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ONE HUNDRED TENTH CONGRESS

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

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June 4, 2008

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Mr. Gene Dodaro  
Acting Comptroller General  
United States Government Accountability Office  
441 G Street, N.W.  
Washington, D.C. 20548

Dear Mr. Dodaro:

In September 2002, the Government Accountability Office (GAO) released a report titled, "Export Controls: Department of Commerce Controls over Transfers of Technology to Foreign Nationals Need Improvement." The GAO concluded in this report that the Department of Commerce's deemed export licensing system does not provide adequate assurance that U.S. national security interests are properly protected. The GAO recommended that the Secretary of Commerce work with the Department of Homeland Security to use all existing U.S. Government data in its efforts to identify all foreign nationals potentially subject to deemed export licensing requirements. The GAO also recommended that the Secretary of Commerce – in consultation with the Secretaries of Defense, State, and Energy – establish a risk-based program to monitor compliance with deemed export license conditions.

Since this report was released, The Public Health Security and Bioterrorism Preparedness and Response Act of 2002 went into effect, resulting in new requirements on the control of dangerous biological agents and toxins. At present, 65,000 foreign nationals enter the United States each year as H-1B non-immigrants. A significant percentage of these H-1B non-immigrants as well as some J-1 exchange visitors come to the United States to work or do research at high tech companies, biomedical research facilities, and laboratories. Globalization continues to increase in all facets of commerce, including technology and biomedical research and development. The Deemed Export Advisory Committee has recommended to the Department of Commerce that many areas subject to the deemed export rules be reduced while others be strengthened.

Therefore, we request an updated review of the deemed export issue and the Department of Commerce's implementation of the current rules to ensure that the U.S. national security interests are being addressed at an adequate level.

Letter to Mr. Gene Dodaro

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Thank you for your prompt attention to this request. If you have any questions, please have your staff contact Scott Sherrill of the Minority staff at 202-225-9769.

Sincerely,



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Joe Barton  
Ranking Member  
Committee on Energy and Commerce



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John Shimkus  
Ranking Member  
Subcommittee on Oversight and Investigations

cc: The Honorable John Dingell, Chairman  
Committee on Energy and Commerce

The Honorable Bart Stupak, Chairman  
Subcommittee on Oversight and Investigations