NUCLEAR INCIDENT RESPONSE TEAMS

HEARING

BEFORE THE

SUBCOMMITTEE ON PREVENTION OF NUCLEAR AND BIOLOGICAL ATTACK

OF THE

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NUCLEAR INCIDENT RESPONSE TEAMS

Thursday, October 27, 2005

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON PREVENTION OF NUCLEAR
AND BIOLOGICAL ATTACK,
Washington, DC.

The subcommittee met, pursuant to call, at 1:29 p.m., in Room B–300, Rayburn House Office Building, Hon. John Linder [chairman of the subcommittee] presiding.

Present: Representatives Linder, Dent, Langevin, Thompson, and Dicks.

Mr. LINDER. [Presiding.] The hearing of the Homeland Security, Subcommittee on Prevention of Nuclear and Biological Attack will begin.

I would like to welcome and thank our witnesses for appearing before this subcommittee today.

Estimates show that a small nuclear device detonated in a large metropolitan area will produce hundreds of thousands of casualties, destroy critical infrastructure, force millions to evacuate, contaminate thousands of square miles, and extract untold billions of dollars from the U.S. economy. These are, however, mere estimates.

No one knows the true cost of such an attack, only that the price is far too high to pay. The United States has for a long time lived under the threat of a nuclear attack. Although overshadowed during the Cold War by the threat of mutually assured destruction, concern over a clandestine nuclear attack on one of our cities existed throughout these dark years.

In April 1974, in Boston, Massachusetts, police received a letter stating that atomic bomb with a yield equivalent to 500 kilotons of TNT had been planted somewhere in the city and would be detonated unless the author receive $200,000 in small bills. Officials from the national laboratories, equipped with nuclear detectors, swarmed the city to try to find the device.

The event turned out to be a hoax, but established a need for dedicated teams to be ready to search for a nuclear device. This event marked the beginning of a number of nuclear-search programs, which are now collectively referred to as Nuclear Incident Response Teams, NIRT.

The NIRT program was codified by the 2002 Homeland Security Act and led to the Department of Homeland Security having a nuclear radiological response capability. These teams consist of specialized personnel drawn from the Departments of Energy and Defense and the FBI, depending on the particulars of the mission.

We are pleased to have representatives from two of these organizations with us here today.

While these teams have existed in one form or another for many years, their work has never been more vital than it is now. The possibility of a terrorist nuclear attack is at an all-time high.

We must ensure that the Department of Homeland Security expands its nuclear-detection capabilities at the border and elsewhere, and is fully engaged with the long-standing programs, such as those as NIRT. We must do all we can to detect fissile material smuggling and, should that material be in a form of an explosive device, be prepared to render it inoperable immediately.

Interagency coordination and action must be swift and decisive. It is a rare opportunity to save perhaps tens of thousands of lives through a simple act of intervention. We must ensure that all of the many pieces of our national response work seamlessly toward that outcome.

That is precisely what this subcommittee will focus on today, and I look forward to the testimony of the witnesses.

And I now recognize my friend from Rhode Island, Mr. Langevin, for the purpose of an opening statement.

PREPARED STATEMENT OF HON. JOHN LINDER

I would like to welcome and thank our witnesses for appearing before this Subcommittee today.

Estimates show that a small nuclear device detonated in a large metropolitan area would produce hundreds of thousands of casualties, destroy critical infrastructure, force millions to evacuate, contaminate thousands of square miles, and extract untold billions of dollars from the U.S. economy.

These are, however, mere estimates. No one knows the true costs of such an attack—only that the price is far too high to pay.

The United States has, for a long time, lived under the threat of nuclear attack. Although overshadowed during the Cold War by the threat of mutually assured destruction, concern over a clandestine nuclear attack on one of our cities existed throughout those dark years.

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This event marked the beginning of a number of nuclear search programs which are now collectively referred to as Nuclear Incident Response Teams (NIRT). The NIRT program was codified by the 2002 Homeland Security Act to provide the Department of Homeland Security with a nuclear-radiological response capability.

These teams consist of specialized personnel drawn from the Departments of Energy and Defense, and the Federal Bureau of Investigation, depending on the particulars of the mission. We are pleased to have representatives from two of these organizations with us here today.

While these teams have existed in one form or another for many years, their work has never been more vital than it is now. The possibility of a terrorist nuclear attack is at an all time high. We must ensure that as the Department of Homeland Security expands its nuclear detection capabilities at the borders and elsewhere it is fully engaged with long standing programs such as those of NIRT. We must do all we can to detect fissile material smuggling, and, should that material be in the form of an explosive device, be prepared to render it inoperable immediately.

Interagency coordination and action must be swift and decisive. It is a rare opportunity to save perhaps tens of thousands of lives through a single act of intervention. We must ensure that all of the many pieces of our national response work seamlessly toward that outcome. That is precisely what this Subcommittee will focus on today, and I look forward to the testimony of our witnesses.

I now recognize the Ranking Member of the Subcommittee, Mr. Langevin of Rhodes Island, for the purpose of making an opening statement.

Mr. LANGEVIN. Thank you, Mr. Chairman.

I would like to welcome our witnesses here today, and I certainly look forward to your testimony.

Today's hearing will examine our government's ability to prevent a nuclear attack in the event a nuclear weapon is in the United States. Searching for a nuclear weapon inside of the United States is extremely difficult, given the size of our country and the many locations that a terrorist could strike.

The difficulty of this search was highlighted in a recent movie produced by the Nuclear Threat Initiative called "The Last Best Chance." In this movie, the President learns that al-Qa'ida had been pursuing and acquiring nuclear devices from several different fronts and as well as building a nuclear device.

And, in fact, in this movie, al-Qa'ida had purchased a nuclear device on the black market and planned to conduct an attack within the United States. The movie ends with the weapon crossing the northern border in an SUV on its way to an American city.

The scene is chilling, because it causes one to question whether our government has the ability to locate such a weapon once it is the country. One thing that the movie highlights, and our work on the subcommittee has underscored, is that intelligence is key, if our government has any chance to prevent a nuclear terrorist attack.

There has been numerous articles on a nuclear emergency support teams which state that, after 9/11, these teams are deployed based on intelligence that was not corroborated to determine whether a threat was valid. In addition, incidents like the one that occurred last week in Baltimore make me wonder whether our intelligence community has improved enough to be able to give our federal officials the tactical intelligence required to thwart an attack.

I would like to hear from our witnesses what steps are being taken to develop our intelligence capability to meet the nuclear terrorist threat.

Second, our government must be organized in a way that forces coordination and eliminates confusion. Section 504 of the Homeland Security Act of 2002 gives the Department of Homeland Security authority over Nuclear Incident Response Teams. DHS, however, does not have the management or budgetary authority over these teams.

Adding to the bureaucratic challenge, the FBI is the lead federal agency for intelligence-driven events involving weapons of mass destruction, while the Department of Defense plays a large role, as well. I would like to hear our witnesses' thoughts on the current model, specifically whether this committee should revisit the Homeland Security Act to eliminate any potential confusion that may occur in the event a team must respond to a nuclear terrorist threat.

I look forward to hearing from Admiral Krol and Special Agent Lewis.

And, Mr. Chairman, I want to thank you for holding this hearing on this all-important issue. Thank you very much, and I yield back.

Mr. LINDER. Did the gentleman from Mississippi have an opening statement?

Other members are reminded that the committee—to submit a written report for the record.

Our witnesses today are Admiral Joseph Krol, the associate administrator for emergency operations at the Department of Energy's National Nuclear Security Administration, and Mr. John Lewis, deputy assistant director of the Counterterrorism Division at the FBI.

Admiral Krol.

STATEMENT OF JOSEPH KROL

Mr. KROL. Thank you, Mr. Chairman, members of the committee.

My name is Joseph Krol, and I am the associate administrator for emergency operations at the National Nuclear Security Administration. Our task, in this very important effort that you have both outlined in your statements, is to provide a detailed technical support organization that can operate in support of many organizations across the interagency to locate and render safe any type of nuclear device.

I want to give you two major messages in my opening statement. The first is our integration across the interagency and our ability to work with a large group of government agencies. And, second, I want to give you a quick overview of our current capabilities.

On the first item, we have a very strong interagency support organization that allows us to respond to a large variety of requests from anyone in the United States, including local authority and, of course, the government authorities that we work with.

We primarily support the Department of Homeland Security, the Justice Department, the FBI, under Justice, and the Defense Department. But we have supported in the past Coast Guard, Customs, a whole variety of government agencies.

Our primary support is the FBI, because, in most of these situations that arise, the FBI, by virtue of their investigatory powers in counterterrorism, ends up being the lead federal agency.

Typically, the way these things come to us, over 90 percent of our deployments are requested by the FBI. Upon a request, we immediately inform the Department of Homeland Security that we are about to deploy. And, of course, the FBI does the same thing.

We respond to intelligence-driven radiological incidents or potential incidents. There is a system in place, a program called National Significant Security Events, where known events that have high visibility, like national conventions, a lead federal agency would be appointed, and part of that support will be the radiological support that we provide.

For example, over the last week, we have supported both venues for the World Series in Chicago and Houston. We do Super Bowls. We do G–8 conferences. Whatever the federal system identifies as a National Significant Security Event, we are at the table providing hardcore radiological search and monitoring.

We also get involved in unexplained radiological events. They can be something as simple as a hot dog vendor—this has happened—on the street in New York that recently had a medical treatment.

A policeman's pager went off, and we were called in to verify what the real radiological issue is.

We do this with technical expertise from across the weapons complex. I have about 1,000 people that provide exacting technical expertise to do exacting nuclear search, radiological search, and, if we find a device, to Render Safe, using technical procedures, in support of the FBI or the Department of Defense. It is a joint team effort.

We are not an organization that only has its capability on paper. We deploy on average about once a week to do various radiological things around the country in support of all manner of organizations, as I have told you. We also hold full dress rehearsal exercises that cause us to do our deployments. Our general rule for all our assets is 4 hours response time.

We fly around the country using DOE aircraft, generally. And we have demonstrated our ability to do that in real training situations on numerous occasions. So this is a real capability that is constantly exercised and constantly deployed in support of various issues that may come up.

With that, Mr. Chairman, I am very happy to be here. And I welcome your questions.

[The statement of Mr. Krol follows:]

PREPARED STATEMENT OF JOSEPH J. KROL

Mr. Chairman and members of the Committee, my name is Joseph Krol and I am the Associate Administrator for Emergency Operations at the National Nuclear Security Administration. I am pleased to have this opportunity to present an overview of our nuclear incident response capabilities, emphasizing how we conduct our mission working with and supporting other United States Government agencies with a nuclear/ radiological counter-terrorism mission.

As I begin, I want to emphasize that it is our strong inter-relationship and close coordination with law enforcement entities and the intelligence community that enables our joint success in executing the United States counter-terrorism mission. Through pre-event planning and response coordination, the Departments of Homeland Security, Justice, Defense and Energy have demonstrated on-going success in event execution as exemplified by National Security Special Events, such as the National political conventions, where National Nuclear Security Administration assets supported both the Federal Bureau of Investigation and United States Secret Service; Special Events, such as the Olympics and National Football League Super Bowls, where National Nuclear Security Administration assets supported the Federal Bureau of Investigation and numerous other federal agencies; and a variety of other scheduled and unscheduled events, to include Federal Bureau of Investigation /Joint Terrorism Task Force requests for technical support within a city.

It is important to note that the equity the National Nuclear Security Administration brings to bear on the nuclear/radiological counter-terrorism problem is technical expertise. Our core competencies include; (1) knowledge of U.S. nuclear weapons, radiological dispersal devices, and improvised nuclear devices with specific specialties in spectroscopy, device modeling, radiography and device assessment technology; (2) knowledge of technical operations such as explosive ordinance disposal procedures and techniques for device access, disablement, render safe, weapon recovery, and final disposition; and (3) knowledge of technical support requirements such as attribution, weapons effects, health and treatment capabilities and the technical evaluation of consequence management radiological data.

Specific to the nuclear/radiological counter-terrorism mission, we offer mature technical capabilities to support Federal law enforcement to search for, locate, and render safe improvised nuclear devices. In order to support the increased number of requests since 9–11 for timely nuclear/radiological search, we have grown our search capability from 2 search teams in one centralized location to 29 teams in numerous locations spread across the United States. If an incident requires a surge, we also have the capability to train and equip 60 searchers per day.

Once a device is located, the "render safe" mission begins. This mission is conducted using well-documented and well-rehearsed policies and procedures among all

levels of the National Nuclear Security Administration, the FBI, and the Department of Defense. It is because of National Nuclear Security Administration's equities in the U.S. nuclear weapons program that we provide the technical support for both the Federal Bureau of Investigation's and the Department of Defense's response teams. This support spans from nuclear design and materials training to the design and fabrication of specialized tools for accomplishing the render safe mission. Key to this effort is our technology integration and research and development programs where we develop and integrate new tools and techniques for device access and disablement.

In closing, I would like to say a few words about our emerging mission and role. With the launching of the new Domestic Nuclear Detection Office (DNDO) by a Presidential Directive signed on April 15, 2005, DOE/ National Nuclear Security Administration and DHS/DNDO have been afforded new opportunities as well as challenges to enhance our Nation's nuclear detection and response programs. Through the same kind of interagency cooperation and coordination about which I have already spoken, we at the DOE National Nuclear Security Administration Emergency Operations Office are working with DHS/DNDO in the joint development of: (1) better overall technical integration among the operative agencies in the event of a domestic incident, (2) closer coordination and cooperation in technology development and research and development activities for enhancing our detection capabilities, and (3) better detection reporting and communication among the key stakeholders such as, for example, through the Joint Center for Global Connectivity.

Mr. Chairman, in concluding my statement, I would like to emphasize that since 9/11 we have made positive changes to improve our abilities to respond. What has not changed, however, is DOE/ National Nuclear Security Administration's continued close interagency working relationships and commitment to provide quality technical support for the nuclear/ radiological counter-terrorism mission.

Mr. Chairman, I welcome your questions.

Mr. LINDER. Thank you, Mr. Krol.

Mr. Lewis?

STATEMENT OF JOHN LEWIS

Mr. LEWIS. Good afternoon, Chairman Linder and members of the committee. I am pleased to be here to discuss the coordination between the FBI and other federal agencies in detecting and neutralizing potential terrorist threats involving nuclear weapons.

You are all aware of the catastrophic consequences that would result if a nuclear device were detonated. Because of the severity of that threat, it is imperative that the FBI and our partner agencies have procedures and coordination mechanisms in place before the fact, in the event that we must respond to a potential nuclear threat or incident.

We must combine our expertise in order to meet and defeat these threats. We must work together, and we are working together.

Let me give you a brief overview of some of these joint efforts. The FBI has extensive liaison relationships with DHS, Department of Energy, and the Department of Defense. All of us play a vital role in resolving the nuclear crisis.

As you know, special components within each agency provide critical support in the detection, analysis, mitigation and secure transport of a nuclear device. And when we respond to threats today, each and every response is fully coordinated with our colleagues.

As one example, the FBI and DOE keep DHS apprised of the operational status and geographic disposition of DOE's nuclear search response assets. During potential incidents or periods of heightened alert, DHS will be fully aware of operational response activities. This ensures national-level integration, coordination and strategic focus.

The FBI and DHS also have developed an operational agreement for coordinating nuclear and radiological detection and search operations. For a general threat response, where no specific geographic target has been identified, DHS will lead interagency coordination in developing courses of action and recommendations for the Secretary of Homeland Security and other officials.

The FBI will assume tactical control or temporary authority of any nuclear search assets that are deployed. There are some specific exceptions to that, which I can explain later, if you desire.

For a specific threat response of a time-sensitive nature, where credible information suggests a particular city or location may be a target, the FBI will immediately notify and coordinate mission-tasking with DHS and DOE. This facilitates the fastest possible federal government response. And DOE, on our behalf, will immediately deploy a tailored search tactics appropriate for the situation.

As a side note, the DHS-managed Nuclear Assessment Program has also proven to be a very valuable asset in helping to determine the credibility of nuclear radiological threats. The FBI combines our own analysis with nuclear specialists and behavior analysts that we have on our staff to determine whether or not a threat is credible and how we may tailor our response.

Whether the threat is general or specific, DHS may designate and send a liaison to the FBI's Strategic Information Operations Center, as well as the local field office command post. This DHS official will have full access to information and will participate in joint planning. The FBI will also keep the Homeland Security Operations Center fully informed.

The FBI also participates in a number of interagency efforts to help prevent terrorists from accessing, using or smuggling nuclear weapons or materials. For instance, the FBI coordinates extensively with DHS in response to incidents involving possible detection of nuclear and radiological material at U.S. ports of entry.

The FBI and DHS both maintain extensive reach-back capability to obtain rapid technical analysis of possible nuclear or radiological material from national laboratory experts who can immediately analyze this data.

The FBI also participates in various joint training initiatives, exercises that bring federal, state, and local law enforcement and emergency management personnel together for training so that we are all prepared to coordinate our response to a nuclear incident, if so called upon.

On the international level, the FBI trains foreign law enforcement officials to more effectively search, detect and interdict nuclear materials being illicitly transported. We are not the only ones that do this. DOE, I know, does this as well.

And on a national level, the FBI's Nuclear Site Security Program requires each of our 56 field offices to establish close liaison with security personnel at critical nuclear facilities and to develop and exercise site-specific Internet response plans with them.

The FBI has also assumed a leadership positions in the Domestic Nuclear Detection Office. The DNDO is an interagency effort with the goal of strengthening our collective capability to detect, report and respond to attempts that may involve the importation, assem-

bly or transportation of a nuclear explosive device, fissile material, radiological material, any of which might be intended for illicit use.

An FBI detailee currently serves as a director of the office of operations support at the DNDO. And in the near term, I will be dedicating additional FBI detailees there in several areas, including strategic planning, red-cell planning, information analysis, reach-back development, as well as training and protocol development. These are just a few of the FBI's interagency efforts.

Chairman Linder and members of the committee, the FBI continues to work aggressively, both internally and with its partners at every level, to investigate, disrupt and respond to potential or actual nuclear threats. We, of course, are committed to deterring crime and terrorism and protecting our fellow citizens from the threat of nuclear weapons.

We will do everything in our power to anticipate these threats and prevent them from becoming a reality.

I wish to thank you again for having me here today. And I am pleased to answer any questions you may have.

[The statement of Mr. Lewis follows:]

PREPARED STATEMENT OF JOHN E. LEWIS

INTRODUCTION

Good afternoon Chairman Linder and Members of the Committee. I am pleased to be here today to discuss the coordination between the Federal Bureau of Investigation and other federal agencies in detecting and neutralizing potential terrorist threats involving nuclear weapons.

We are all well aware of the catastrophic consequences that would result if a nuclear device were detonated. Because of the severity of the threat, it is imperative that the FBI and our partner agencies have procedures and coordination mechanisms in place *before* the fact, in the event that we must respond to a potential nuclear threat or incident.

The FBI is the lead law enforcement and investigative agency charged with responding to terrorist threats or incidents involving nuclear weapons or materials. However, no one agency can protect America from every threat—especially a threat as complex as a nuclear incident. We *must* combine our expertise with that of other federal agencies, in order to meet and defeat these threats. And we *are* working together. Let me give you a brief overview of some of our joint efforts.

COORDINATION WITH THE DEPARTMENT OF HOMELAND SECURITY, THE DEPARTMENT OF ENERGY, AND THE DEPARTMENT OF DEFENSE

The FBI has extensive liaison relationships with the Department of Homeland Security (DHS), the Department of Energy (DOE), and the Department of Defense (DOD), all of which play a vital role in resolving a nuclear crisis. Specialized components within these agencies provide critical support in the detection, analysis, mitigation, and secure transport of a nuclear device. For example, DOE supports both the FBI and DHS by deploying mobile detection assets to search for nuclear/radiological materials and/or devices, and also provides high-end technical expertise. The FBI also has specialized response components from the Critical Incident Response Group and the FBI Laboratory. Officers assigned to these components regularly train together in order to ensure that we are all prepared ahead of time.

The FBI also maintains a close working relationship with DHS, particularly with regard to coordinating the U.S. Government's response to nuclear threats and incidents. The Homeland Security Act of 2002 requires that specialized DOE emergency response assets fall under the operational control of DHS when they are deployed in response to a potential nuclear incident. When we respond to threats today, each and every response is fully coordinated with our colleagues at DHS.

For example, the FBI and DOE keep DHS apprised of the operational status and geographic disposition of the DOE/National Nuclear Security Administration's nuclear search response assets, in accordance with the reporting processes outlined in the National Response Plan. During potential incidents or periods of heightened

alert, DHS will be fully aware of operational response activities, including nuclear search operations, and provide this information to senior government officials, as required. This process ensures national-level integration, coordination and strategic focus.

FBI AND DHS COORDINATION ON GENERAL AND SPECIFIC THREATS

The FBI and DHS have also developed an operational agreement which provides additional guidance for coordination in nuclear/radiological detection and search operations—whether the threat response scenarios are very general or highly specific. As background, "general threat response" may be defined as an increase in the alert posture or actions taken to address increased threat traffic on nuclear/radiological materials and/or devices where *no specific geographic target has been identified.* "Specific threat response" may be defined as actions taken to address a time-sensitive, credible threat that an unresolved detection event has occurred, or to address *specific information* suggesting that a particular city or location may be the target of nuclear/radiological material or device. (It should also be noted that a general threat may evolve into a specific threat as investigators gather intelligence.)

For a *general* threat response, DHS will lead interagency coordination in developing courses of action and recommendations for the Secretary of Homeland Security and other officials regarding the overall distribution of search response assets. The Secretary will direct deployment of search assets. Once employed operationally, the FBI will assume tactical control of nuclear search assets, unless those assets are deployed in direct support of DHS component entities, such as Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP) or the United States Coast Guard (USCG). Under this scenario, "tactical control" refers to temporary directive authority and control over those nuclear search response assets in support of planning, mission objectives and operational taskings developed by the FBI or other federal law enforcement entities.

For a *specific* threat response of a time-sensitive nature within the jurisdictional authorities of the FBI, the FBI will immediately notify and coordinate mission tasking with DHS and DOE. To facilitate the fastest possible federal government response, DOE will immediately deploy a tailored search package appropriate for the situation. In the event that DHS does not agree with the deployment or proposed employment of this search package for any reason, redirection of DOE assets may be effected by the Secretary of Homeland Security in consultation with the Attorney General.

During a general or specific threat response, DHS will deploy a liaison official to the FBI Strategic Information and Operations Center (SIOC) as well as the local FBI command post. This DHS official will have full access to all required operational search information, participate in joint planning, and maintain connectivity with the local Principal Federal Official cell, if one is activated, in accordance with the National Response Plan. The FBI, through the SIOC, will provide the primary pipeline of communication to headquarters elements in Washington. The FBI will also keep the Homeland Security Operations Center (HSOC) fully informed of all appropriate information. The FBI will be responsible for providing information concerning the nature, timing, location and results of search activities to appropriate entities, including the White House, back through its chain of command.

The DHS-managed Nuclear Assessment Program (NAP) has also proven to be a valuable asset in helping to determine the credibility of nuclear/radiological threats. This program, which is coordinated through the Lawrence Livermore National Laboratory (LLNL) in Livermore, CA, provides assessments of incidents not only involving communicated threats to *use* nuclear/radiological materials but also alleged *possession* of such materials. The FBI utilizes this analysis, in conjunction with its own nuclear specialists and behavioral analysts, to determine the credibility of a particular threat and to determine the level of response that may be required.

FBI AND INTERAGENCY EFFORTS TO PREVENT TERRORISTS FROM ACCESSING, USING, AND SMUGGLING NUCLEAR WEAPONS

The FBI participates in a number of interagency efforts to help prevent terrorists from accessing, using, or smuggling nuclear weapons—or the materials needed (such as enriched uranium or plutonium) to construct a nuclear weapon. For instance, the FBI coordinates extensively with DHS/CBP in response to incidents involving possible detection of nuclear/radiological material at U.S. Ports of Entry. The FBI and DHS both maintain extensive "reachback capability" to obtain rapid technical analysis of possible nuclear/radiological material to obtain a more definitive analysis of the origin and nature of the suspect material from DOE personnel and/or other sub-

ject matter experts. FBI field personnel can send technical spectra back to national laboratory experts who can immediately analyze the data.

Other interagency forums include nuclear smuggling focus groups, as well as various joint training initiatives. For example, since 1999, the FBI and DOE have jointly coordinated the SILENT THUNDER Tabletop Exercise (TTX) Program. These exercises bring together FBI personnel, state and local law enforcement officers and emergency management personnel, and DOE facility management and security personnel. The exercises are no-fault tabletop exercises designed to familiarize key decision makers and managers with the U.S. government's interagency emergency response to a nuclear or WMD domestic terrorism incident. Approximately four exercises are conducted per year throughout the nation.

The FBI also participates in training with foreign law enforcement personnel, which is designed to increase their capability to search, detect and interdict nuclear materials being illicitly transported. In addition, the FBI provides foreign law enforcement assistance and coordination through its Legal Attaché Program, currently in 53 countries worldwide. Our hope is that aggressive investigation and prosecution of illicit nuclear material trafficking incidents—on the international level—will discourage and hinder thefts of such material.

On the national level, the FBI's Nuclear Site Security Program requires each Field Office to establish close liaison with security personnel at critical nuclear facilities (including DOD and DOE sites, as well as commercial nuclear power facilities under the cognizance of the Nuclear Regulatory Commission). This program also requires FBI Field Offices to develop site-specific incident response plans and to exercise those plans with facility security personnel.

The FBI has also assumed a leadership position within the Domestic Nuclear Detection Office (DNDO). The DNDO is an interagency effort to oversee the deployment of detection architecture with the goal of strengthening our capability to detect, report, and respond to attempts to import, assemble, or transport a nuclear explosive device, fissile material, or radiological material intended for illicit use. An FBI detailee currently serves as the Director of the Office of Operations Support, one of 5 offices which comprise the DNDO. In the near term, I will be dedicating additional FBI detailees to the areas of strategic planning, red cell planning, information analysis, reachback development, and training and protocol development.

OTHER LIAISON EFFORTS

While close liaison has always been standard at U.S. nuclear sites, it should be noted that the events of 9/11 have dramatically increased the level of awareness regarding any suspicious activity at these sites. Our partners at these sites are now even more proactive in their efforts to report even potentially suspicious incidents to local law enforcement and/or the FBI.

The establishment of a National Joint Terrorism Task Force (NJTTF) at FBI Headquarters and the expansion of the Joint Terrorism Task Forces (JTTFs) in the field have also increased information sharing and improved response coordination. There are now over 100 JTTFs nationwide, consisting of various representatives of federal, state and local agencies.

The FBI is also a regular participant in the interagency review and update of the threat or potential threat to U.S. nuclear facilities and activities. The results of this annual review help to structure the postulated threat that DOD and DOE utilize to structure their protective forces.

Chairman Linder and Members of the Committee, the FBI continues to work aggressively, both internally and with its partners at every level, to investigate, disrupt, and respond to potential or actual nuclear threats. We are committed to deterring crime and terrorism, and protecting our fellow citizens from the threat of nuclear weapons. We will do everything in our power to anticipate these threats and prevent them from becoming a reality.

Thank you again for the opportunity to appear today. I would be happy to answer your questions.

Mr. LINDER. I have a couple. What are the roles, the various roles and responsibilities, of DHS, FBI and DOE, in the coordinating a nuclear terrorist—response to a threat?

Mr. Krol?

Mr. KROL. The Department of Homeland Security has the lead for providing expert recommendation and advice to the President. In the execution of that lead, in the event of an unfolding situation, a national significant security event would be declared and the Sec-

retary of Homeland Security would most probably appoint a Principal Federal Official who would proceed to the scene of the activity.

Mr. LINDER. They have not mirrored the nuclear capabilities that your department has?

Mr. KROL. That is correct, sir.

Mr. LINDER. How do they make these judgments?

Mr. KROL. Through total immersion in the process that is ongoing. In this particular scenario, you would expect the FBI to be the Lead Federal Agency and that DOE would be the primary support for, say, radiological search. And you would expect those two organizations to keep the Principal Federal Official apprised on what the situation is and what the planning efforts are to proceed to the next step.

We have exercised that on a couple of occasions, in exercise scenarios. And I think we have demonstrated that DHS is getting the information they need, and we have the ability to educate them on the spot with what is going on.

Mr. LINDER. You do your testing and game-planning with various local agencies, as well as?

Mr. KROL. That is correct, Mr. Chairman.

Mr. LINDER. How do you deal with the interoperability problem that we have run into daily here?

Mr. KROL. That is a challenge. There is no doubt about it.

Mr. LINDER. Well, who is working to solve that challenge?

Mr. KROL. Department of Homeland Security. The DNDO office that was made reference to by Director Lewis is going to be a tremendous aid in coordinating across the various entities that exist in the United States to standardize and provide a concept of operations for execution of radiological counterterrorism activity.

I am very optimistic that they will be able to have great impact in that area.

Mr. LINDER. When?

Mr. KROL. I think it is a tremendous challenge, and I think it is going to take them some time. I mean, it is not going to come immediately.

Mr. LINDER. I thought you said the FBI is engaged in analysis of credibility of these threats? What do you do independent of the others?

Mr. LEWIS. I would not say we do it independent, sir, as much as we would do it to complement what Lawrence Livermore does today. You may know that they have been in the business for some time. And, of course, their product is one that we highly value and will seek every time.

We have our own nuclear scientists down at Quantico. We also have behavioral scientists that, for instance, could listen to a tape recording or could evaluate the text of a letter. We will draw upon those individuals for whatever value they might add to that process.

And please bear in mind that, whatever Lawrence Livermore tells us, whatever our own folks tell us, this is just a pointer, if you will. It is never going to solve anything or resolve anything. It is just some additional information for us to consider on top of everything else that we might collect during the course of investigation.

Mr. LINDER. And say you have considered and collected all this information, and DHS, and FBI, and DOE disagree. Who decides?

Mr. LEWIS. I am not sure I understand your question.

Mr. LINDER. Let me try it again. Let me try it in English. You have all got your independent analysis sources and you all examined your own sources, as well as the sources of the information from others. And you have a disagreement on the threat. Who decides?

Mr. KROL. It is a group effort. We have been through this many times, and there have been disagreements. When one of these issues kicks off, what we expect is we go into a secure video-teleconference mode, where we have video-teleconferences twice a day, with all the agencies online coordinated by the White House.

Mr. LINDER. Who in the White House?

Mr. KROL. Homeland Security Council and, in some cases, National Security Council. And what we expect in these VTCs is a constant give and take. People will disagree. Organizations will have look-ups. And we will come back again 4 or 5 hours later and proceed down the line.

I have been through those about maybe eight or ten times now. And, at the end of the day, we are able to achieve consensus on a way ahead.

Mr. LINDER. Thank you.

Mr. Langevin?

Mr. LANGEVIN. Thank you, Mr. Chairman.

And, gentlemen, thank you for your testimony today. I wanted to just ask you a couple of questions.

And I guess the best place to start is, in the testimony, Mr. Lewis, you stated that DHS appoints a lead federal agency or officer, in event of a nuclear incident or the threat of one, and it would likely be that they would designate the FBI.

Why wouldn't we just put the FBI in charge in the beginning? Do we need this level of bureaucracy?

Mr. LEWIS. Sir, let me clarify what we just said. DHS does not appoint the FBI to anything. The FBI's role, with respect to investigating terrorism, is laid in a statute. That statute was backed up most recently by HSPD–5. And the statute says that the attorney general has primary responsibility for addressing acts of terrorism here in this country.

As a practical matter, when we are looking at a terrorism matter that begins to involve or involves a threat of a nuclear device, as has been noted here, we will engage several other members of the community in looking at that threat, often times well before any decision is made to roll search assets, if, in fact, we can get there.

You can rest assured that, in today's times, before any decision to roll assets are made, several agencies around town, through the secure video-conferencing that Admiral Krol has just mentioned, have discussed the matter back and forth, most likely on multiple occasions.

I have been involved in four or five of those.

Mr. DICKS. Would you tell us the name of some of those agencies you just talked about?

Mr. LEWIS. That are in the morning conference?

Mr. DICKS. Yes.

Mr. LEWIS. It is chaired by Homeland Security. DOE is there. Central Intelligence is there. National Security is there. NCTC is there.

Mr. KROL. Defense Department.

Mr. LEWIS. DOD, of course.

Mr. KROL. Justice.

Mr. LEWIS. Treasury.

Mr. KROL. Treasury.

Mr. LEWIS. This happens every morning, sir.

Mr. DICKS. It is good to hear who they are.

Mr. LEWIS. Essentially, the hot topics of the day, if you will, are discussed each and every morning.

Mr. DICKS. Thank you.

Mr. LEWIS. Yes, sir.

Mr. LANGEVIN. But let me ask you, given FBI's lead role in counterterrorism and DOE's nuclear expertise, why not just put the FBI in charge? Are we creating another level of bureaucracy by having suddenly DHS call the shots?

Should the committee revisit the Homeland Security Act to give DHS a role, but not the lead role?

Mr. LEWIS. Well, from my seat, sir, I do not. I do not see that they have the lead role. I think that they own the assets, so to speak, until such a point that an FBI investigation determines the threat to be of a specific nature.

And at that point, my experience has been over the last year-and-a-half—and I have been involved now with three or four of these—it is very easy for us to draw down on what has been a very good and long relationship with DOE and get assets rolling.

In today's times, given the creation of DHS, that call is immediately followed by a call to DHS where all three of us are coordinating very closely. The MOU that has been struck between us and DHS does allow the Secretary to step in and challenge the FBI's deployment of resources.

And should it get to a point where the Secretary and the Attorney General actually have to talk because there is a difference of opinion, if they cannot solve it there, there is a process for them, where they take that before Homeland Security and/or National Security.

I do not believe—and, Admiral, correct me if I am wrong—if we had ever seen one at all like that.

Mr. KROL. No, I think in execution it is working exactly as you outlined. A threat is identified. The FBI asks us for support. We provide support. And as we are going out the door, we inform Homeland Security. That is the execution model that we are using, the execution model that was en vogue before DHS stood up.

Mr. LANGEVIN. I just want to quote here from the Homeland Security Act. And this is—it is a nuclear incident response. It is in general. "At the direction of the Secretary, in connection with an actual or threatened terrorist attack, major disaster, or other emergency in the United States, the Nuclear Incident Response Team shall operate as an organizational unit of the Department. And while so operating, the Nuclear Incident Response Team shall be subject to the direction, authority, and control of the Secretary."

And my question is, would it be more practical to have the FBI in charge with a role for DHS, but not necessarily in charge?

Mr. LEWIS. Sir, after the date that what you are reading was written, the FBI and DHS, recognizing that that language was not entirely consistent with what is written in statute regarding our responsibilities, came together and drafted an MOU, which, at least as far I am concerned, straightens out the agreement or the operational agreement between DHS and FBI.

I do not have today any problems at all with deployment of nuclear search assets. The emergence of DHS and having them as part of the federal team now has not hindered me in any way, shape or form. We came together quickly. We drafted an MOU. We both agreed with what is in here. And I think it is fine.

I understand why you might raise that question, having read what you just did, because it does kind of conflict with what is in statute. But, again, that is precisely the reason why we came together and drew up an MOU, to clarify that.

Mr. LINDER. This is statute.

Mr. LEWIS. Sir?

Mr. LINDER. It does not conflict with the statute; this is statute.

Mr. KROL. He is making reference to the MOU, I believe.

Mr. DICKS. Is the MOU consistent with the statute?

Mr. LEWIS. Right. The MOU goes beyond the actual words of the statute. I can tell you that our attorneys within the FBI, as well as the attorneys over at DHS, poured over both of these.

And I am not an attorney, sir, but I know that, after both shops looked at it, you know, the offices of general counsel, they are fine with it.

Essentially what it does is protect deployment. It favors rapid deployment to get the job done. And it allows for—

Mr. DICKS. That is what we want.

Mr. LEWIS. Yes.

Mr. LINDER. The memorandum still leaves the Secretary of Homeland Security in control. "While so operating, NIRT shall be subject to the direction, authority, and control of the Secretary of Homeland Security."

What person would take control of nuclear search assets and so should activities will be delegated to the Secretary of Homeland Security and appropriate law enforcement entity or organization. In other words, this response team—and responsibilities—

Mr. LEWIS. Are you reading from MOU between DHS and Department of Energy, sir? If I may? Or is it ours?

Mr. LINDER. Evidently.

Mr. LANGEVIN. If I could inquire, Mr. Chairman?

Mr. LINDER. Sure.

Mr. LANGEVIN. The MOU that you are describing, that is something that the FBI has in your possession. It is that something we would forward to the committee?

Mr. LEWIS. Absolutely, if they do not have it already, yes.

Mr. DICKS. Could I ask on this point?

Mr. LEWIS. Please

Mr. DICKS. Was this done—did the Secretary of DHS delegate this responsibility to the FBI? I mean, that sounds like, in that lan-

guage, the head of the DHS could say, "I want the FBI to take the lead on this."

Mr. LEWIS. The MOU executed between two agencies allows the FBI to have tactical control of nuclear assets when they are on the ground. They do not belong to me, but when they are deployed for case reasons, because we have something that we need to look for, at that point in time, the FBI has control of those. And we use them to execute our searches.

Mr. DICKS. Is this their equipment? Is this the Department of Energy equipment?

Mr. LEWIS. Yes, sir.

Mr. DICKS. That is what we are talking about?

Mr. LEWIS. Yes, sir.

Mr. DENT. Thank you, Mr. Chairman. Afternoon, sir.

How often are your capabilities exercised over the years? I know you have been around for decades.

Mr. LEWIS. Yes, but not in the same position. I have been in my current seat since May of 2004. And I want to say that, on three or four occasions, this has been exercised.

And from my seat, not to make this sound too simplistic, what we have today works well. I can count on very rapid, cooperative contact with DOE to get assets rolling quickly when I need them. And I have had no problems, with respect to interference with a deployment from DHS or anybody else.

And I will say, throughout this entire process—and, normally, we can see these things coming. So, in the time leading up to this, the FBI, and DOE, and DHS are not acting in a vacuum. There are many other agencies involved.

Mr. DENT. These capabilities are exercised three or four times. Is that since you have been there, you said, or since the inception?

Mr. LEWIS. Yes, sir.

Mr. DENT. What was the most recent one?

Mr. LEWIS. Approximately 9 or 10 months ago, New York City.

Mr. DENT. Okay. And I guess my question would be, are there plans in place—NIRT teams plans in place that will train local and state law enforcement officials, train in the search of a nuclear device or radiological dispersion device?

Mr. LEWIS. That is one of the reasons why the new DNDO was set up. One of the things that is going to happen inside of DNDO, as they build a bigger nuclear detection architecture for the U.S., is state and local law enforcement entities are going to be right in the middle of this mix.

DNDO is going to help states acquire, help states use, in a standardized format throughout the U.S., nuclear search assets.

Mr. DENT. And finally—

Mr. LEWIS. I am sorry, detection, not search. Detection. There is a difference.

Mr. DENT. And then finally, what type of research are you engaged in right now in nuclear detection? And are you making—and what is the sense of investment in that area? And is it effective?

Mr. KROL. From our perspective, we have a detection research capability that we work on. We are constantly working on coming up with more sensitive meters, more portable meters.

A lot of our work is in support of federal agencies. We have to blend in to the general populace we are working in so we do not create a question or a panic. So we apply budgetary money to upgrade ourselves constantly. The figure that we are applying is around $10 million a year.

Mr. DENT. In terms of the sensitivity of those detection devices, I know sometimes they are a little too sensitive. For example, certain things that get picked up. Bananas, I guess, for example, emit a certain radiation.

How good is the technology at discriminating against those benign objects?

Mr. KROL. Well, it is not. You have to have highly sensitive detection devices, especially when you are dealing with rolling stock, moving stuff, trucks and so on. And so you have to have a reasonable sensitivity.

And we do get hits on naturally occurring sources of radiation. And you just have to run those down. There is no way out of it.

In some ways, we are a slave to physics. I mean, physics is what physics is. And we are dealing in a continuum that the rules have not been changed in a long time.

So, again, DNDO, we are optimistic that in their effort to bring together architectures and do hardcore research into new possibilities for radiological detection that they have an opportunity to make a difference.

Mr. LINDER. Would the gentleman yield?

How close are we to detection instruments that identify isotopes?

Mr. KROL. Oh, we can do that now. We can get a hit and identify an isotope. We can tell you if it is strontium–90, or cesium–137, or cobalt–60.

Mr. LINDER. Shouldn't that prevent you from having false hits?

Mr. KROL. It can. It can. And it does in many instances. The great equalizer for radiological search, from our perspective, is TRIAGE. That is the home team capability, where our teams can feed back into the weapons labs and get the absolute best expert analysis of what we have provided to them for identification.

Mr. DENT. And just finally here, are these detecting devices—do you believe that a lot of our local law enforcement, at least in our major metropolitan areas, are adequately equipped with devices like that?

Mr. KROL. That is a hard question. They are equipped. And I would say they are adequately equipped.

I think the issue that is a problem is that they are not adequately trained, in many cases. And I do not blame them necessarily, because they have a wide variety of issues they deal with, the fire department—and the radiological—you know, they do not spend a lot of time on radiological training.

Mr. DENT. Thank you.

Mr. LINDER. Mr. Dicks?

Mr. DICKS. Where do we get most of the—where do we get most of the information about an incident? Where does that come from? Does that come from intelligence sources or—which we probably cannot talk about here—but where do you get your information?

Mr. KROL. Usually, there are two major sources that cause us to go out the door. That would be an intelligence stream that leads

the FBI or another federal agent in the direction that there is something going on radiologically somewhere in the country. Or somebody, a fire department or some, has passed a meter in front of somebody or something and the meter has moved. And then we are asked to come in and be the arbitrator of what they have.

Mr. DICKS. Now, where is all this equipment kept? And how many locations do you have?

Mr. KROL. We have eight major centers of excellence tied to the weapons labs around the United States. We have 29 deployable teams. Our rule is 4 hours deployed.

Mr. DICKS. Do you have your own airplanes?

Mr. KROL. We do not have our own airplanes, but we are—some of our teams are in places where we can get access to aircraft. Most of our deployments are by ground. Most of the—

Mr. DICKS. Do you have pre-arranged arrangements to get aircraft?

Mr. KROL. No. And we do not need them in most places. For example, the team we have at Brookhaven is equipped with vans. And we can get downtown to New York City in an hour.

Mr. DICKS. What about Washington, D.C.?

Mr. KROL. Washington, D.C., we have team at Andrews. And so Brookhaven, Andrews, Oak Ridge National Labs, Savannah River, Albuquerque, Idaho National Lab, Hanford, in your area—

Mr. DICKS. Right.

Mr. KROL. —and in Livermore and Las Vegas. So when you lay that out on a map, there are only a few areas that are difficult to get to from a time perspective.

The Argonne National Lab in Chicago, if they have to go to North Dakota, you know, we have an agreement in Chicago with Coast Guard to provide us transportation, air transportation. We are trying to provide air transportation to ourselves using the National Guard, but that is a work in progress.

But in most—

Mr. DICKS. Well, we are getting rid of a lot of the National Guard aircraft, too.

Mr. KROL. Yes, sir. But we do not need—the National Guard has a small aircraft, a Twin Otter, that was just perfect for us, because our teams are five-to seven-man teams with about 250 pounds of equipment.

But most of the places that we need to deploy that involve metropolitan areas, we are 3 hours driving max from where we need to get. So that is our situation.

Mr. DICKS. And how many times a year do you exercise this?

Mr. KROL. We actually go on deployments on the average of, I would say, three times a month. I mean, real deployments that are driven by one thing—

Mr. DICKS. Like incidents, I mean, these are—

Mr. KROL. Incidents—

Mr. DICKS. You really test this system. You know what it will do.

Mr. KROL. We test this system. That is why I made a point in my opening statement that this is not a system that looks good on paper. I mean, we—and if we miss our deployment time, we go back and do lessons learned. But very seldom to we miss our deployment time.

We have people watch billed. We know who to reach out and touch and make move on short notice.

Mr. DICKS. Now, when you are having all these meetings, are the HHS people involved or the DHS people, who are going to deal with the victims of an attack?

Mr. LEWIS. DHS is a regular member, sir. Yes.

Mr. DICKS. And, you know, Mr. Chairman, I hesitated to bring this up, but I cannot help myself.

I am still concerned that we are not, you know, on our BioShield effort, that we are still not—we still do not have the attention of the administration. I hope these gentleman will take this back to one of your meetings and maybe you can have a discussion on it. Maybe you can do better on this than we have done, in terms of oversight.

But we are worried that we are not getting enough of these drugs that could deal with ARS, acute radiation system, a stockpile. And the companies out there are extremely frustrated. They want to—some of these people have gone out, put up their own money to try to develop these kinds of drugs that would help with the people who were exposed to radiation.

And I just worry that all the work we are doing here—prevention is obviously, in this case, uno, numero one. I understand that.

But, God forbid, if something does happen and we are not prepared to have the drugs in place so that these people can be treated within 3 or 4 hours, whatever it takes, we are going to lose a lot of people that we did not have to lose. And we are going to look back on this like we looked back on 9/11 and say, "Why didn't we do something?"

So you two the very responsible officials in this administration. I hope you will start asking some questions. We are trying to ask the questions. We are not getting the answers that we think the American people would expect us to get.

And this is part of this whole scenario. I hope you will try to help us on this.

Thank you, Mr. Chairman.

Mr. LINDER. Let me ask you one more question. I assume that, if we have a biological event, the FBI will be involved in the intelligence—

Mr. LEWIS. Yes, sir.

Mr. LINDER. Who would you look to without the DOE?

Mr. LEWIS. Who would I look to if—

Mr. LINDER. If you do not have the DOE?

Mr. LEWIS. I am sorry. I still did not get the last part.

Mr. LINDER. Who would you look to—like, currently, you look to DOE for flushing out the analysis of the information. Who would you look to with a biological event?

Mr. LEWIS. We have reached back both at Quantico, for our own scientists, and beyond, in terms of evaluating precisely what kind of event we are dealing with. I did not come prepared today to talk to you about bioterrorism, but if you want me to take that back, or if you want to send the question over, I—

Mr. LINDER. I hope we do not just reinvent the wheel. I hope we do not just send one of these for every different bug we have got, every kind of nuclear event that we have.

Mr. LEWIS. We have a separate set of experts that we have relied upon for years that give us quick, reach-back expertise so that we can evaluate quickly and conclusively what it is we are dealing with in that particular area. I would be delighted to share that with you, if you wanted to send a question my way.

Mr. LINDER. We probably will.

Mr. Langevin?

Mr. LANGEVIN. I would just like to revisit the discussion we were having a minute ago. I just want to be clear you are willing to forward that MOU to the committee between the—

Mr. LEWIS. Yes. I will get my hands on the signed copy. I do not have a signed copy in front of me, but I do know it was signed by Admiral Loy when he was with us and the FBI. And I will make sure you get it.

Mr. LANGEVIN. In your opinion, would it be wise for this committee to revisit the Homeland Security Act to make the authority more clear, to codify that, so that the statute would change to reflect the MOU?

You know, I just have concerns when I read things that I have—a veteran—member was quoted in a June 2005 National Journal article saying that adding DHS to the chain of command compounded the confusion of multiple agencies trying to report straight to the President.

The last thing we want in a nuclear event or a threat of a nuclear event is to have confusion out there as to who is reporting to whom. And, you know, we are on your side.

Mr. LEWIS. I understand.

Mr. LANGEVIN. We want to work with you. If there is something you need, this is the time to ask.

Mr. LEWIS. It is not broke, as far as I am concerned. I come from the operational side of the house. If I have got a situation to deal with this afternoon, I have a very high degree of confidence that, working with my DOE and DHS partners, I can put search assets on the ground very quickly. I do not have any problem with that.

I do not spend a lot of time evaluating exactly what the statute says, the two different statutes, the one that gives the attorney general responsibility for investigating terrorism and the one that you have read from today.

There is language in there that, when you look at it, it appears to some, I suppose, that maybe it could be strengthened or clarified. It does not hamper me.

I would invite Mr. Krol to chime in here. I have what I need today to respond very quickly to take care of business.

Mr. KROL. I agree with Director Lewis completely. And I think, if you go back to 2002, to 2003, there was a lot of muscling with about who was in charge. I think all the effort that we have made among our three organizations, including the MOU, has in great degree mollified those concerns.

And I think we are all operating with a great understanding on how we are really going to execute our mission.

Mr. LINDER. Mr. Dicks?

Mr. DICKS. No more questions.

Mr. LINDER. If there are not more questions, without objection, this hearing is adjourned.

Mr. DICKS. Mr. Chairman, could I ask one thing, just one thing?

Tell us the difference between the NEST teams and the RAP teams?

Mr. KROL. The RAP teams is a subordinate organization to NEST. The Radiological Assistance Program is the program I made reference to where we had 29 teams spread across the country. They are the primary search engine, if you will, if they are needed. They are first out the door.

From that level on, we can go to a high-level search with the Search Response Teams that we have in two locations, Nevada and inside the NCR at Andrews Air Force Base. In fact, NEST is the overall umbrella that covers all our capabilities, including Render Safe.

Mr. DICKS. Okay. In both of your experiences, have you ever had a time when you could not get an airplane? When you could not get in—

Mr. KROL. No.

Mr. LEWIS. No.

Mr. DICKS. Never had a problem? This never has come up?

Mr. KROL. Well, you are—Congressman, you have probably—when you say you have never had a problem, I mean, we—

Mr. DICKS. Well, I mean, if you had a problem, you called. They said, "Well, we do not have any planes for you." They tell us that all the time.

Mr. KROL. No, it is—

[Laughter.]

No. That may be the first answer, but persistence usually prevails when we—

Mr. DICKS. So you have had a problem?

Mr. KROL. Well, initially, right out of the barrel. But, like I said, persistence prevails. And when you declare you have a national mission, everybody lines up.

And I operate from a different perspective, in that I do have DOE aircraft available to me, you know, in Albuquerque. So I can get on my own airplane in many cases, because our center of excellence for a lot of these assets, including particularly Render Safe, is in Albuquerque.

So it is a manageable problem, is the way I would answer the question.

Mr. DICKS. Now, we make clear we can make some plans available, if there was a need for some dedicated aircraft. I mean, I can see all the training you do. I mean, a few airplanes—these are small airplanes, too. These are not, you know, budget-busters. You know, think about it.

Mr. KROL. I think we are okay.

Mr. LINDER. Thank you, both. Thank you very much.

[Whereupon, at 2:27 p.m., the subcommittee was adjourned.]

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