

EDOLPHUS TOWNS, NEW YORK,
CHAIRMAN

PAUL E. KANJORSKI, PENNSYLVANIA
CAROLYN B. MALONEY, NEW YORK
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
JOHN F. TIERNEY, MASSACHUSETTS
WM. LACY CLAY, MISSOURI
DIANE E. WATSON, CALIFORNIA
STEPHEN F. LYNCH, MASSACHUSETTS
JIM COOPER, TENNESSEE
GERALD E. CONNOLLY, VIRGINIA
MIKE QUIGLEY, ILLINOIS
MARCY KAPTUR, OHIO
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
PATRICK J. KENNEDY, RHODE ISLAND
DANNY K. DAVIS, ILLINOIS
CHRIS VAN HOLLEN, MARYLAND
HENRY CUELLAR, TEXAS
PAUL W. HODES, NEW HAMPSHIRE
CHRISTOPHER S. MURPHY, CONNECTICUT
PETER WELCH, VERMONT
BILL FOSTER, ILLINOIS
JACKIE SPEIER, CALIFORNIA
STEVE DRIEHAUS, OHIO
JUDY CHU, CALIFORNIA

ONE HUNDRED ELEVENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5051
FACSIMILE (202) 225-4784
MINORITY (202) 225-5074

www.oversight.house.gov

DARRELL E. ISSA, CALIFORNIA,
RANKING MINORITY MEMBER

DAN BURTON, INDIANA
JOHN L. MICA, FLORIDA
MARK E. SOUDER, INDIANA
JOHN J. DUNCAN, JR., TENNESSEE
MICHAEL R. TURNER, OHIO
LYNN A. WESTMORELAND, GEORGIA
PATRICK T. McHENRY, NORTH CAROLINA
BRIAN P. BILBRAY, CALIFORNIA
JIM JORDAN, OHIO
JEFF FLAKE, ARIZONA
JEFF FORTENBERRY, NEBRASKA
JASON CHAFFETZ, UTAH
AARON SCHOCK, ILLINOIS
BLAINE LUETKEMEYER, MISSOURI
ANH "JOSEPH" CAO, LOUISIANA

January 13, 2010

Mr. Gene L. Dodaro
Acting Comptroller General of the United States
U.S. Government Accountability Office
441 G Street, NW
Washington, DC 20548

Dear Mr. Dodaro:

In the aftermath of September 11, 2001, I am concerned that we may be vulnerable to a terrorist attempt to smuggle nuclear materials or a nuclear weapon into the United States. According to the International Atomic Energy Agency (IAEA), between 1993 and 2006, there were 1,080 confirmed incidents of illicit trafficking and unauthorized activities involving nuclear and radiological materials worldwide. Eighteen of these cases involved weapons usable material—plutonium and highly enriched uranium—that could be used to produce a nuclear weapon. IAEA also reported that 124 cases involved materials that could be used to produce a device that uses explosives with radioactive material (known as a dirty bomb). If a terrorist were to smuggle a nuclear weapon or dirty bomb into the United States, the consequences could be devastating to our national and economic interests.

In response to these threats, four U.S. agencies, the Departments of Energy (DOE), Defense, State and Homeland Security (DHS), have implemented programs to combat nuclear smuggling in foreign countries and in the United States. Regarding U.S. efforts in other countries, the first major initiatives to combat nuclear smuggling during the 1990s concentrated on deploying radiation detection equipment at borders in countries of the former Soviet Union. One of the main U.S. programs providing radiation detection equipment to foreign governments is DOE's Second Line of Defense program, which began installing equipment at key sites in Russia in 1998.

In 2003, DOE began a second program, the Megaports Initiative, to combat nuclear smuggling at major foreign seaports at a cost of hundreds of millions of dollars. The Initiative is also involved in a number of interagency and international collaborative efforts. Specifically, the program is working in conjunction with DHS on several programs directly related to radiation detection and maritime security. For example, the program collaborates with U.S. Customs and Border Protection's Container Security Initiative and also partners with the Domestic Nuclear Detection Office and the Department of State to counter nuclear and radiological threats.

In 2005, the Government Accountability Office (GAO) raised a number of concerns about the Megaports Initiative in its report entitled *Preventing Nuclear Smuggling: DOE Has Made Limited Progress in Installing Radiation Detection Equipment at Highest Priority Foreign Seaports*. GAO found that the Megaports Initiative had achieved limited success in initiating work at ports identified as high priority by its Maritime Prioritization Model because DOE was unable to reach agreement with key countries, such as China, and concluded agreements only with a handful of other countries with high priority ports. GAO also found that DOE did not have a comprehensive long-term plan to guide the Megaports Initiative. Finally, GAO reported that the Initiative's long-term cost assessment, based on DOE's \$15 million average cost per port estimate, was uncertain. GAO recommended that DOE develop a long-term plan to guide future efforts for the Initiative and reevaluate the accuracy of the Initiative's average cost per port estimate and adjust its long-term cost projection, if necessary.

Since your report was issued, we understand that DOE has increased the number of ports where radiation detection equipment has been installed. Specifically, DOE has completed installations at 23 ports in various countries, including Belgium, Colombia, Oman, and the Philippines. Additionally, implementation is underway at 21 ports in 15 countries, including Bangladesh, China, Djibouti, Dubai-United Arab Emirate, Egypt, Israel, Japan, Kenya, Lebanon, Malaysia, Mexico, Panama, Portugal, and Spain. According to DOE, the program plans to complete a total of 70 ports during the next four years.

We believe it would be useful for GAO to undertake a new review of the Megaports Initiative. This review should, among other things, assess the extent to which DOE has implemented the recommendations made in your 2005 report. We would also like GAO to address the following questions:

- What is the status of DOE's efforts to implement the Initiative and what challenges and impediments does the program face as it seeks to negotiate new agreements and install additional radiation detection equipment at new ports?
- When does DOE anticipate completing the Initiative and what is the expected cost to complete the program?

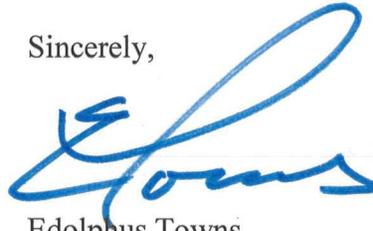
Mr. Gene L. Dodaro

Page 3

- To what extent, if any, are the partnering countries directly funding the installation of equipment at the seaports—or assuming other cost sharing elements of the program—and what assurances does DOE have that these countries will continue to provide funding to protect DOE's sizable investment in the Initiative ?
- To what extent does DOE effectively coordinate the Initiative's activities with those of related U.S. programs, such as the Container Security Initiative?
- How do various legal and policy requirements – including the requirement that 100 percent of all U.S.-bound cargo containers be scanned in foreign ports by 2012 – affect implementation of the Initiative?

Should you have any questions regarding this request, please contact Christopher Knauer or Craig Fischer of the Committee's staff at 202-225-5051.

Sincerely,



Edolphus Towns
Chairman

cc: The Honorable Darrell Issa
Ranking Minority Member
Committee on Oversight and Government Reform