, 2006, Secretary of Homeland Security Michael Chertoff and the then Director of DNDO, Mr. Oxford, one of our witnesses today, announced contract awards to three companies worth an estimated \$1.2 billion to develop ASPs, including the Raytheon Company, from Massachusetts, the Thermo Electron Company from Santa Fe, New Mexico and Canberra Industries from Connecticut. Both Secretary Chertoff and Oxford held a press conference to announce the billion-dollar contract awards just a few months after highly critical reviews of the ASPs' abilities by the GAO and the National Institute of Standards and Technology (NIST).

I hope we don’t see that kind of decision making again in DNDO.

Within DNDO, policy and strategy have historically, not been adequately translated into operations, tactics and implementation. Overlapping missions, especially in the field of nuclear detection, worsen this. Since 2009, DNDO has made important changes under Secretary Napolitano, and made especially good progress in nuclear forensics. And I hope that our Congressional oversight has had an effect, a positive one, in bringing to light decisions that cost the taxpayers a lot of money, with little to show.

In 2010, the Science and Technology (S&T) Directorate requested \$109.000 million for the Transformational Research and Development Radiological and Nuclear Division. This research was to be transferred from DNDO to the S&T Directorate,¹ and the Democratic Committee Members supported the transition of radiological and nuclear research away from DNDO into S&T. The Committee, under then Chairman Thompson, worked to make this transition happen, and we believe that research and development, and operations and procurement, are best left to separate organizations in order to avoid the obvious conflict of interest.

What I hope we are going to hear today is how DNDO's mission can be better defined. Some claim there is still confusion as to whether it is an end-to-end RDT&E and procurement entity for all things nuclear/radiological, a development entity, or an operational entity, and question whether there is an inherent conflict of interest when an agency is both an R&D workshop and a procurement platform.

Let me finish with this thought, completely out of the policy arena. On the ground, and every day, our nuclear deterrence effort requires motivated and vigilant officers supplied with the best equipment and intelligence we can give them. Customs and Border Patrol officers working at our nation's ports of entry have an extremely complex and difficult job.

Thousands of decisions are made every day to clear a container or personal vehicle for transit into the United States, require further inspection, or even deny entry or interdict such a vehicle or person, and that is the hard, cold, everyday reality of our mission to prevent this kind of violent nuclear attack. We must do our best.

¹ DHS FY2011 Budget in Brief, *ICE 10-2647.000474*, p. 139.