

FRIDAY, FEBRUARY 8, 2008

LIEBERMAN, COLLINS MOVE FORWARD ON INVESTIGATION INTO NUCLEAR TERRORISM READINESS

WASHINGTON – Homeland Security and Governmental Affairs Committee Chairman Joe Lieberman, ID-Conn., and Ranking Member Susan Collins, R-Me., Friday moved forward in their broad inquiry into the nation’s preparedness to prevent, respond to, and recover from a nuclear attack on the homeland. The Committee intends to hold a series of hearings, starting next week with an examination of the Department of Defense’s role in supporting civilian authorities during and after a catastrophic event. Friday, the Senators asked relevant agencies to provide information about their roles and responsibilities for preventing and responding to a terrorist nuclear attack.

The investigation builds on the Committee’s past oversight of the Department of Homeland Security’s Domestic Nuclear Detection Office to promote sound development of next generation portal monitors to detect radioactive material at the nation’s ports of entry. The Committee has previously investigated all-hazards preparedness and response planning by the Department through a series of hearings on Hurricane Katrina, which resulted in legislation establishing significant reforms at FEMA.

“DHS Secretary Chertoff has said that what keeps him awake at night is the prospect of a terrorist attack using weapons of mass destruction,” Lieberman said. “We need to know where the federal government is in preventing the

unthinkable from happening and preparing to deal with the consequences of a nuclear attack.”

“In addition to other threats to our security, homeland security experts, including Secretary Chertoff, have warned of the threat of weapons of mass destruction and the need for our nation to strengthen our abilities to detect and prevent such attacks,” said Collins. “A terrorist attack with a nuclear device would have catastrophic consequences for our nation. Our investigation aims to determine what efforts are currently in place, define what the responsibilities are different government agencies, and how we can better prepare for, prevent, and respond to a terrorist nuclear attack.”

The Committee sent letters requesting information from 15 agencies with responsibilities under the National Response Framework to respond in the event of a nuclear or radiological incident. The letter seeks information on a variety of issues – for example, about evacuation, medical care, intelligence, forensics, and tracking fallout — to assess current capabilities and responsibilities in the event of a nuclear attack.

“An effective response requires well-exercised plans that clearly enumerate roles and responsibilities at all levels of government,” the letter said. “While the responsibility for responding to most small and medium-sized disasters naturally begins at the local level, planning and responding to a large-scale disaster, such as the detonation of a nuclear device in the United States, clearly require a robust Federal role. The destruction and devastation of such an attack would present humanitarian and logistical challenges that would overwhelm the capabilities of cities and states and require the Federal government to quickly marshal all of its assets and capabilities, as well as those of other States, localities, the private sector, and non-profits.”

The agencies include the Departments of Defense, Energy, Agriculture, Homeland Security, Health and Human Services, State, Transportation, Labor, Veterans Affairs, Commerce, Interior, Justice, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Nuclear Regulatory Commission. The information request was also sent to the Director of National Intelligence, which assesses nuclear threat.

Following is a copy of the letter:

As part of our ongoing oversight into the threat of nuclear terrorism, the Homeland Security and Governmental Affairs Committee is reviewing the readiness of the nation’s military and civilian agencies to protect the population of the United States from nuclear terrorism.

The effects of a nuclear attack on the United States are almost beyond comprehension. Even if we only consider the impact that a relatively small 10-kiloton nuclear device would have on a city center, the devastation would be catastrophic. From the epicenter of the blast to a distance of approximately one-third of a mile, every structure would be destroyed and virtually no one would be left alive. In the second circle of destruction, extending three-quarters of a mile from ground zero, buildings would experience devastating structural damage and most people in this ring would be killed or seriously injured. A third circle reaching out one mile would be ravaged by fires and radiation. Downwind of the blast, radioactive debris would begin to spread across the region, potentially exposing tens of thousands of people to lethal doses of radiation. Immediately after such an attack, our country would face challenges that we have never faced before.

Although improved security for nuclear stockpiles and fissile materials in Russia and elsewhere have helped to reduce the risk of nuclear terrorism, the threat of terrorists building or acquiring a nuclear weapon remains. While building an improvised nuclear device remains a difficult undertaking, the frightening truth is that simple nuclear weapons are based on 60-year old technology and such weapons are relatively easy to design and make. The primary obstacle to terrorists building a nuclear weapon is not the know-how required, but rather the difficulty of obtaining fissile material. However, there are many hundreds of tons of fissile materials, including highly enriched uranium, being stored in hundreds of sites worldwide, often under inadequate security arrangements. Potential sources of fissile materials and the knowledge necessary to build nuclear weapons continue to proliferate in countries with ties to radical and terrorist organizations. In addition to the threat of a terrorist organization building an improvised nuclear device, there remains the constant threat of a bomb being stolen or otherwise acquired from existing nuclear stockpiles that are not always adequately secured.

While our primary goal must be the prevention of such an attack, we must also prepare for the eventuality that a determined terrorist may succeed despite our best efforts. The threat of nuclear theft by terrorist groups and the catastrophic consequences of such an attack dictate that our country be prepared. An effective response requires well-exercised plans that clearly enumerate roles and responsibilities at all levels of government. While the responsibility for responding to most small and medium-sized disasters naturally begins at the local level, planning and responding to a large-scale disaster, such as the detonation of a nuclear device in the United States, clearly require a robust Federal role. The destruction and devastation of such an attack would present humanitarian and logistical challenges that would overwhelm the capabilities of

cities and states and require the Federal government to quickly marshal all of its assets and capabilities, as well as those of other States, localities, the private sector, and non-profits. However, the Government Accountability Office recently described the Federal government's ability to prepare for, respond to, recover, and rebuild from catastrophic events as needing "fundamental reform" and included catastrophic planning as a key area for Congressional oversight.

The Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 741, et. seq.) requires the development of a national preparedness system and a target level of preparedness that can ensure the nation's ability to prevent, respond to, and recover from natural disasters, acts of terrorism, and other man-made disasters. The Act requires, among other things, that the President ensure that each Federal agency with responsibilities under the National Response Plan ("NRP") and its successors, including the National Response Framework ("NRF"):

- 1) has the operational capability to meet the national preparedness goal;
- 2) complies with the National Incident Management System;
- 3) develops, trains, and exercises rosters of response personnel to be deployed when the agency is called upon to support a Federal response; and
- 4) develops operational plans and the corresponding capabilities, including crisis planning, to respond effectively to natural disasters, acts of terrorism, and other man-made disasters to ensure a coordinated Federal response.

Pursuant to the Act, the Administrator of FEMA, acting in coordination with the heads of appropriate Federal agencies, is required to submit to Congress a report on the Nation's level of preparedness for all hazards. To date, we have not yet received this report.

Protecting our nation against nuclear terrorism involves many critically important tasks, including: non-proliferation activities, collecting and analyzing intelligence about the evolving threat of nuclear terrorism, devising a global and domestic nuclear detection system, and planning and preparing to respond to the detonation of a nuclear device in the United States. However, at this time, non-proliferation activities are not included in this particular inquiry. Rather, the Committee's current review of the nation's readiness to protect the population of the United States from nuclear terrorism builds upon work already conducted with respect to the programs of the Domestic Nuclear Detection Office at the Department of Homeland Security, the role of FEMA in preparing the country to respond to a catastrophic event, and other Federal programs.

To assist the Committee in determining the current state of the nation's operational readiness to protect the people of the United States from nuclear terrorism and to carry out critical response missions in the event of the detonation of a nuclear device in the United States, we ask that you provide written answers to the following questions on behalf of your department or agency:

I. Describe the roles, responsibilities, and authorities (under Federal law, Presidential directive, or any other relevant strategic or operational plan) of each component in your department or agency that relates to:

A. collecting and analyzing intelligence on the current threat of the detonation of a nuclear device in the United States;

B. developing, testing, evaluating, acquiring, and/or deploying radiation detection technologies either overseas or in the United States; and

C. responding to the discovery of nuclear weapons and/or fissile materials within the United States (including your department or agency's role, responsibilities and authorities in identifying, destroying, securing, disabling, or disposing of such weapons or materials).

II. With respect to each specific role, responsibility, or authority identified in response to Question I:

A. provide a detailed inventory (including the specific resources, funding, personnel, and operational assets) of your department or agency's current capabilities to carry out each specific role, responsibility or authority; and

B. list the names and positions of the key personnel involved in acting pursuant to that authority or discharging that role and responsibility.

III. Describe the roles, responsibilities, and authorities of each component in your department or agency in responding to the detonation of a nuclear device in the United States. Include your department or agency's roles, responsibilities, and authorities under Federal law, the National Response Framework (NRF), any annexes to the NRF or its predecessor, the NRP, any other government-wide, departmental, or agency disaster preparedness plan, or any relevant strategic or operational plan. With respect to each specific role, responsibility or authority:

A. list the names and positions of the key personnel involved in acting pursuant to that authority or discharging that role and responsibility; and

B. provide a detailed inventory (including the specific resources, funding, personnel, and operational assets) of your department or agency's current capabilities to carry out its responsibilities in the event of the detonation of a nuclear device in the United States, including:

1. a detailed description of how your department or agency's capabilities would be utilized in response to the detonation of a nuclear device in the United States;
2. the time-frame within which the capabilities can be deployed in response to such an event;
3. the current state of readiness of these capabilities to respond to such an event;
4. the emergency communications assets maintained by your department or agency; and
5. the names and positions of the individuals that are most knowledgeable about the inventory of your department or agency's response capabilities.

IV. Describe how, after the detonation of a nuclear device in the United States, your department or agency would support the NRF, any annexes to the NRF or its predecessor, the NRP, any other government-wide, departmental, or agency disaster preparedness plan, or any relevant strategic or operational plan. In addition:

- A. specify all operational plans that have been developed by your department or agency to respond to such an event; and
- B. list the names and positions of the individuals who are most knowledgeable about your department or agency's planning activities to respond to such an event.

V. Describe how your department or agency is coordinating with other Federal agencies in preparing, planning, and training for responding to the detonation of a nuclear device in the United States. Please:

- A. specify the dates and locations of interagency meetings that officials from your department or agency have participated during the last 24 months regarding the development of interagency response plans to respond to such an event;
- B. describe your department or agency's participation in any interagency training activities during the last five years that simulated such an event; and

C. provide the names and positions of the individuals who are most knowledgeable about your department or agency's participation in such interagency activities and who have direct responsibility for ensuring the readiness of your department or agency to carry out its missions.

VI. Identify all operational plans, inventories of your department or agency's response capabilities, or any other documents or information that your department has provided or will be providing to the Administrator of FEMA or the White House that will enable the President to fulfill his annual certification obligations under 6 U.S.C. 753(d).

We request you provide the requested information as it becomes available, but not later than February 29, 2008. Should you believe that your response to this letter will require the disclosure of classified information, please let us know in advance of this date so that we may determine whether alternate arrangements for production are appropriate. We thank you and your staff in advance for your cooperation. If you or your staff has any questions concerning this request, please contact Jonathan Kraden, Eric Andersen, or Aaron Firoved of the Committee's majority staff at 202-224-2627 or Rob Strayer or Keyur Parikh of the Committee's minority staff at 202-224-4751.