

Chairman Dingell at the Subcommittee on Oversight and Investigations hearing entitled "The Department of Energy's Response to Ongoing Mismanagement at the Los Alamos National Labs"

Statement of Congressman John D. Dingell, Chairman
Committee on Energy and Commerce

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS HEARING ENTITLED " THE DEPARTMENT OF ENERGY'S RESPONSE TO ONGOING MISMANAGEMENT AT THE LOS ALAMOS NATIONAL LABS"
April 20, 2007

Mr. Chairman, thank you for holding this hearing. I welcome the Secretary and the other witnesses before us today.

Today's topic " security at the Department of Energy (DOE) labs and, in particular, the Los Alamos National Laboratory " is an issue that I have been involved with for more than two decades. My colleagues on the Committee and I could produce stacks of letters sent to various Secretaries and Presidents about the matters we will discuss today. We could display a small tower of hearing records " many that I chaired " relating to security breakdowns at the Department of Energy and this lab in particular.

Likewise, we could display a small mountain of proposals and promises made by lab directors, blue-ribbon panels, task forces, Secretaries of Energy and, yes, even a few Presidents, to fix security problems at the labs. This current Secretary is no different from his predecessors. He, too, has proposed a number of changes and recommendations to fix the problems, and convened blue-ribbon task forces to make recommendations.

I am sure we will hear about how seriously everyone takes security. I am sure that, in fact, everyone is sincere about improving security. And, I am certain that the Secretary will propose changes that make sense on paper. Yet, before we claim victory again in our battle to improve Los Alamos, we need to look closely at what is being proposed and whether, in fact, it will differ from what has come before.

"Trust but verify" was what President Reagan used to say. And I, for one, urge my colleagues to do just that today. In this regard, I recommend we pay particular attention today to the tools the DOE actually has to enforce its new security proposals.

I understand that the Department's ability to assess an effective fine has come into question in light of information, provided to the Committee this week, that the DOE officials who reviewed and signed the contract on behalf of the U.S. Government with the new contractor, Los Alamos National Security, apparently omitted the applicable safeguards and security orders for 13 months.

This is not an auspicious way to start the new reforms proposed by the Secretary, is it?

Although the legal implications of this omission are still unclear, it appears that there is a serious question as to whether DOE is unable to cite the contractor for each and every violation of its security requirements. Apparently, applicable security requirements under DOE Order 470 were not inserted in the contract until after the violations were discovered. In

fact, these requirements were not included in the contract until January 25, 2007, a mere 5 days before our last hearing on Los Alamos.

I am also interested to know why this information was withheld from the Committee until now.

This is what I mean by "trust but verify."

I hope the Secretary abides by that maxim, too. Don't trust everything you are told, Mr. Secretary. Continue to snoop and poke around Los Alamos and your entire department in the same way you did as Deputy Secretary of the Department of Commerce. I note, with some respect, that you were known to not only require briefings from your underlings at Commerce regarding security and safety issues, but also actually roamed the basements and nooks and crannies of buildings to assess the situation for yourself.

In the end, Mr. Secretary, I think we may have to look beyond fines and penalties to fix the problems at Los Alamos. For that reason, I, along with the Chairman and my colleagues in the Minority, requested that the Government Accountability Office (GAO) conduct a comprehensive audit of Los Alamos to determine what functions are essential at that Lab. Their report will inform the options available to us.

Mr. Secretary, I hope that you will assist the Committee and GAO in this important study and our efforts to improve security at Los Alamos and throughout your Department.

I thank the witnesses appearing before us today, and I again thank Chairman Stupak for holding this important hearing.

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