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ONE HUNDRED EIGHTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515–6115

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March 24, 2003

The Honorable Tom Ridge
Secretary
Department of Homeland Security
White House Office of Homeland Security
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

The Honorable Mitchell E. Daniels
Director
Office of Management and Budget
725 17th St. N.W.
Washington, D.C. 20503

The Honorable C.W. Bill Young
Chairman
House Committee on Appropriations
H-218 Capitol
Washington, D.C. 20515

The Honorable Ted Stevens
Chairman
Senate Committee on Appropriations
S-128 Capitol
Washington, D.C. 20515

Dear Sirs:

We write to request your help to address what we believe is the dangerously slow deployment of a critical defense against smuggled nuclear or radiological materials and weapons. Given the war in Iraq and heightened risk of terrorist attack in the United States, existing gaps in our system to detect radiological and nuclear materials moving across our ports and borders require particularly urgent attention.

As you may know, the Committee on Energy and Commerce has been conducting an 18-month investigation to assess the adequacy of the Federal government's response to the threat of nuclear terrorism. In the course of this investigation, Committee staff has visited three foreign countries and almost two-dozen ports of entry into the United States to review the staffing, equipment, and strategies for preventing nuclear terrorism. In the course of its work, Committee staff discovered both well-conceived and implemented initial strategies and deployments designed to uncover a nuclear threat and deficiencies in the inability to detect radiological or nuclear weapons imported into the United States.

The U.S. Customs Service (Customs) and the Department of Energy, through Pacific Northwest Lab (PNNL), have spearheaded the deployment of detection systems capable of detecting both special nuclear and radiological material. This fledgling effort

was initiated in November 2002. Although much progress has been made since then, more needs to be done.

For example, Customs already has activated a number of radiation portal monitors (RPMs) at various land entry points along the border. Additional RPMs are currently being installed and are anticipated to be operational at the end of March 2003. By the end of April 2003, Customs estimates that 48 RPMs will be deployed.

This is a good beginning. However, even by Customs' own assessment, this effort will provide coverage for approximately 5% of the ports of entry into the United States. The Committee believes that we must dramatically increase the pace of progress.

We know that more can be done, and done more quickly. Consider, for example, that in November 2002 the Port of Norfolk, operated by the Virginia Port Authority (VPA), was the first port in the United States to install RPMs. VPA plans to install nine radiation portal monitors as part of their overall port security plan during 2003. The cost of the entire project is approximately $1 million. This effort was conceived and executed solely by the private sector.

Perhaps the most disheartening fact to consider is that at the vast majority of U.S. ports of entry Customs still relies on personal radiation pagers as the chief means to detect smuggled nuclear or radiological material. Just last week, at the Port of Miami and Port Everglades, Committee staff witnessed dedicated, well-intentioned Customs inspectors "searching" cargo containers with their personal radiation pagers. These pagers simply cannot perform this function effectively, given the well-documented limitations of such devices. For example, the General Accounting Office (GAO) has testified to the Committee that these pagers "have limited range and are not designed to detect weapons-usable nuclear material."

There is no doubt the risks are real. It has been widely reported that the CIA believes that nuclear terrorism is the number one threat facing our country today. Some experts have estimated that the economic costs associated with a detonation of a radiological dispersal device (RDD) at a U.S. port could reach $1 trillion. We know that, for at least a decade, Osama bin Laden and his al Qaeda terrorist network have been attempting to acquire the expertise, equipment and materials necessary to develop a nuclear bomb. We also know that, according to GAO, hundreds of tons of highly enriched uranium (HEU) and separated plutonium -- the necessary ingredients of a nuclear weapons – are located in hundreds of buildings in scores of countries around the world under dangerously insecure conditions. There have been numerous documented cases of theft of kilogram quantities of weapons-usable nuclear material. According to the International Atomic Energy Agency, there have been at least 18 incidents involving seizure of stolen HEU or plutonium that have been confirmed by the relevant countries.

We believe it is essential to provide adequate and technologically sound equipment, such as handheld isotope identifiers and RPMs, to the men and women protecting our ports and borders. However, lack of adequate funding threatens to stymie

the current efforts to secure our nation against nuclear terrorism. Customs has spent $21.3 million in reprogrammed funds to deploy RPMs in FY 2002. This funding will be exhausted at the end of April 2003. The Administration requested $12.4 million for FY2003 for RPM acquisition and deployment. For FY2004, the Administration requested $119 million for technology to "prevent terrorists from smuggling dangerous cargo into the U.S." On March 20, 2003, Under Secretary of the Department of Homeland Security, Asa Hutchinson, testified before the Senate Governmental Affairs Committee that $60 million of this funding would be used for the deployment of RPMs. However, PNNL estimates that it would take $400 to $500 million to outfit all major points of entry into the United States.

As Under Secretary Hutchinson so aptly testified, there must be a multi-layered approach to the prevention of nuclear terrorism. In previous hearings, Members of this Committee have offered their approbation for a variety of the Administration's efforts including the Cargo Security Initiative (CSI) and the deployment of non-intrusive technology such as VACIS machines designed to detect dangerous, smuggled radiological or nuclear material.

However, in order to more adequately defend our nation against the threat of nuclear terrorism, the Federal government must dramatically increase funding and expeditiously deploy RPMs at all of our nation's ports of entry. The funds necessary for this effort are not de minimus. Yet when viewed in the context of the personal and economic hardships that will be caused by nuclear terrorism, it is a small price to pay for the safety and security of Americans. Therefore, we urge you to include an additional $110 million, specifically set aside for the deployment of RPMs, in the Emergency Supplemental Bill we understand that you will soon deliver to Congress. This amount, when coupled with existing funding and the FY 2004 Administration request, will provide funding for approximately one-half of the ports of entry into the U.S. and is an amount that can be quickly incorporated into Customs' current effort.

We look forward to working with you to ensure that our nation's port and borders are secured in a viable and comprehensive manner. If you have any questions, please contact us or have your staff contact either Ray Shepherd of the Committee on Energy and Commerce majority staff at (202) 226-2424 or Chris Knauer of the Committee's minority staff at (202) 226-3400.

Sincerely,

W.J. "Billy" Tauzin
Chairman

John D. Dingell
Ranking Member

James Greenwood

James C. Greenwood
Chairman
Subcommittee on Oversight
& Investigations

Peter Deutsch

Peter Deutsch
Ranking Member
Subcommittee on Oversight
& Investigations

cc: The Honorable Christopher Cox, Chairman
Select Committee on Homeland Security
The Honorable Jim Turner, Ranking Member
Select Committee on Homeland Security
The Honorable Asa Hutchinson, Under Secretary
Department of Homeland Security
The Honorable Robert C. Byrd, Ranking Member
Senate Committee on Appropriations
The Honorable David R. Obey, Ranking Member
House Committee on Appropriations