

# Hearing Statement

## Subcommittee on Oversight and Investigations

### "Nuclear Terrorism Prevention: Status Report on the Federal Government's Assessment of New Radiation Detection Monitors"

Today, one week after the sixth anniversary of 9/11, this Subcommittee is holding a hearing on one of our most important homeland security priorities: the Government's ability to prevent a nuclear weapon or a radiological bomb from being smuggled into this country and detonated.

The focus of today's hearing will be a Government Accountability Office (GAO) study of the Department of Homeland Security's (DHS) testing of a new generation of radiation portal monitors, known as Advanced Spectroscopic Portals, or ASPs. A bipartisan request asked GAO to determine whether the Department of Homeland Security conducted fair and adequate tests of these portals before spending an estimated \$1.2 billion to replace the radiation portal monitors now in use at our ports and border crossings.

Because of concerns raised last year by GAO regarding a faulty cost-benefit analysis done by the Department of Homeland Security on these new portal monitors, the Appropriations Committee, in a bipartisan action, prohibited spending the funds designated to fully purchase these new machines until the DHS Secretary certified that "a significant increase in operational effectiveness has been achieved."

Today, GAO will report that they have significant concerns about how DHS conducted tests.

First, GAO will report that the Domestic Nuclear Detection Office gave the three competing vendors advanced access to many of the packages they would be using for tests. This allowed vendors to calibrate their machinery to detect the specific radiological materials and the various combinations of shielding and masking materials prior to the actual tests.

Second, GAO will report that the tests did not assess the detection limits of these new machines. The Department of Energy specifically requested that DHS conduct tests to learn the masking limits of the new machines, based on what they had found in international commerce, but apparently, DHS could not find time to address this concern.

In sum, GAO found that DHS did not conduct a fair and balanced evaluation of the new machines. GAO does not believe the results "demonstrate a significant increase in operational effectiveness and should not be relied upon to make a full-scale production decision."

How has DHS responded to GAO's findings? As soon as they learned what GAO found, they launched an

&ldquo;end run&rdquo; and created a new &ldquo;independent review panel&rdquo; to reassess the results. Today, we will examine how independent and qualified this new panel actually is.

In addition, DHS changed the certification date and also changed the tests that would be considered for certification -- 11th hour efforts to obfuscate errors in the original tests.

What DHS hasn't done, which any reasonable taxpayer would expect, is take GAO's advice and redo the tests -- something that will cost little in comparison to the overall \$1.2 billion procurement. Retesting may cost less than half of one percent of the overall procurement, and would be money well spent. In the words of DHS Secretary Chertoff, &ldquo;The greatest threat we have to prevent is a nuclear device being detonated by a terrorist.&rdquo;

I want to commend the Subcommittee Chairman and Ranking Member for holding this hearing today. I hope that they will continue their strong oversight of this program. Without their work and that of our colleagues on the Appropriations Committee, I believe we would now be witnessing another DHS procurement debacle where billions of dollars are spent with few tangible results.

Prepared by the Committee on Energy and Commerce

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