AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

H.R. 2356, THE WMD PREVENTION AND PREPAREDNESS ACT OF 2011

JOINT HEARING

BEFORE THE

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

AND THE

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

JUNE 23, 2011

Serial No. 112–32

Printed for the use of the Committee on Homeland Security

Available via the World Wide Web: http://www.gpo.gov/fdsys/

U.S. GOVERNMENT PRINTING OFFICE

72–252 PDF WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

COMMITTEE ON HOMELAND SECURITY

PETER T. KING, New York, *Chairman*

LAMAR SMITH, Texas
DANIEL E. LUNGREN, California
MIKE ROGERS, Alabama
MICHAEL T. MCCAUL, Texas
GUS M. BILIRAKIS, Florida
PAUL C. BROUN, Georgia
CANDICE S. MILLER, Michigan
TIM WALBERG, Michigan
CHIP CRAVAACK, Minnesota
JOE WALSH, Illinois
PATRICK MEEHAN, Pennsylvania
BEN QUAYLE, Arizona
SCOTT RIGELL, Virginia
BILLY LONG, Missouri
JEFF DUNCAN, South Carolina
TOM MARINO, Pennsylvania
BLAKE FARENTHOLD, Texas
MO BROOKS, Alabama

BENNIE G. THOMPSON, Mississippi
LORETTA SANCHEZ, California
SHEILA JACKSON LEE, Texas
HENRY CUELLAR, Texas
YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
DANNY K. DAVIS, Illinois
BRIAN HIGGINS, New York
JACKIE SPEIER, California
CEDRIC L. RICHMOND, Louisiana
HANSEN CLARKE, Michigan
WILLIAM R. KEATING, Massachusetts
KATHLEEN C. HOCHUL, New York
VACANCY

MICHAEL J. RUSSELL, *Staff Director/Chief Counsel*
KERRY ANN WATKINS, *Senior Policy Director*
MICHAEL S. TWINCHEK, *Chief Clerk*
I. LANIER AVANT, *Minority Staff Director*

SUBCOMMITTEE ON CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES

DANIEL E. LUNGREN, California, *Chairman*

MICHAEL T. MCCAUL, Texas
TIM WALBERG, Michigan, *Vice Chair*
PATRICK MEEHAN, Pennsylvania
BILLY LONG, Missouri
TOM MARINO, Pennsylvania
PETER T. KING, New York *(Ex Officio)*

YVETTE D. CLARKE, New York
LAURA RICHARDSON, California
CEDRIC L. RICHMOND, Louisiana
WILLIAM R. KEATING, Massachusetts
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

COLEY C. O'BRIEN, *Staff Director*
ALAN CARROLL, *Subcommittee Clerk*
CHRIS SCHEPIS, *Minority Senior Professional Staff Member*

SUBCOMMITTEE ON EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS

GUS M. BILIRAKIS, Florida, *Chairman*

JOE WALSH, Illinois
SCOTT RIGELL, Virginia
TOM MARINO, Pennsylvania, *Vice Chair*
BLAKE FARENTHOLD, Texas
PETER T. KING, New York *(Ex Officio)*

LAURA RICHARDSON, California
HANSEN CLARKE, Michigan
VACANCY
BENNIE G. THOMPSON, Mississippi *(Ex Officio)*

KERRY A. KINIRONS, *Staff Director*
NATALIE NIXON, *Deputy Chief Clerk*
CURTIS BROWN, *Minority Professional Staff Member*

CONTENTS

Page

STATEMENTS

The Honorable Daniel E. Lungren, a Representative in Congress From the State of California, and Chairman, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies 1
The Honorable Yvette D. Clark, a Representative in Congress From the State of New York, and Ranking Member, Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies:
Oral Statement 11
Prepared Statement 12
The Honorable Gus M. Bilirakis, a Representative in Congress From the State of Florida, and Chairman, Subcommittee on Emergency Preparedness, Response, and Communications 3
The Honorable Laura Richardson, a Representative in Congress From the State of California, and Ranking Member, Subcommittee on Emergency Preparedness, Response, and Communications:
Oral Statement 4
Prepared Statement 5
The Honorable Bennie G. Thompson, a Representative in Congress From the State of Mississippi, and Ranking Member, Committee on Homeland Security:
Prepared Statement 6

WITNESSES

PANEL I

Hon. William J. Pascrell, Jr., a Representative in Congress From the State of New Jersey:
Oral Statement 7
Prepared Statement 10

PANEL II

Senator Jim Talent, Vice Chairman, WMD Center:
Oral Statement 14
Joint Prepared Statement of Senator Jim Talent and Senator Bob Graham 16
Dr. Robert P. Kadlec, Former Special Assistant to the President for Biodefense:
Oral Statement 19
Prepared Statement 22
Mr. Richard H. Berdnik, Sheriff, Passaic County, New Jersey:
Oral Statement 25
Prepared Statement 27

H.R. 2356, THE WMD PREVENTION AND PREPAREDNESS ACT OF 2011

Thursday, June 23, 2011

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
SUBCOMMITTEE ON CYBERSECURITY,
INFRASTRUCTURE PROTECTION, AND SECURITY
TECHNOLOGIES, AND
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS,
WASHINGTON, DC.

The subcommittees met, pursuant to call, at 10:11 a.m., in Room 311, Cannon House Office Building, Hon. Daniel E. Lungren [Chairman of the Cybersecurity, Infrastructure Protection, and Security Technologies subcommittee] presiding.

Present from the Cybersecurity, Infrastructure Protection, and Security Technologies subcommittee: Representatives Lungren, Meehan, Clarke of New York, and Richardson.

Present from the Emergency Preparedness, Response, and Communications subcommittee: Bilirakis, Marino, Farenthold, Richardson, and Clarke of Michigan.

Mr. LUNGREN. The joint hearing of the Committee on Homeland Security's Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies and the Subcommittee on Emergency Preparedness, Response, and Communications will come to order.

Subcommittees are meeting today for a legislative hearing on the bill entitled the "WMD Prevention and Preparedness Act of 2011," and I would recognize myself for an opening statement.

It is now 2½ years since the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism issued its report entitled, "World at Risk." Congress had asked the commission to recommend ways to prevent proliferation of WMDs and their use in acts of terrorism.

Commissioners provided their guidance, and we are close to enacting their recommendations and eliminating the remaining gaps in our preparedness posture. The prediction of the commission that it is more likely than not that there will be a weapon of mass destruction used somewhere on Earth by a terrorist group before the end of the year 2013, is a startling reminder of the danger that we face as a Nation.

Weapons of mass destruction create a risk of catastrophic consequence, but they are of low probability. In such circumstances, perhaps it is not surprising that complacency and inactivity are our

biggest vulnerabilities. We cannot forget that we have already faced biological terrorism on our soil.

Al-Qaeda is a dedicated and, in their minds, religiously inspired enemy who would use weapons of mass destruction to attack the United States whenever the opportunity presents itself. According to recent reports, Iran may be as close to 2 months away from producing a viable nuclear weapon.

We cannot allow the emergence of a nuclear Iran, and we must continue our non-proliferation efforts to prevent that possibility. Our intelligence agencies continue to warn of these threats.

For instance, in 2009, then-Director of National Intelligence Dennis Blair said the following: "The on-going efforts of nation-states to develop and/or acquire dangerous weapons and delivery systems in the Middle East and elsewhere constitute another major threat to the safety of our Nation, our deployed troops, and our allies.

"The threat from the proliferation of materials and technologies that can contribute to both existing and prospective biological and chemical weapons programs also is real."

The WMD Commission is measuring our Government efforts to protect the Nation from WMD terrorism. We have seen excellent progress in certain areas, such as laying groundwork for improved security of biological laboratories, developing a National strategy for bioforensic, and strengthening our non-proliferation regime.

However, the Government did receive a failing grade on its efforts to enhance the Nation's capabilities for rapid response to biological attacks. I believe the legislation that is the subject of this hearing—that is the one that Congress and our Chairman, Peter King, and Congressman Pascrell have developed—addresses the need for a rapid response, and we look forward to hearing the witnesses thoughts on that.

Importantly, we cannot forget Congress' own shortcomings. The WMD Commission gave Congress a failing grade for not reforming its Congressional oversight to better address our homeland security needs. That is a continuing problem. For any of those who have been involved in that, we know that sometimes old notions of jurisdiction seem to overwhelm the current and continuing need for us to reorganize ourselves so that we can better address our homeland security needs.

It is true, homeland security is a cross-cutting, cross-committee enterprise, and we should not allow historical and outdated committee barriers to stand in the way of passing needed legislation.

Finally, I would like to thank my colleague, Chairman Bilirakis, for his work to identify some of the remaining capability gaps that we face with respect to developing medical countermeasures, delivering them to the populations that need them, and ensuring that DHS is doing its part to help us prevent and prepare for threats to our health security.

I welcome our witnesses this morning. We look forward to learning your views on what remains to be done and how Congress may be helpful in these efforts, and I believe that the Ranking Member of my subcommittee is detained. She will be here shortly, and at that time, would ask her to make a statement.

So at this point in time, I would recognize the Chairman of the Subcommittee on Emergency Preparedness, Response, and Commu-

nications, gentleman from Florida, Mr. Bilirakis, for any statement that he may have.

Mr. BILIRAKIS. Thank you, Mr. Chairman, I appreciate it very much. I am pleased the subcommittees are meeting today to consider the WMD Prevention and Preparedness Act of 2011 authored by the representative, of course, from New Jersey, Mr. Pascrell, and Chairman King.

This bill seeks to address the findings of the WMD Commission's report, "World at Risk," and enhance Federal WMD prevention and preparedness efforts. A number of hearings in the subcommittee on Emergency Preparedness, Response, and Communications have helped to inform this legislation.

The subcommittee has held hearings on the mission and activities of Department of Homeland Security's Office of Health Affairs and hearings on the research, development, acquisition, distribution, and dispensing of vital medical countermeasures for chemical, biological, radiological, and nuclear emergencies.

I am pleased that this bill includes legislation I introduced, which authorizes the Metropolitan Medical Response Systems Program. MMRS has been very successful in helping jurisdictions across the country enhance their abilities to prepare for and respond to mass casualty incidents resulting from terrorist attacks and natural disasters.

MMRS has been used to support the integration of public health, emergency management, and emergency response, and to strengthen medical surge capacity, CBRN decontamination, and mass triage capabilities. The capacity gained under the program is particularly important due to the threat of biological terrorism facing the United States.

This legislation requires the development of the National Medical Countermeasure Dispensing Strategy to provide guidance to States and localities on the variety of options for dispensing medical countermeasures. As I noted, the Subcommittee on Emergency Preparedness, Response, and Communications held a hearing on the distribution and dispensing of medical countermeasures earlier this year. We heard from a coalition of emergency response providers that the Federal Government has not sufficiently included them in efforts to address dispensing needs.

We must ensure that emergency response providers are provided with necessary vaccines and antibiotics so they are protected in the event of a CBRN attack.

I am pleased that the bill requires the consideration of the needs of emergency response providers in the development of the dispensing strategy.

In this difficult economic climate, I am pleased to see that this bill includes provisions that seek to eliminate redundant and inefficient programs. The bill's requirement of a comprehensive crosscutting biodefense budget analysis will increase transparency, ensure coordination among all Federal departments and agencies with a biodefense mission, and eliminate redundancies.

The bill also eliminates the underperforming National Biosurveillance Integration Center. The goal of NBIC was to fuse many inputs of the biosurveillance data to provide early detection of an event of National significance, such as anthrax outbreak.

While effective National biosurveillance capability is an important component of preparedness and response, NBIC has not fulfilled its statutory mandates due in part to the lack of cooperation from other Federal agencies, and we have limited evidence that this situation will improve.

This bill rightfully realizes that continuing to fund NBIC under the current operating scheme would be money wasted and calls on White House leadership to develop a new plan to implement a program that works effectively and efficiently.

This bill is a bipartisan effort that has benefitted from input from a variety of experts in the field. I look forward to receiving additional feedback at today's hearing on ways we might further improve the bill and our Nation's ability to prevent and prepare for a WMD attack.

With that, I thank the witnesses for being here, and I yield back the balance of my time.

Thank you, Mr. Chairman.

Mr. LUNGREN. Before I recognize the Ranking Member of your subcommittee, I just want to say I mean no disrespect to the witnesses when I take my coat off. I just am a Californian, and I can get used to heat. I have never been able to get used to this humidity.

So, with that, I would recognize the Ranking Minority Member of the Subcommittee of Emergency Preparedness, Response, and Communications, the gentlelady from California, Ms. Richardson, for any statement she may have.

Ms. RICHARDSON. Good morning. I thank both Chairman Lungren and Mr. Bilirakis for convening this hearing on the bipartisan WMD Prevention and Preparedness Act of 2011.

I would like to thank our witnesses and particularly our colleague. It is always a pleasure when we have a fellow colleague come before us and share their expertise. Clearly, Mr. Pascrell, you are an expert in this area, and we respect all of the work that you have done.

Today's hearing and the release of the WMD Act is timely given the host of threats that we continue to face. As the WMD Commission found in its December 2008 report, America needs to move more aggressively to address our vulnerability to a bioterror attack.

As an original co-sponsor of this particular act, I am proud to take up this bipartisan legislation that addresses this vital WMD issue from prevention to recovery.

I also want to applaud Mr. Lungren and Mr. Bilirakis for pulling us together in this bipartisan effort and bi-committee effort. We don't do this, I don't think, often enough, and I really applaud your leadership in pulling this together.

This bill addresses the unique issues and promotes improving our countermeasures development and dispensing mechanisms. One of the key provisions in this bill includes ensuring that we empower our citizens by providing WMD preparedness guidance and early warning systems.

An area of particular importance to me is ensuring that we consider the needs of all of our vulnerable populations, and this is something Mr. Bilirakis and I have spoken about and look forward to working on future legislation on.

Vulnerable populations would be including children, the elderly, and people with disabilities. This bill addresses these areas by recognizing the importance and the role of State and local government and our first responders who will be sharing with us today.

We must act now prior to any attack to ensure that our personnel, our plans, our equipment, and other resources are in place to effectively respond. The WMD Act ensures that first responders are supported through training, exercise participation, intelligence information, grant funding, and the inclusion in the preparedness planning process.

As a representative of the 37th Congressional District in California, I understand the critical importance of preparedness for a potential terror attack utilizing chemical, nuclear, biological, or radiological weapons.

It is time for us to act and to close these gaps now that exist and provide the resources needed to ensure that we are resilient and able to secure our homeland. I am proud to support this legislation, and I thank Congressman Pascrell, Chairman King, Ranking Member Thompson, Chairman Lungren, Chairman Bilirakis for all of your leadership.

Again, I thank you for being here today, and I look forward to your testimony.

[The statement of Ranking Member Richardson follows:]

PREPARED STATEMENT OF RANKING MEMBER LAURA RICHARDSON

JUNE 23, 2011

Good morning. I thank both Chairmen Lundgren and Bilirakis for convening this hearing on the bipartisan WMD Prevention and Preparedness Act of 2011.

I would like to thank the witnesses for appearing before the committee today and express this committee's deep appreciation for your service to our country.

Today's hearing and the release of the WMD Act is timely, given the host of threats we continue to face.

As the WMD Commission found in its December 2008 report, America needs to move more aggressively to address our vulnerability to a bioterror attack.

As an original co-sponsor of the WMD Prevention and Preparedness Act, I am proud to take up this bipartisan legislation that addresses vital WMD issues from prevention to recovery.

The recent disaster in Japan provides us with a greater understanding of the unique public health issues we must address as a Nation.

This bill addresses these unique issues and promotes improving our countermeasure development and dispensing mechanisms.

One of the key provisions in this bill includes ensuring we empower citizens by providing WMD preparedness guidance and early warning systems.

Our diverse communities require we consider the needs of all individuals and have inclusive policies.

An area of particular importance to me is ensuring that we consider the needs of vulnerable populations, including children, the elderly, and people with disabilities.

This bill addresses these areas by recognizing the important role of State and local first responders in the planning process.

The first responder community is an essential partner in our WMD preparedness efforts.

They are on the frontline in our efforts to deter an attack; and they will be there first to help affected citizens.

Therefore, Congress should provide our first responders with the resources they need in order for them to meet the wide-ranging needs associated with responding to a WMD terror attack.

We must act now, prior to an attack to ensure that the personnel, plans, equipment, and other resources are in place to effectively respond.

The WMD Act ensures first responders are supported through training, exercise participation, intelligence information, grant funding, and inclusion in the preparedness planning process.

I am proud that this committee is working together to move this bill forward and address these concerns.

As the representative of the 37th district of California, I understand the critical importance of preparedness for a potential terror attack utilizing chemical, nuclear, biological, or radiological weapons.

There are four nuclear reactors located in my State, with two of them located within 50 miles from my district.

If these nuclear facilities ever became compromised, the issues that we raise today would have a direct impact on the outcome of such a situation.

It is time for us to act and close the gaps that exist and provide the resources needed to ensure we are resilient and able to secure the homeland.

I am proud to support this legislation and thank Congressman Pascrell, Chairman King, and Ranking Member Thompson for their leadership.

Again, I thank you all for being here today and I look forward to your testimony.

Mr. LUNGREN. I thank the gentlelady for her comments. Other Members of both subcommittees are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

PREPARED STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JUNE 23, 2011

Thank you Chairmen Lungren and Bilirakis for holding this hearing.

I also want to thank our witnesses for appearing to testify on our efforts to counter the threat from weapons of mass destruction.

The Commission on the Prevention of WMD Proliferation and Terrorism—"the WMD Commission"—produced a report entitled "World at Risk" in 2008.

In that report, they told us that they believed that a terrorist attack would occur somewhere in the world by 2013, and that it was more likely to be an act of biological terrorism.

Further, during the 111th Congress, this committee heard testimony from Senators Bob Graham and Jim Talent, then the Chair and Vice-Chair of the Commission.

They testified that the Government's progress toward implementing their 13 recommendations was slow and went as far as giving it a grade of "F" in these two areas:

- "failure to enhance the Nation's capabilities for rapid response to prevent biological attacks from inflicting mass casualties"; and
- for a lack of progress on reforming Congressional oversight "to better address intelligence, homeland security, and crosscutting 21st-century National security missions."

In a bipartisan response last fall, this committee voted favorably to report H.R. 5498—the WMD Prevention and Preparedness Act of 2010 to the House.

H.R. 5498 was a comprehensive bill that addressed the major actions recommended by the WMD Commission.

The bill included a range of provisions related to prevention, deterrence, detection, preparedness, response, and recovery.

As a Nation, we have been fortunate that a WMD attack has not come to fruition in the United States.

But we must move forward with closing the coordination and resource gaps identified by the WMD Commission.

Today, I am glad to report that this committee is once again working in a bipartisan fashion in order to enhance the Government's capability to counter the pressing WMD threat.

This bill will reintroduce many of H.R. 5498 major initiatives related to homeland security, intelligence, public health, and foreign affairs matters.

Therefore, I look forward to working with Mr. Pascrell, Mr. King, and our Members to once again push this legislation through the committee.

As we move closer to the 10th anniversary of 9/11, we are reminded of the consequences of fragmented security policies and inadequate resources.

This bill provides a framework for biodefense that is inclusive and recognizes the important role of first responders.

A potential WMD attack requires that we refashion policy and ensure that our first responders have the resources needed to be effective.

Investments in emergency communications, planning, and response equipment saves lives.

The first responder grant program's importance to WMD preparedness should not be understated and must be provided at adequate levels.

I hope our conversation today provides an opportunity to understand the role and needs of first responders related to WMD preparedness.

This bill ensures first responders have the committed and collaborative Federal partner needed to address the unique issues of a potential WMD attack.

I look forward to hearing the testimony of our witnesses, and I yield back.

We are pleased to have two panels of witnesses before us today on this important topic.

The first panel is entirely taken up by the gentleman from New Jersey. Congressman Bill Pascrell is a distinguished Member of the House of Representatives, former Member of the Homeland Security Subcommittee on which he served in the 108th through the 111th Congress. He is authored legislation that is the subject of today's hearing along with Chairman King in both the 111th and 112th Congresses. Our hope is that we might actually move this one this year.

Per an agreement between the Majority and Minority of both subcommittees, Congressman Pascrell will be extended Congressional privilege—be able to sit and will not be answering questions from the Members.

We look forward to his testimony on the bill, and he is now recognized.

STATEMENT OF HON. WILLIAM J. PASCRELL, JR., A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW JERSEY

Mr. PASCRELL. Thank you, Mr. Chairman, and it is an honor to be here.

Chairman Lungren, Ranking Member Clarke, who just came into the room, thank you. Chairman Bilirakis and Ranking Member Richardson for holding this joint subcommittee hearing.

I know that this committee particularly appreciates the fact of trying to coordinate situations since there are four or five other major committees that have to deal with this legislation, and we are going to try to address that bureaucratic nightmare, which is in my throat and in Mr. Chairman Lungren's throat. How we do that, I don't know.

I want to recognize both Chairman King and Chairman Thompson. Chairman King and I worked diligently on this, as you well know, had bipartisan support. The last session, unfortunately, we did not get this bill, because we could not get cooperation beyond this committee. That is where it stood.

I also want to thank the committee for inviting Sheriff Berdnik from my county, Passaic County, he sits right behind me. He will be testifying in the next panel along with two distinguished other individuals who have contributed so much to what you all agree is the most serious threat to the United States of America.

I know that the sheriff will be able to provide you very valuable insights into the role his Department plays in preparing and responding to a terrorist attack.

The folks on the ground, the boots on the ground are the first to respond, not the Federal Government, in a catastrophic situation, and that is why he is here to testify.

I want to discuss the WMD Preparedness and Prevention Act of 2011, which Chairman King and I have introduced. We will introduce tomorrow the actual bill. I am proud of all the work that went into the legislation. I am especially proud that it is bipartisan, and I want to say, Mr. Chairman, that the staff has been very, very helpful.

We had another meeting yesterday in which they just were terrific. They understand the issue. They are sensitive to the bureaucratic situation which we face, and we were trying to get some ideas on how we are going to have an end-run and get this thing done. Because while we all say, you know, this is important and significant, we haven't figured out the strategy of getting through and getting it passed.

But I understand leadership wants this. So I hope, with your great influence, Mr. Chairman, it will get done.

Last year, Chairman King and I came together to craft this legislation based upon the WMD Commission's report, "World at Risk." Just as we need to read the 9/11 Report, we need to read "World at Risk." It is a tremendous document put out by former Senator Talent and former Senator Graham of Florida.

I think this is must-reading for all of us who want to protect this country. They gave us a report. We had some real sobering findings when we read it. We had to go back and read it again to make sure that we were reading what we were reading.

The finding that under our current readiness, this attack as you referred to just a few moments ago, Mr. Chairman, is likely to occur before 2013 or by 2013. It gave us pause, all of us—gave us a sense of urgency. Urgency is a tough thing to deal with in Congress, regardless of who is in charge.

Today, even after the death of Osama bin Laden, we know that terror groups like al-Qaeda are still out there probing and plotting attacks against Americans. They continue to be committed to obtaining nuclear and biological weapons, regardless of where they come from.

Both Mr. King and myself being Members of the New York-New Jersey region are too familiar with the devastation and the tragedy that surrounds an attack with a weapon of mass destruction. Sheriff Berdnik was a 9/11 first responder himself.

We have to do everything in our power to ensure that nothing like 9/11 ever happens on our soil. The thought of a WMD attack anywhere in our region is too horrific for words. We realize that. Using the commission's report as a guide, Chairman King and I first introduced this legislation in 2010 with the support and endorsement of the commissioners.

While our bill passed this committee, it unfortunately was never considered in the entire House. This is unacceptable, Mr. Chairman. As you said—quoting you. As the WMD Commission stated in the report, it is unacceptable that now nearly 10 years after September 11, we do not have a comprehensive, National strategy to counter the threat that WMD poses to our country. No one could put it better, Senator.

One year later, and hopefully a little wiser, there is hope. I hope we will swiftly consider by this committee this legislation, and that jurisdictional turf battles will not stop the full House and Senate from passing the important legislation as soon as possible.

Prevention, preparedness, protection, response, and recovery. That is what this bill is all about. It contains some important new provisions I would like, briefly, to highlight. It addresses the findings from the Government Accountability Office on the state of our biodefense enterprise and creates an entirely new top-down approach centered at the White House.

This includes establishing a new special assistant to the President for biodefense who will be responsible for crafting a Federal biodefense plan and putting together a yearly cross-cutting biodefense budget, which will help streamline cross-agency efforts and improve efficiency.

It includes a new provision that would allow the Secretary of Health and Human Services to make surplus vaccines with short shelf lives from our strategic National stockpile to our State and local first responders.

As we all know, our police and firefighters are on the front lines of our homeland security, and if there is a biological attack, they will be the first ones on the scene. Ensuring that they are vaccinated will not only prevent them from harm but better enable them to assist others and other victims and perform their jobs.

Passage of the legislation is not a silver bullet that will fully immunize us from the threats that a weapon of mass destruction poses to our country. Our first responders still lack a Nation-wide interoperable communications network.

We have talked about it on this committee. We have had bipartisan support on this committee, and we still don't have it. It is not the fault of this committee. It is the fault of others in leadership, regardless of which party is in charge, of getting this through and seeing the significance of supporting and protecting the American people.

Funding for our various homeland security State and local grant programs that help at-risk areas prepare and secure sensitive infrastructure are under severe funding constraints. We know that, but we must not back off what our responsibilities are.

As the original Member of the Committee on Homeland Security, created in the wake of those attacks, and representing a district that lost 40 souls in the attacks, these issues are near and dear to my heart as they are to you.

The committee, Congress as a whole, and the Executive branch must be committed to doing everything in our power to ensuring that something like this never happens again. We do know, Mr. Chairman, that when everything is a priority, nothing is a priority.

So I count on your diligence and your forthrightness and your perseverance to get this thing through. Whatever I can do and whatever Peter can do, as another Chairman, we are at your beck and call.

I thank the committee and thanks for listening.

[The statement of Mr. Pascrell follows:]

PREPARED STATEMENT OF HONORABLE WILLIAM J. PASCRELL, JR.

Good morning, Chairman Lungren, Ranking Member Clarke, Chairman Bilirakis, and Ranking Member Richardson, and thank you for holding this important joint subcommittee hearing and for your invitation to testify this morning. I want to recognize the Chairman and Ranking Member of the full committee, Mr. King and Mr. Thompson, for their friendship and leadership on the committee and their stewardship of its important work.

I also want to thank the committee for inviting Sheriff Richard Berdnik of Passaic County, New Jersey, to testify before you today on the subsequent panel. Passaic County is a part of the Jersey City/Newark Urban Area Security Initiative, one of the six Tier I regions considered at greatest risk of a terrorist attack. I know that the sheriff will be able to provide you all valuable insights into the role that his Department plays in preparing for and responding to a terrorist attack, and the effectiveness of the Federal Government's State and local partnership efforts.

I am here this morning to discuss the WMD Preparedness and Prevention Act of 2011, which I, along with Chairman King, will be introducing tomorrow. I am proud of all the work that went into this legislation, and I am especially proud that it is bipartisan. Democrats and Republicans may not always agree on every issue, but I think there is broad consensus on this committee, from Members of both parties, that the safety and security of our country is our highest priority.

Last year, Chairman King and I came together to craft legislation after the release of the WMD Commission's report: "World at Risk." Under the leadership of Senator Bob Graham and Senator Jim Talent, that report gave us some very sobering findings. I am happy to see my former Small Business Committee Chairman, Senator Talent, here today. Particularly, their finding that under our current readiness, a WMD attack is "likely" to occur by 2013, gave us all pause and really gave us a sense of urgency that action was needed.

Today, even after the death of Osama bin Laden, we know that terror groups like al-Qaeda are still out there plotting attacks against Americans, and that they continue to be committed to obtaining nuclear and biological weapons. The Commission gave the country particularly low marks for bioterrorism preparedness and our country's oversight of laboratories working with some of the most dangerous diseases.

Both Mr. King and myself, being Members from the New York/New Jersey region, are all too familiar with the devastation and tragedy that surrounds an attack with a weapon of mass destruction. Sheriff Berdnik was a 9/11 first responder himself. We must do everything in our power to ensure that nothing like 9/11 ever happens on our soil again. The thought of a WMD attack anywhere in our region is too horrific for words.

Using the WMD Commission's report as a guide, Chairman King and I first introduced this legislation back in 2010, with the support and endorsement of the Commissioners. While our bill passed this committee, it was, unfortunately, not considered by the entire House of Representatives. This, to me, is unacceptable.

As the WMD Commission stated in their report, it is unacceptable that now nearly 10 years after September 11, we do not have a comprehensive National strategy to counter the threat that WMD poses to our country. One year later, and hopefully a little wiser, we are reintroducing this bill. I hope it will be swiftly considered by this committee, and that jurisdictional turf battles will not stop the full House and Senate from passing this important legislation as soon as possible.

This year's legislation retains the comprehensive approach to securing our country against weapons of mass destruction: Prevention and Preparedness, Protection, Response, and Recovery. The updated bill recognizes some of the progress that has been made by the administration over the last year, particularly in laboratory biosecurity, and also contains some important new provisions that I would like to highlight.

Importantly, the bill addresses findings from the Government Accountability Office on the state of our biodefense enterprise and creates an entirely new, top-down approach centered at the White House. This includes establishing a new Special Assistant to the President for Biodefense who will be responsible for crafting a Federal biodefense plan, and putting together a yearly cross-cutting biodefense budget, which will help streamline cross-agency efforts and improve efficiency.

The bill also includes a new provision that will allow the Secretary of Health and Human Services to make surplus vaccines with short shelf lives from our Strategic National stockpile to our State and local first responders. As we all know, our cops and firefighters are on the front lines of our homeland security, and if there is a biological attack, they will be the first ones on the scene. Ensuring that they are vaccinated will not only prevent them from harm, but better enable them to assist

other victims and perform their jobs in the response. All across the bill, language has been streamlined to better integrate our State and local first responders and to encourage their participation.

Passage of the legislation is not a silver bullet that will fully immunize us from the threats that a weapon of mass destruction poses to our country. For example, our first responders still lack a Nation-wide interoperable communications network, one of the recommendations of the 9/11 Commission and an essential component of any response. Chairman King has introduced legislation that I strongly support to establish this network and I hope that Congress considers and passes it soon.

Additionally, funding for our various homeland security State and Local grant programs that help at-risk areas prepare and secure sensitive infrastructure, are under severe funding constraints. Grant programs for our Cops and Firefighters to purchase equipment and ensure they have adequate personnel are slated for cuts. We must find the funding in the Federal budget to ensure that these programs are fully funded, and that we have the resources we need to protect our country.

In the years since the attacks on 9/11 we have all said, on a bipartisan basis, that our homeland security strategy must be proactive and not simply reactive. As an original Member of the Committee on Homeland Security, created in the wake of these attacks, and representing a district that lost 40 souls in the attacks, these issues are near and dear to my heart. The committee, Congress as a whole, and the Executive branch must be committed to doing everything in our power to ensuring that something like this never happens again. Passing this bill into law will go a long way towards establishing a comprehensive protection and response plan to a WMD attack, and it must be enacted as soon as possible.

Again, thank you for the opportunity to testify today.

Mr. LUNGREN. Thank you, very much.

Thank you, Congressman Pascrell, for your testimony and your leadership on this issue along with the Chairman of our full committee, Mr. King.

We will excuse you. We won't subject you to questions, and we will move on to Panel II. Thank you very, very much.

We are, of course, joined by the Ranking Member of our subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, the gentlelady from New York, Ms. Clarke. If you have a statement to make at this time, we would be happy to receive it. Meanwhile, we excuse Mr. Pascrell and invite the next panel to come forward.

Ms. CLARKE of New York. Thank you, very much, Mr. Chairman.

To Chairman Lungren and Chairman Bilirakis, to Ranking Member Richardson, and to my colleague present, good morning. You know, Chairman King, Ranking Member Thompson, Chairman Lungren, Chairman Bilirakis, and my fellow Ranking Member, Ms. Richardson it is important for the safety of our country to come together today in this joint hearing and to discuss the legislation of our colleague and former committee Member, Congressman Pascrell.

His hard work on a very complex issue has resulted in legislation that many of us can and will support. Thank you for calling this hearing.

The WMD Prevention and Preparedness Act of 2011 is an example of what we can achieve when we pull together instead of pulling apart. It is an example of what can be accomplished when we draw circles of interest instead of boxes of exclusion.

Those of us who represent high-density populations of the Northeast are acutely aware of our shared vulnerability, how a single weapon of mass destruction can devastate huge populations and render infrastructure that serves millions of our citizens unusable. Coming from Brooklyn, New York, having been in New York City during the 9/11 attack, this hits home for me, profoundly.

I am proud that this committee, who passed this bill in the 110th Congress with Members from all walks of life and political persuasion, can take the findings of experts and colleagues as we have received from the commission on the prevention of weapons of mass destruction, proliferation, and terrorism, and use that kind of fact-finding and recommendations to pass legislation, with truly bipartisan support.

Senator Bob Graham of Florida and Senator Talent, who are with us today, chaired the commission and gave selflessly to this effort, devoting time and, most importantly, their intellect toward a comprehensive look at gigantic challenges posed by the thought of indiscriminate use of weapons of mass destruction on innocent civilians.

I think the work they accomplished is something we are all proud of, but I am not here to paint a rosy picture. The scenarios before us are sometimes hard to grasp, especially extraordinarily complex ones involving chemical, biological, radiation, and nuclear threat.

The effect on our citizens are unimaginable, but it is the difficult job of these subcommittees to imagine these events and figure out a way to protect our citizens. Of particular interest to those of us from the Northeast are programs built around the Securing Our Cities initiative, the unified effort among Federal, State, and local law enforcement in New York, New Jersey, and Connecticut to defend against the threat of a radiological or nuclear device.

DHS, the New York City Police Department, the Port Authority of New York and New Jersey, and officials from three States and 91 localities are involved in that partnership.

The more law enforcement officials who have the ability to detect and are on the lookout for nuclear radiological material and are in touch with health officials monitoring biological and disease incidents in and around New York City, the better chance law enforcement has to prevent a successful attack.

I expect that we are going to hear some on-the-ground testimony today from the sheriff from Passaic County, because he is charged with carrying out the day-to-day preparation and response plans for the kind of horrific event we contemplate in these scenarios.

We must find ways to fund our front line of defense against the kind of horrendous events we planned for and not how we can greatly or arbitrarily reduce the resources we need to protect our families.

So I thank you, Mr. Chairman, and I yield back.

[The statement of Ranking Member Clarke of New York follows:]

PREPARED STATEMENT OF RANKING MEMBER YVETTE D. CLARKE

JUNE 23, 2011

Chairman King and Ranking Member Thompson, Chairman Lungren, and Chairman Bilirakis, and my fellow Ranking Member Richardson, it's important for the safety of our country to come together today in this joint hearing to discuss the legislation of our colleague and former committee Member, Congressman Pascrell. His hard work on a very complex issue has resulted in legislation that many of us can support. Thank you for calling this hearing.

The WMD Prevention and Preparedness Act of 2011 is an example of what we can achieve when we pull together, instead of constantly pulling apart. It's an exam-

ple of what can be accomplished when we draw circles of interest instead of boxes of exclusion.

Those of us who represent the high-density populations of the Northeast are acutely aware of our shared vulnerability, how a single weapon of mass destruction can devastate huge populations, and render infrastructure, that serves millions of our citizens, unusable.

I'm proud that this committee, who passed this bill in the 110th Congress, with Members from all walks of life and political persuasions, can take the findings of experts and colleagues, as we have received from the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, and use that kind of fact-finding and recommendations to pass legislation with truly bi-partisan support.

Senator Bob Graham of Florida and Senator Talent, who is with us today, chaired the Commission and gave selflessly to this effort, devoting time and most importantly their intellects, toward a comprehensive look at gigantic challenges posed by the thought of indiscriminate use of a weapon of mass destruction on innocent civilians. I think the work they accomplished is something we are all proud of.

But I'm not here to paint a rosy picture, the scenarios before us are sometimes hard to grasp, especially extraordinarily complex ones involving chemical, biological, radiation, and nuclear threats, and their affects on our citizens are unimaginable. But it is the difficult job of these subcommittees to imagine these events, and figure out a way to protect our citizens.

Of particular interest to those of us from the Northeast are programs built around the Securing our Cities Initiative, the unified effort among Federal, State, and local law enforcement in New York, New Jersey, and Connecticut to defend against the threat of a radiological or nuclear device. DHS, the New York Police Department, the Port Authority of New York and New Jersey, and officials from three States and 91 localities are involved in this partnership.

The more law enforcement officials who have the ability to detect and are on the lookout for nuclear and radiological material, and are in touch with health officials monitoring biological and disease incidents in and around New York City, the better chance law enforcement has to prevent a successful attack.

I expect we are going to hear some on-the-ground testimony today from the sheriff from Passaic County, because he is charged with carrying out the day-to-day preparation and response plans for the kind of horrific events we contemplate in these scenarios.

We must find ways to fund our front line of defense against the kind of horrendous events we plan for, and not how we can glibly and arbitrarily reduce the resources we need to protect our families.

Thank you Mr. Chairman, and I yield back.

Mr. LUNGREN. I thank the gentlelady for her statements.

Once again, all Members are reminded they may submit comments for the record.

Now we have an opportunity to hear from our second panel. Three distinguished gentlemen. The first is Senator Jim Talent, who is vice president of the WMD Center and a distinguished fellow at Heritage Foundation where he specialized in military readiness issues.

From May 2008 to February 2010, Senator Talent served as vice chairman of the Congressionally-authorized Commission on the Prevention of the Weapons of Mass Destruction, Proliferation and Terrorism, and the report that they gave us, which I note is outlined in red, which usually indicates urgency—and the fact that your report card is in blue is no indication that it is less urgent or that consistency is less necessary, and I want to thank you for your contribution to us in that regard—elected by citizens in Missouri, you served 4 years in the U.S. Senate and 8 years in the House of Representatives. So we welcome you back.

Dr. Robert Kadlec served 26 years as an officer and physician of the United States Air Force where he held senior positions in the Executive and Legislative branches. Until January 2009, Dr. Kadlec served as special assistant to the President and senior director for biodefense policy on the Homeland Security Council.

While with the Homeland Security Council, Dr. Kadlec drafted the National biodefense policy for the 21st Century, which did become the Homeland Security Presidential Policy Directive 10. He was also staff director of the Senate Subcommittee for Bioterrorism and Public Health.

Richard Berdnik is the sheriff of Passaic County, New Jersey, the position he has held since the beginning of 2011. Prior to this position, he led a distinguished 28-year career in law enforcement for the City of Clifton, New Jersey. He is a graduate of the FBI National Academy.

While with the City of Clifton Police Department, he led a team of officers in response to the terrorist attacks of 9/11, and we do thank you for your past service as well as your continuing service.

The three of you will be invited to testify in the order in which you were introduced. We would ask you to try and keep your comments to around 5 minutes. We have your prepared written statements. They will be made fully a part of the record, and after you have completed your testimony, we will have a round of questions.

So, Senator Talent, we would recognize you first.

STATEMENT OF SENATOR JIM TALENT, VICE CHAIRMAN, WMD CENTER

Mr. TALENT. Thank you, Mr. Chairman. Thanks to both Chairmen and both Ranking Members, and to the whole committee—the subcommittee and the committee—for consistently acting with an urgency that we at the WMD Center thinks is justified by this threat.

Former Senator Bob Graham is the chairman of that center. I am the vice chairman. Senator Graham could not be here today, but he joins me in my comments, and I would ask that you would submit the full comments in the record. I will just cover a couple of points. One of them, and you covered pretty well in your opening statement—in fact, several of the leaders of the committee did—the history of the WMD Commission.

We were created by you all and the other body as a follow-on to the 9/11 Commission in an attempt to answer the question the 9/11 Commission asked, which is, you know, what happens if the, you know, worst people get the world's worst weapon?

Bob and I were appointed as the chairman and vice chairman of that. We work together in the Senate—been a real pleasure working with him on that—the nine of us on that committee—it was thoroughly bipartisan—our report was unanimous.

We didn't go into that with any bias in favor of looking in particular at the biothreat. As a matter of fact, I didn't know that much about it. I was more familiar with the nuclear threat. But after almost a year of deliberations, you know, we looked at all the material that you all look at at a regular basis.

We interviewed witnesses, traveled all over the world, and did reach the conclusion which you recited in your opening statement that the danger of a WMD attack somewhere in the world is growing, that it will reach a probability—become more likely than not—by 2013, by which we meant, it is just a short-term threat; it is not a long. I mean, it is not something that is 20 years down the road. It is now.

In our judgment, it is more likely to be a bioattack than anything else. We base that both on direct intelligence and on the fact that a biological weapon is easier than a nuclear weapon to develop. It is easier to deploy, and it is easier to stockpile.

It doesn't mean that a nuclear threat is beyond their capability. It just means that the bioweapon is easier, and everything that we have seen since then has reinforced our view, both of the threat and of the fact that we have to pay particular attention to the biothreat.

Chairman and I were talking before the hearing, and it is my opinion that the cyber threat and the biothreat are the two biggest. We should try and prepare for all of them, but they are the two biggest.

Our conclusion is—regarding the threat—was affirmed in every particularity by the then-Director of National Intelligence within a few weeks after we made it.

After we issued the first report with recommendations, as the Chairman mentioned, we were asked by the leadership of Congress to go back and to review the Government's success or failure of progress in implementing our recommendations. Bob and I both said that we would do it, but we made clear to the Speaker, the Minority Leader, and the Majority Leader of the Senate that if we gave our assessment, we were gonna say what we thought. If they didn't want that, they shouldn't reconstitute the commission.

Well, they did want it, and we gave our assessment. While there was progress in certain areas, we did give a failing grade to the Government's preparation for a bioattack. As you know, Mr. Chairman, preparation is hugely important here, not only because, you know, we can limit the loss of life and damage should an attack occur, but because if you prepare well enough, a biothreat is no longer a weapon of mass destruction.

It is a terrible weapon and it can kill people, but if it doesn't have a big enough impact, it is not a weapon of mass destruction and, therefore, it is much less likely that it will be used. So preparation in this context, unlike the nuclear context, is deterrence. This is a point that Senator Graham and I have made on numerous occasions.

We have turned the WMD Center into a nonprofit, which is the same thing that happened with the 9/11 Commission. I am not going to go into great lengths, but we are preparing a really stem-to-stern new report card, or evaluation, of the Government's efforts.

Lynne Kidder, who is the president of the WMD Center is with us today, is leading a team of people. We have pulled together experts from all across the Government and nonprofit world to look at the whole chain of resilience.

First thing they are doing is identifying what are the metrics of success. You know, what does progress mean in this context? Then they are going to measure how we are doing against those metrics. That report is going to come out. That assessment is gonna come out this fall, and we think it will give you all the best assessment, you know, stem-to-stern, end-to-end strategic assessment of our resiliency chain that you have ever had.

I can't think of a committee that has done more to try and solve this problem and achieve progress. I don't have much time. I do

want to say that we are very grateful for Mr. Pascrell and Mr. King and all of you for the WMD Bill. It addresses a number of key areas.

Just, very briefly, the National Biodefense Plan is very important. The reforms in biosurveillance and detection, hugely important. We do a lot of detection, a lot of surveillance, but it is not integrated enough; it is not efficient enough, and it is not real-time enough.

The reality is that we cannot have confidence today that we will know an attack has occurred within the period of time we need to know to do something about it. Just go look back at H1N1. Anytime the President called up the Center for Disease Control and asked them how many people were sick from that disease, the reality is, they couldn't tell him. They didn't know.

We had months to prepare for that. We are not gonna have months to prepare for this. The first responder guidance, hugely important. The sheriff will probably talk about that. Real solid thinking in the bill about environmental cleanup and what the standards are; how clean is clean. We have not worked on that, and we don't have adequate guidelines for first responders.

I will just conclude by saying this, and I thought of it because of what my good friend, Bill Pascrell, said about priorities—that if everything is a priority, nothing is. Absolutely correct. Well if something is a priority, it means that you are willing to sacrifice other things—even other good things—if you have to in order to get it, right? I mean, my 15-year-old is a big basketball player, and it is a priority for her, which means she sacrifices other extracurricular things she could be doing to practice basketball. Okay?

If this is a priority that we think is justified by the threat, and nobody has denied that this—at any hearing like this—that this threat is as bad as we think it is. Well, it means you have to sacrifice other things. Maybe you sacrifice your jurisdictional turf.

Maybe the FDA is just gonna have to figure out a way to approve these drugs quicker, even though it would like to use its traditional standards, maybe it has got to do some solid thinking. Maybe it means, even in an era of very difficult budgets, that in areas where we need extra funding, you know, we find it, because it is a priority.

So I think the Congressman from New Jersey had it exactly right, and I am grateful for the opportunity to be here. Sorry I went on a little too long.

[The statement of Mr. Talent follows:]

JOINT PREPARED STATEMENT OF SENATOR JIM TALENT AND SENATOR BOB GRAHAM

JUNE 23, 2011

Mr. Chairman and distinguished Members, I am speaking today as the vice chairman of the Bipartisan WMD Terrorism Research Center, better known as the WMD Center. Even though former Senator Bob Graham (D–FL), the chairman of the WMD Center could not be here today, please consider this our joint statement.

The WMD Center is a not-for-profit research and educational organization that Senator Graham and I founded, along with Colonel Randy Larsen, USAF (Ret), at the conclusion of the Congressional Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (WMD Commission) in 2010.

WMD COMMISSION

In early 2008, the Commission was tasked by Congress to assess the risk of WMD terrorism and to recommend steps to prevent a successful WMD attack on the United States. During its tenure, the WMD Commission interviewed hundreds of experts and reviewed thousands of pages of research and testimony. Each commissioner quickly realized that the United States was facing a growing threat of biological terrorism—a conclusion that was unexpected for many. We learned that the lethality of a sophisticated biological weapon could rival the lethality of a Hiroshima-sized bomb, and that the development and delivery of such a bioweapon would require far less money and technical expertise than a nuclear weapon.

In the commission report, *World at Risk,* we stated that terrorists are more likely to obtain and use a biological weapon than a nuclear weapon. In the late fall of 2008, we concluded that unless we act urgently and decisively, it was more likely than not that terrorists would use a weapon of mass destruction somewhere in the world by the end of 2013. On December 2, 2008, the Director of National Intelligence publicly agreed with this assessment in a speech at Harvard University.

In an unprecedented act, Congress extended the authorization of the WMD Commission and assigned it a new task: To communicate its assessment, explain the evidence behind it, and to work with Congress and the administration to enact the Commission's recommendations. In other words, we were charged with encouraging Congress and the administration to take decisive action to prevent such an act of mass lethality from taking place on American soil, and should such an attack occur, to limit its consequences.

In 2009, we worked closely with Congress and the administration to focus on the threat of bioterrorism. As our second year of work drew to a close, we released a report card that assessed progress on a wide range of WMD issues; however, the grade that garnered the most attention in the January 2010 report was the failing grade for America's preparedness to respond to a biological attack.

THE WMD CENTER AND ITS BIO-RESPONSE REPORT CARD

We founded the WMD Center to serve as an honest broker between Government and the American public to ensure individual, community, and National progress in strengthening the Nation's capabilities to respond to biological threats. Our first major research project, scheduled for completion in mid-October, is a report card focused solely on America's capability to respond to a large-scale biological event, whether man-made or naturally-occurring.

Lynne Kidder, the President of the WMD Center, is leading a highly qualified team of experts in this study. During Phase I, our project's board of advisors were charged with designing the metrics for evaluating bio-response capabilities. Advisors include a former Deputy Commissioner of the Food and Drug Administration, the former Chief Counsel at the Centers for Disease Control and Prevention, the former Special Assistant to the President for Biodefense (in the Clinton and Bush Administrations), the Founding President of the Albert B. Sabin Vaccine Institute, the Director of Disaster Medicine at the American Medical Association, and the Director of RAND Health. (A complete list of advisors is available at *www.wmdcenter.org*).

In Phase II of our study, a separate, independent team of subject matter experts will collect data and provide analysis in each of seven categories:

- Detection and situational awareness;
- Diagnosis and attribution;
- Communicating actionable information;
- Medical countermeasures (development and production of vaccines and therapeutics);
- Distributing/dispensing medical countermeasures;
- Medical treatment and response;
- Environmental remediation.

In order to ensure rigorous review and diverse perspectives, this second team includes experienced practitioners and thought leaders from academia, leading think tanks, former Government officials, and private sector organizations that specialize in biodefense. These experts will provide their analyses and insights to the WMD Center Board of Directors, who will ultimately determine final grades, recommendations, and report content.

Our report card will be released in mid-October. It will consist of three parts: A review of the threat, an assessment of America's current capabilities to effectively respond to act of bioterrorism, and recommendations that will set us on the course to reach our goal: Removing bioterrorism from the category of WMD. While we will never be able to remove nuclear weapons from the category of WMD, it is within our power to remove bioterrorism from the category.

Given the ubiquity of select agents readily found in nature and the rapid advances in biotechnology that allow non-state actors the capability to produce sophisticated bioweapons, a major part of our biodefense strategy must be based on building a level of preparedness that will effectively remove bioweapons from the category of WMD. An attack would still cause casualties, but it would not be of a magnitude that would change the course of history.

This is a realistic and achievable goal.

WMD BILL

The WMD Center is not in the business of assigning grades to specific pieces of legislation; however, if we were in that business, this carefully-crafted, comprehensive bill would receive high marks. If all articles within this legislation were to become law, it would represent progress for America's biodefense capabilities.

We do understand the challenges of moving this legislation through the various committees and subcommittees that will claim oversight responsibility. It should be noted that the 9/11 Commission warned of the Byzantine jurisdictional assignment of Congressional oversight of homeland security. In January 2010, the WMD Commission gave Congress a failing grade for the lack of response to its recommendation: "reform Congressional oversight to better address intelligence, homeland security, and crosscutting 21st Century National security missions".

The WMD Center fully supports many of the provisions of the bipartisan bill you've introduced today. In particular, we support your call for the re-establishment of the position previously called, Special Assistant to the President for Biodefense. We are also pleased with other provisions that are consistent with WMD Commission recommendations, including requirements for:

- A National biodefense plan;
- A National bio-surveillance strategy;
- A comprehensive cross-cutting biodefense budget analysis;
- A National intelligence strategy for countering biological threats;
- Improvements in how the Government communicates the threat of bioterrorism;
- Improved detection capabilities;
- First responder guidance on WMD;
- Guidelines on environmental cleanup and restoration.

THE ROAD AHEAD

While we enthusiastically support this legislation, we also must ask, is it enough? This legislation will help move the Nation toward the WMD Center's goal of removing bioterrorism from the category of WMD, but it will not get us all the way there. We will not reach this goal during the tenure of the 112th Congress, but rather, it will require a long-term commitment. We must ensure that the legislation and policies we enact today and each year forward lead us toward that goal.

It is difficult to envision improvement without appropriate leadership and organizational structure. The 2008 report of the Project on National Security Reform, Forging a New Shield, examined the "uneven performance of the Federal Government" during several post-cold war National security scenarios, from 9/11 to Katrina. The report concludes:

"It is facile to blame all these regrettable outcomes on particular leaders and their policy choices. Leadership and judgment matter, to be sure, but as this Report demonstrates, no leader, no matter how strategically farsighted and talented as a manager, could have handled these issues without being hampered by the weaknesses of the current system."

While the WMD Center fully supports your call to re-establish the position of Special Assistant to the President for Biodefense, we understand that doing so will not fix all the deficiencies in leadership and organizational structure for America's biodefense enterprise. These will be among the most important issues we consider in the assessment and recommendations of our report card.

We are fortunate to have the experience and wisdom of 2 dozen of America's top biodefense and public health experts assisting our project, but we are also considering the findings of recent reports by the National Biological Science Board, the National Academies, the Defense Science Board, and others.

Senator Graham and I look forward to providing you our assessments and recommendations in October. While I can't provide specific details today, I can predict that some of the recommendations will require neither authorization nor appropriations, and yet will provide significant improvements in capabilities. Other recommendations will require Congressional authorization, and we know that will be challenging given multiple committees with jurisdiction. Some recommendations will

require more funding—a huge challenge in this fiscal environment. We will talk about partnerships between the public and private sectors, and while that has been a great bumper sticker for the post 9/11 era, it has proven far more challenging to implement.

MULTIPLE BENEFITS

The good news is that many of our recommendations will have multiple benefits for our families and local communities, whether or not they experience a large-scale bioterrorist attack. Improvements in the rapid diagnosis of disease, the capability to quickly produce safe and effective vaccines and therapeutics, and increased surge capacity in our medical care systems will benefit us all—for we know with certainty that Mother Nature will present biological threats. These no-regret initiatives will be a great legacy for our children and grandchildren, and will also help keep America at the leading edge of the biotech revolution.

THE GROWING THREAT OF BIOTERRORISM

Removing bioterrorism from the category of WMD will neither be quick nor easy, but it is vital to both America's economic and National security. I would remind you that bin Laden had a background in construction. It shouldn't be surprising that he chose to attack buildings in America, because he understood what damage could be wrought by flying fully-fueled, wide-body airplanes into those structures. Al-Qaeda's new leader is just as determined to attack America. His formal training was in medicine and infectious disease—one more reason we worry about bioterrorism. But this is not just about al-Qaeda.

If the FBI is correct in its assertion that Dr. Bruce Ivins was the sole perpetrator of the 2001 anthrax letter attacks, then a single individual with no training or experience in weaponizing pathogens, and using equipment readily available for purchase on the internet, was capable of producing high-quality, dry-powdered anthrax. The only difference between producing enough material for several envelopes and enough material to attack a city is just a matter of a few months' production work in a laboratory, rather than the few hours of late night work cited by the FBI investigation.

The bottom line on the feasibility of bioterrorism is quite clear. Today, terrorists have ready access to pathogens, the capability to weaponize them, and the means to effectively dispense a biological weapon. There is no question on intent.

REMOVING BIOTERRORISM FROM THE CATEGORY OF WMD

It is well within the capacity of our Nation to address this threat. The issue here is less a question of resources or knowledge than it is one of leadership and purpose. Our Nation must recognize that the danger of a bioattack against the American homeland is a high-priority threat.

At the explicit request of the leaders of Congress, the WMD Commission recommended the steps necessary to defend the Nation against that threat. The WMD Center report card will offer even more specific recommendations this fall. The question is the same as when the WMD Commission issued its first report in December 2008: Will our leaders take bold actions commensurate with the seriousness of this threat?

Mr. LUNGREN. No, no, no. Thank you, very much. You don't have to tell the gentleman from New Jersey he has it exactly right, but we appreciate that.

Mr. TALENT. I go back long enough for them to—he knows I haven't always said that about everything he believes. But I think he is correct on this one.

Mr. LUNGREN. Dr. Kadlec.

STATEMENT OF ROBERT P. KADLEC, FORMER SPECIAL ASSISTANT TO THE PRESIDENT FOR BIODEFENSE

Dr. KADLEC. Well, thank you, Mr. Chairman, and thank you, Representative Clarke, and the Members of the committee. I just want to say what a privilege it is today to meet before you as a private citizen having served 26 years in the military as a colonel,

I haven't worn that title very often, and this is one of the occasions. Thank you.

I come here, really, to explain, or at least to talk about one part of your bill, and that is the biodefense enterprise. Having served as one of the three special assistants to the President for biodefense during the Bush administration, it was really our principle responsibility to ensure that the Federal Government worked as one in all domestic preparedness efforts for deliberate biological attacks and natural pandemics.

My job was literally to keep the eye on the biodefense ball 24/7. I certainly welcome this opportunity to come to you today, and certainly acknowledge the bill that is before you from Mr. Pascrell and Mr. King, and just basically say that there are going to be parts of the bill—unfortunately not all the parts of the bill—that I can specifically speak to today, but at least highlight those that will make a significant difference in our biopreparedness status today.

I have the unenviable position 30 June 2008 to actually have to tell President Bush and members of the senior staff that after 8 years of intense effort, numerous numbers of political or policy documents and directives—$50 billion, approximately, in funding, that if we experienced a moderate to large scale anthrax attack in any major metropolitan area today, than in 2008, that it would probably result in catastrophic loss of life, and potentially loss of use of that city for many months, maybe years.

So, it is with that—and again, to acknowledge the role of the WMD commission, who have really played an integral part in keeping the eye on the ball as we have moved forward—is to note that, unfortunately, I was the last special assistant to the President for biodefense policy.

By the way, this is not the first time it happened. Because during the transition from the Clinton to Bush administration, that position was also eliminated. It was during the Clinton administration that it was first created in 1998, and a fellow by the name of Admiral Ken Bernard held that position. In doing so, he basically began what would be the precursors of the Homeland Security Council and the domestic preparedness efforts.

But again, this is not a partisan issue. It is just a matter of perspective, and I am afraid it represents the perspective that, somehow, we have not fully integrated the bio problem as part of our National security priorities, to your point, sir.

That, I think, in some ways, the fact that there is not a position now in the White House with that title, certainly doesn't prevent progress. In fact, I would like to highlight some progress that has been made. First and foremost, there have been a couple of new Presidential directives that build on the ones that were originally issued by President Bush—one in National preparedness, PPD No. 8—as well as a couple of Executive Orders that deal with medical countermeasure distribution as well as biosecurity.

I just have to say that also that the Obama administration effectively managed the H1N1 pandemic, and fortunately, it was a particularly not virulent one. But the point is that the special assistant's role is not one that is really seen in emergencies, but really

in the mundane, day-to-day events in the White House and are manifest in other ways.

I will point those out. First of all, if you see how the biodefense portfolio is being managed today, it is not being seen as a National security priority. If you look how OMB has classified these programs, they are not subject to the same consideration that National security or homeland security is given, but actually has other health care programs. I think it reflects the lack of priority.

The other way that, again, the role of the special assistant plays in a senior political appointee—whether it is a special assistant or not—it basically plays in this thing is to basically educate, advocate, and coordinate, not only across interagency, but across the White House.

So, unfortunately, today, we have seen very effective communications, plans, programs subject to the nuclear threat that is out there today, but we haven't seen similar efforts for the biological problem. So we have had no Prague speech, we have had no biological summit on this issue.

So, with that, I think one of the effective tools that you have introduced into your bill is this idea of a National biodefense plan. So, in some ways, I think it does demand that we have—and, by the way, one does not exist today, so it is necessary. The other thing is, because of extremely valuable forcing function that basically we have experienced before, particularly the preparations around the influenza pandemics. So that is one area.

The other area is, really, the cross-cutting budget proposal that you have. It is a mystery, not only to senior members of the policy community in the White House, but also to some members of OMB—what are we spending in certain areas in the biodefense portfolio?

Areas like basic medical research and other areas, and some of the areas are very under represented, and Senator Talent mentioned the issue about environmental clean-up, an area that deserves particular mention.

I would just like to mention, because of time, quickly two other areas. One is in your bill and one maybe you should consider including in your bill, and that one is, particularly around the vaccination or pre-vaccination of first responders.

We know that in some ways we have a safe and effective vaccine. We have surplus supplies in the strategic National stockpile that are at risk of basically going bad. Quite frankly, we should utilize those as we do for our front-line soldiers. To realize that when they go to places like Iraq, Afghanistan, or South Korea, that we afford them the best protection. It is just odd to me that our first responders don't deserve that in the major metropolitan areas that are at risk.

The last group that I mentioned—and, again, it really does relate to the first responder community—is our emergency medical service community.

Somewhat under-represented and under-appreciated, and just because of their nature and the fact that they really are—the small office in the Department of Transportation, they are really not eligible for a lot of the programs that we really would consider being

front-line in this area, and that is subject to grants to either first responders or hospital preparedness grants.

Somehow, we need to recognize them as a critical force multiplier that, quite frankly, to date has not been optimized and utilized in a way that could significantly bolster our capabilities to respond to these events. We know they are going to be there, and for some reason, we really haven't maximized their capabilities in that area.

Simply, in closing, I would just like to say thank you. Fortunately, we have not experienced the biological attack on our homeland since the events of 9/11. I pray that we don't, but I think the reality is here, as Senator Talent has mentioned, that preparedness is deterrence. Because there is really no other means to either prevent necessarily or necessarily preempt these kind of attacks in the future.

Thank you, very much, and I look forward to your questions.

[The statement of Dr. Kadlec follows:]

PREPARED STATEMENT OF ROBERT P. KADLEC

JUNE 23, 2011

Mr. Chairman and distinguished Members, I am speaking today as a private citizen having had the privilege and opportunity to be one of the three individuals who served as the Special Assistant and Senior Director for Biodefense Policy during President George W. Bush's administration. Retired Admiral (Dr.) Kenneth Bernard was the first and Dr. Rajeev Venkayya was the second. Dr. Bernard had the singular privilege of being the Special Advisor to the President's National Security on the National Security Council during the second term of President Clinton's administration. All three of us had the principle responsibility to ensure that the Federal Government worked as one in its domestic preparedness efforts for deliberate biological attacks and natural pandemics.

I welcome the opportunity to appear before you today and to share some of my experiences and insights during my tenure. I would like to spend the preponderance of my time to comment on the Title I of your draft bill entitled "The National Biodefense Enterprise."

First, I would like to acknowledge and compliment you Mr. Chairman, Members of your committee and staff on this bill. It represents another important step forward that the Nation should take to better prepare for an uncertain future. The recent announcement of Dr. Ayman al-Zawahiri as the replacement to Osama bin Laden, by all accounts a less than mediocre leader at best but one who has and likely still aspires to attack the United States with anthrax.

I would also like to take the opportunity to acknowledge the important contributions made by Senators Graham and Talent in the course of their leadership of the WMD Commission. I applaud their continued leadership and commitment in establishing the WMD Center and look forward to their evaluation of our bioterrorism preparedness efforts this fall.

If there is a theme to my opening remarks, it is about leadership. This committee has demonstrated it with this and other hearings and the draft bill that seeks to improve our Nation's preparedness. Two former Senators have displayed it with their successive reports and their commitment to produce a preparedness report card. And hopefully the Zawahiri tenure as leader will not only be short-lived, literally and figuratively, but be the last leader for al-Qaeda.

Regretfully, I was a last too. I was the last White House Special Assistant fully devoted to addressing the biodefense challenge. The position I held was eliminated during the transition from President Bush to Obama. This is not the first time a position of this type was eliminated. During the transition from President Bill Clinton to George W. Bush, the position that Admiral Ken Bernard held was eliminated from the National Security Council. I am convinced that the decision to eliminate a senior political White House position devoted to heath security was not a partisan decision. It was reversed following the 9/11 attacks and the anthrax letter mailings. It does however, reflect that we have not quite yet achieved the maturity in our National security thinking to embrace the notion that certain health security issues rise to the level of being a first order National security priority. It also clearly demonstrates that today, the threat of a biological Hiroshima is not viewed with the

same concern and urgency as the potential for nuclear one. But if you believe Senators Graham and Talent, it may be the catastrophe more likely to happen.

Of the number of issues addressed in your bill, there is no more important one than the issue of leadership. The individual whose day-in/day-out responsibility is to think about this problem and ensure that the U.S. Government is taking all necessary steps to either prevent a bioterrorist attack from happening; and if one should, making sure all the resources available can be mobilized quickly enough to mitigate needless morbidity and mortality. I have stated before that second only to defending the U.S. Constitution, protecting and saving American lives is the sacred duty of all those who serve in Government.

It is certainly disappointing that despite the dangers cited by Senators Graham and Talent, no senior political White House official currently has the title or the sole duty to address the problem posed by biological weapons. To the credit of the Obama administration when confronted by the H1N1 pandemic, they were able to mobilize a number of career civil service and military detailees that helped guide the administration through the early days and weeks of that event. Those individuals from the Departments of Veteran Affairs (VA), Defense (DoD), Homeland Security (DHS), and Health and Human Services (HHS) performed magnificently and were appropriately recognized for their contributions. The current Deputy Homeland Security Advisor under John Brennan has demonstrated a deep understanding and personal commitment to the biodefense problem and has worked it tirelessly but frankly is only human and has a number of other important issues to manage day-to-day.

The real value of a senior political advisee for biodefense is not realized during an emergency. His or her contributions are made in small yet significant ways that are not likely apparent to outsiders. It is chairing meetings to update biodefense strategies, review plans, and resolve gaps or disputes among Federal departments and agencies. It is attending internal White House meetings concerning budgets, ensuring that key elements of the President's biodefense priorities are recognized and preserved. I have one anecdote to share from my tenure. While I was meeting with the senior political appointee who oversaw of the U.S. Government spending for civilian biodefense in the Office of Management and Budget (OMB) Health Programs office, I learned that he did not have a security clearance to read the periodic intelligence reports or attend briefings where classified information about the subject was discussed. Biodefense was only a very small part of his enormous responsibilities and budgets for Medicare, Medicaid, and Social Security. But it is the one part of his portfolio that had to do with National security and he had no insight into the threats he was responsible to mitigate. I helped him justify the need for a security clearance so he could hear and understand the nature of the bioterrorism threat. To the point, I served as the issue advocate within the White House. I was senior enough to be invited to the important meetings that detailees don't normally attend and I could raise the issue or a stink about the issue if I felt the President's agenda or interests were somehow being marginalized. I saw my role to educate, advocate, and coordinate among the White House offices as well as the Federal interagency. My job was keeping my eye on the biodefense "ball" 24/7. Without such person, it is likely the issue will not necessarily be routinely discussed or considered.

Therefore, it is appropriate for Congress to request the administration to request a National Biodefense Plan. Between the Bush and Obama administrations there have been a number of well-considered and -crafted policies pertaining to biodefense. If policies would solve the problem, we would be more than half-way there. But the devil is in the details. In 2004, Homeland Security Presidential Decision (HSPD) 10 roughly outlined a number of steps that Federal departments and agencies should take. However those actions should be reviewed and refreshed. The good news is that there has been progress across biodefense domain, but I do not believe, nor does anyone who has followed this issue believe; we have done enough and are prepared. The excellent National Pandemic Influenza Implementation Plan serves as a useful model to look to for a future National Biodefense Plan.

I certainly endorse the need for better visibility across the biodefense investments that are being made in related programs across the Federal Government. We have invested over $50 billion dollars and there are legitimate questions as to whether we spent too much in certain areas or overlooked others. Getting better insight into how we spending these dollars, particularly in light of the severe Federal deficit we are facing, is not only prudent but an imperative. Any money that we can save can surely be put toward a gap that exists in our current efforts. One area that deserves special attention in such an analysis is whether we are adequately resourcing efforts to remediate and recover from a biological attack. In the course of natural evolution of considering our preparedness and response to such an event, we have appro-

priately initially focused on the life-saving measures that must be taken. I am afraid not enough consideration has been given to the cost of clean-up. As witnessed during the 2001 anthrax letter attacks, cleaning a couple of buildings cost over a billion dollars. The cost of cleaning a city or subway system following a large-scale anthrax release is mind-boggling. It is not clear that we know the costs of environmental cleanup or even how to do it.

I would like to make special mention about the provision in your bill devoted to biosurveillance. I can not think of any one issue that we as a Federal Government have worked harder on than biosurveillance. It is critical element in our biodefense strategy: To warn of an impending pandemic, or detect a biological attack and guide our responses to both. I admit that we have not achieved our objective of collecting human, animal, and environmental health data, analyzing and sharing it with all the responsible stakeholders at the local, State, and Federal level. To say it is still a "work in progress" is an understatement. While there are a number of Department- and sector-specific biosurveillance strategies, there is yet no comprehensive plan to knit them together into a National plan. I am heartened to know that there is now a Department of Defense detailee working on the White House National Security Staff whose full-time duty is addressing the biosurveillance issue. I think the draft bill's provision asking a National Biosurveillance Implementation Plan is needed and frankly overdue. Hopefully, the process to develop a plan will resolve the issues surrounding the National Biosurveillance Integration Center (NBIC) at DHS. Originally conceived to take all-source surveillance information concerning humans, animals, plants, and environment and develop a common operating picture or situational awareness that is shared with all Federal, State, and local stakeholders; it has not yet met this objective. The concern I have is "throwing the baby out with the bath water" that by doing away with NBIC, we fail to preserve the essential function it was created to perform.

There are several other provisions included in your draft bill that deserve mention and support. Related to biosurveillance and specifically within your committee's jurisdiction is biodetection. Having been involved with the creation of the BioWatch Program now managed by the Office of Health Affairs in the Department of Homeland Security, I have watched with some concern about the receding tide of support and investment of this program. The current capabilities of the BioWatch system today in terms of timeliness and coverage are not optimal by any means. This was recognized when the program was conceived and deployed. The initial system, however, has served two incredibly important functions. First, it became a test bed for gaining experience and confidence in domestic environmental detection and improved local laboratory capabilities. There have been a number of environmental positives that demonstrate the sensitivity of the laboratory analyses. With that experience, the system and the protocols supporting it have been refined over time. Second, it has enlisted the public health, medical, and emergency management to work together to consider the challenge and opportunities to recognize a potentially devastating public health event. This evolution has not come easily. It has resulted from the dedication of DHS, CDC, and EPA civil servants working side-by-side with their State and local counterparts. Environmental detection alone is not sufficient to address the risks from biological attacks, clinical diagnosis, and laboratory confirmatory testing are critical adjuncts. I hope that as further time passes, the need to improve clinical laboratory diagnostics is viewed as a compliment rather than a competitor to the requirement for near-real-time environmental detection.

I also want to mention and endorse the committee's view on pre-event vaccination, particularly with the currently available FDA approved anthrax vaccine. There is little dispute within the intelligence community that the greatest concern today is the risk from an anthrax attack. The Department of Defense has judged the risk so serious that military personnel are immunized against anthrax before deploying to Iraq, Afghanistan, and South Korea. It would seem similarly prudent to consider offering the same vaccine to domestic Federal, State, and local responders who may be at increased risk of exposure based on their occupation and the major metropolitan area they live. It is generally the judgment of those who have considered the likely evolution of a large-scale anthrax attack that time is of the essence. It would be extraordinarily beneficial to have confidence that critical responders such as police, fire, health care, and yes even postal workers, who we may need to count on to save the lives of others would be afforded the same protection afforded to our troops.

I would like to point out that there should be an additional provision in your bill that is not in the draft that I reviewed for this hearing. One of the most undervalued and appreciated group of first responders that I know of, besides U.S. postal workers, are our emergency medical service (EMS) workers. They are the critical link between the incident where the attack, disaster, or accident happened and the

medical system. They suffer in the Federal grant programs, depending on their jurisdiction, being neither fish nor fowl: Not recognized as being a traditional police or fire first responder. They are also not necessarily included for funding in the hospital preparedness grant programs. I would suggest to you that considering how best to optimize this group of "force multipliers" is not only overdue but essential in any legislation you consider.

Finally, I would like to close by simply saying that so far, the United States has not experienced the true nature a biological attack. According to President Obama's Presidential Policy Directive 2, a single unmitigated biological attack could place at risk potentially hundreds of thousands of deaths and cost the Nation over a trillion dollars. The letter attacks experienced in 2001 were just a small indication about the potential power of these weapons. I believe we, as a Government, do a bad job predicting the next disaster. The National security challenges we face are unpredictable and require a robustness and flexibility in capabilities that we have yet attained. I see your bill as helping build that capacity and resilience and look forward to supporting your efforts in the future. Thank you.

Mr. LUNGREN. Thank you, very much, Dr. Kadlec, and thank you for your service in the military. I am reminded that 67 years ago, this month, my father was a medical officer in the United States Army marching across Normandy.

Although he only served a few years, when he passed away, we honored him by indicating that on his tombstone, which is one of the things he wanted. So I thank you for your service to our country in all your capacities.

Sheriff? Again, thank you for your service, particularly as one of those who responded to the ghastly attack that took place on 9/11, and thank you for your continued service and, we await your testimony.

STATEMENT OF RICHARD H. BERDNIK, SHERIFF, PASSAIC COUNTY, NEW JERSEY

Sheriff BERDNIK. I thank the subcommittees for the meeting here today and the opportunity to appear before this joint panel.

I would like to commend Chairman King and, of course, my Congressman, Bill Pascrell, for their leadership on this issue and their sponsorship of the WMD Prevention and Preparedness Act of 2011.

I have seen Congressman Pascrell's continued leadership on this issue, and I personally want to thank you and commend you for your efforts. On January 1, 2011, I had the privilege of becoming the sheriff of Passaic County.

Passaic County is a jurisdiction of approximately a half a million people, encompassing 185 square miles just outside the city of New York. It is actually northern New Jersey. Prior to becoming the sheriff, I was a detective/lieutenant with the Clifton Police Department for almost 30 years and served as a SWAT team commander.

It was during that time with the Clifton Police Department that I became a first responder to the World Trade Center on September 11, 2001. In addition to being one of the worst days in our Nation's history, I saw first-hand the deficiencies that our emergency responders face.

That day, thousands of brave law enforcement officers and emergency responders were called into service and showed great courage and commitment to our country. Unfortunately, there were many obstacles to overcome. We did not have the proper equipment, training, and the ability to communicate during this horrific event.

As the years have gone by, some of those issues have been addressed but many have not been completely mitigated. It is almost

10 years ago. The issues I observed, they still plague us and our local public safety agencies today.

The passage of this bill is essential to our Nation. Nationally, it is important that our Government has a system in place for preventing and working through a WMD incident. It is equally important that public safety, in general, has a system to address these issues and resources to protect our citizens.

In New Jersey alone, the Home Security grants are slated to be reduced by 50 percent this fiscal year. That is not only shortsighted, but a dangerous public policy decision. In Passaic County, the sheriff's officers benefit greatly from funding through the Urban Area Security Initiative, and if the sheriff's office deploys certified CBRN, HAZMAT, bomb squad, SWAT teams as defined by NIMS.

The ability to train and equip these teams properly is a direct result of the funding provided UASI. These proposed reductions in funding will be devastating. They will cripple the ability of these teams to respond in times of emergency. I understand that members of this panel share my concerns.

In fact, recently, I just read an article in the Government Security News where Representative Bennie Thompson, the Ranking Member of the Homeland Security Committee, expressed these exact sentiments. Additionally, the sheriff's officers and the Department supports the county health agencies in bioterrorism and provides CBRN detection and security for points of distribution.

Funding is needed to test and evaluate these PODs to ensure their efficiency and effectiveness and the delivery of vaccines and medication during emergencies. We must also ensure that first responders are equipped with the latest technology available to support their mission.

Unfortunately, deficiencies in communication are still on-going; still much of a problem in much of the State of New Jersey. With the current trend moving toward shared dispatch services, it is important to ensure that funding to enhance interoperable communications is provided. Initiatives like SafeCom are consistent with fulfilling with the objectives of the National Emergency Communications Plan.

As demonstrated in the 9/11 attacks and other National disasters, the inability for first responders to effectively communicate with each other led to a substantial loss of life. Funding must be allocated to purchase additional frequencies in the D Block spectrum. This will enable deployment of the Nation-wide broadband network for first responders.

Finally, there is no universal means to quickly and efficiently notify the public impending emergencies. There exists a patchwork of communication systems where agencies currently deploy their own methods to notify their respective citizens and responders. Currently, no comprehensive technology exists to broadcast a message to all the residents of Passaic County.

This needs to be corrected, and the only way to mitigate this dangerous situation is through the availability of Federal funding. This initiative will allow for the deployment of a universal emergency alert system. The introduction of this bill moves our Nation

to establish a dialogue to ensure we are safe from any future attacks.

The legislation helps address deficiencies in agency planning coordination and training that our Nation so badly needs to address. Though these issues cannot be solved with money alone, our Nation needs to put the appropriate resources toward this problem.

Again, I would like to thank the committee, its Chairman, Congressman Pascrell, for the opportunity to speak before you today. As a law enforcement professional, I am proud to be part of this panel. I feel that our collective experience can assist in crafting the appropriate public policy to make our Nation safer from a potential weapon of mass destruction attack.

Thank you, again, for the opportunity, and I look forward to addressing any of your concerns.

[The statement of Sheriff Berdnik follows:]

PREPARED STATEMENT OF RICHARD H. BERDNIK

I would to thank the Chairman of the Homeland Security Committee, the Chairs, and Members of the subcommittees meeting here today for the opportunity to appear in front of this joint panel.

I want to commend Chairman King and my Congressman Bill Pascrell for their leadership in this issue and their sponsorship of WMD PREVENTION AND PREPAREDNESS ACT OF 2011. I have seen Congressman Pascrell's continued leadership on this issue and I personally want to thank and commend his efforts.

On January 1, 2011, I had the privilege of becoming the Sheriff of Passaic County. Passaic County is a jurisdiction of a half million people, encompassing 185 square miles outside of the City of New York in Northern New Jersey. Prior to becoming Sheriff, I was a Detective Lieutenant with the Clifton Police Department for almost 30 years and served as the SWAT Team Commander. During my tenure with the Clifton Police Department I became a first responder to the World Trade Center on September 11, 2001. In addition to being one of the worst days in our Nation's history, I saw first-hand the deficiencies that our emergency responders faced. That day thousands of brave law enforcement officers and emergency responders were called into service and showed great courage and commitment to our country.

Unfortunately, there were many obstacles to overcome. We did not have the proper equipment, training, and the ability to communicate during this horrific event. As the years have gone by, some of those issues have been addressed, but many have not been completely mitigated. It is amazing that almost 10 years ago, the issues I observed then still plague local public safety agencies.

The passage of this bill is essential for our Nation. Nationally it is important that our Government has a system in place for preventing and working through a WMD incident. It is equally important that public safety in general has a system to address these issues and resources to protect our citizens.

In New Jersey alone, the Homeland Security grants are slated to be reduced by 50 percent this fiscal year. That is not only short-sighted, but a dangerous public policy decision. In Passaic County, the Sheriff's Office benefits greatly from the funding provided through the Urban Areas Security Initiative. The Sheriff's Office deploys certified CBRNE/HAZMAT, Bomb Squad, and SWAT Teams as defined by NIMS (National Incident Management System). The ability to train and equip these teams properly is a direct result of the funding provided by UASI. These proposed reductions in funding will be devastating. They will cripple the ability of these teams to respond in times of emergency. I understand that members of this panel share my concerns. In fact, just recently I read an article in Government Security News where Representative Bennie Thompson, the Ranking Member of the Homeland Security Committee, expressed these exact sentiments.

Additionally, the Sheriff's Office supports the county health agencies in bioterrorism and provides CBRNE detection and security for Points of Distribution. Funding is needed to test and evaluate these PODs to ensure their efficiency and effectiveness in the delivery of vaccines and medication during emergencies. We must also ensure that first responders are equipped with the latest technology available to support this mission.

Unfortunately deficiencies in communication are still an on-going problem in much of the State of New Jersey. With the current trend moving toward shared dis-

patch services it is important to ensure that funding to enhance interoperable communications is provided. Initiatives like SAFECOM are consistent with fulfilling the objectives of the National Emergency Communications Plan. As demonstrated in the 9/11 attacks and other National disasters, the inability for first responders to effectively communicate with each other, led to substantial loss of life. Funding must be allocated to purchase additional frequencies in the D-Block spectrum. This will enable the deployment of the Nation-wide broadband network for first responders.

Finally, there is no universal means to quickly and efficiently notify the public of impending emergencies. There exists a patchwork of communication systems where agencies currently deploy their own methods to notify their respective citizens and responders. Currently no comprehensive technology exists to broadcast a message to all of the residents of Passaic County. This needs to be corrected and the only way to mitigate this dangerous situation is through the availability of Federal funding. This initiative will allow for the deployment of a universal emergency alert system.

The introduction of this bill moves our Nation to establish a dialogue to ensure we are safe from any future attacks. This legislation helps address deficiencies in agency planning, coordination, and training that our Nation so badly needs to address. Though these issues cannot be solved with money alone, our Nation needs to put the appropriate resources toward the problem.

Again, I want to thank the committee, its Chairman and Congressman Pascrell for the opportunity to speak here today. As a law enforcement professional, I am proud to be part of this panel and I feel that our collective experience can assist in crafting the appropriate public policy to make our Nation safer from a potential weapon of mass destruction attack.

Thank you for this opportunity and I look forward to addressing any concerns that the committee might have.

Mr. LUNGREN. Thank you, very much, sheriff. We will now have a round of questions, and I will begin with 5 minutes of questions on my time.

Dr. Kadlec, we always have this problem of being prepared and utilizing our resources properly, and you have heard some of the testimony about a difficult budget circumstance we have. You mentioned that the reports you had to give to the President with respect to our vulnerability with an anthrax attack. Golly, I think it was over 5 years ago that HHS indicated that we needed to move towards the next generation of anthrax vaccines.

As I understand it, we are still in the first generation, which was developed in 1960s?

Dr. KADLEC. Fifties.

Mr. LUNGREN. Fifties? There have been some articles I have seen that have criticized the cost involved, and you know, when you are dealing with vaccine, and so forth—where are we, from your view, in terms of a next generation anthrax vaccine, No. 1.

No. 2, are we doing as effective a job in utilizing our resources in terms of purchasing the vaccines that are available. If not, is there an alternative? We always talk about competition being one way to bring costs down. That is sometimes a strange concept when you are dealing with vaccines that are stockpiled.

How do we answer that question? Where do you think we are on that?

Dr. KADLEC. Well, when I was in Government, we were 5 years away, and as we are today, we are 5 years away. So I think the practical reality is it has taken longer than anybody anticipated to develop a new generation or next generation of anthrax vaccine. There are technical challenges that have to do with the science that have not been resolved with that.

Subject to the issue of, you know, do we need one or should we have one, I think one of the concerns—and it has more to do about

resilience than it has to do anything about a particular product is being—relying on a single source for a product. Particularly where that—is a National security measure or capability, then you would like to somehow have some built-in redundancy.

So I think the idea of competition here is not only who may get there first. It is the idea that we have to ensure that we have potentially two sources of this. There are a variety of ways of doing it. Essentially a single manufacturer can have two locations manufacturing of this product or whatever.

But, you know, not to get into those particulars, I think the reality is is that in some ways, we are still a ways away. We do have the benefit of a product right now that is FDA-approved. It has been in several million individuals, mostly military personnel. So it seems appropriate to consider that we can use a product we already have in ways that we haven't used it yet, particularly with the first responder community.

Mr. LUNGREN. Is that a matter of——

Dr. KADLEC. No, sir, I don't think so.

Mr. LUNGREN. Okay.

Senator? What is it that is not happening that must happen to ensure the sustainment of a long-term commitment to this issue? In other words, you have talked to us about the two things that you think are the greatest vulnerabilities. What are our self-imposed liabilities? What are we not doing that we need to do? What would be the front-burner achievements you would ask us to attempt?

Mr. TALENT. Well, I don't want to anticipate the assessment that is coming out in October from the WMD Center too much. I would say we clearly have issues with the stockpile. I mean, we have not stockpiled the range of countermeasures that we need despite the fact that this has been an area where there has been a rather considerable degree of funding.

Bob just talked about—you asked about anthrax, Congressman Richardson raised the issue of children. Well, one of the things we are going to study is whether the countermeasures—whether we are considering the special needs of children who may be victims of this and developing the countermeasures, because children can't always take the same things that adults are taking.

That is clearly an area—we have done almost nothing on the whole clean-up issue, and if we are hit with anthrax, that may be the biggest long-term issue, and we have no idea now what standards should be followed.

We have a lot of detection and surveillance out there, but we have not integrated it enough. We don't have enough real-time. So these are all areas. Then I would just say more broadly, getting the Congress and the administration beyond certain groups like this committee to understand the urgency of this and understand what that means in terms of decision making, which is what Mr. Pascrell talked about, what I talked about.

This is going to be with us for a while. If you think of the world—and I think this is how we are to think about it—it is a number of networks, you know, financial, communications, transportation, and in societies like ours, the livelihood of our people

and the quality of life depends on their ability to participate in those networks.

Everybody aspires to be in a society where everybody can participate. In—elements around the world, Mr. Chairman. Right now, it is, yes, the very extreme branch of Islam, but it could be anybody. They understand that using asymmetric weapons is a way to hit societies like ours.

So this is going to be an issue that is going to be with us for a long time, and as a Government, we have to adjust to that and act appropriately.

Mr. LUNGREN. Thank you, very much, for your comments. Just reminded me of something Dr. Kadlec said when he was talking about the necessity of having a biodefense adviser to the President. Part of it is just accessibility to the President and his top people.

I mean, if you have got somebody that is in your network, it is more likely you might pay attention to them. We all are victims of and products of our environment, and if I pass you in the hall, or when I go to—we used to call it the EEOB, now I guess it is the Eisenhower Building—if I pass you in the hallway or see you, I might be reminded to ask you a question and pay attention to it.

At this time, I would recognize the Ranking Member of our subcommittee, Ms. Clarke for any questions that she might have in her 5 minutes.

Ms. CLARKE of New York. Thank you, very much, Mr. Chairman. Let me thank our panel for their very enlightened testimony here this morning. I have a particular interest in white powder incidents.

As I have said, I am from New York City, and there seem to be repetitive events that take place from time-to-time in New York City. Last year, in fact, we had white powder letters sent to foreign embassies and consulates in New York City.

The FBI had briefed me on the status of their investigation at the time, but I would like to ask if anyone on the panel has any particular knowledge of these events, and do you think that our intelligence efforts performed well or informed that particular investigation or other white powder events in the United States or around the world, in general?

Sheriff BERDNIK. As a first responder speaking on the level of sheriff, within Passaic County we have had white powder incidents, and again, the ability to investigate them is there. The important thing is actually working with, not only Federal, State, and local agencies, but we have been successful in tracking these incidents, and the fact that we are working with the Federal authorities is definitely beneficial to us.

Mr. TALENT. We need a National intelligence strategy for dealing with the biothreat, and we don't have it. It is broader than just this incident. Now, I think the FBI has really stepped up in the course of the last few years in terms of what it does domestically.

But the broader intelligence community, I am concerned, hasn't. You all ought to, you know, I am sure you get those briefings regularly anyway, but there are materials in there that will tell you that they are not as conscious, that this is a very serious threat as they ought to be.

So I am concerned on the intel. I don't have specific knowledge of how the FBI has handled these incidents though, ma'am.

Ms. CLARKE of New York. It is of concern simply because, you know, oftentimes these white powders are sent into, like, the heart of the city. Once they reach their destination, you know, now you are dealing with mitigating a potential threat——

Mr. TALENT. Absolutely.

Ms. CLARKE of New York [continuing]. As opposed to preventing it.

As you know, there are those who believe that the nuclear threat to be greater than the biological threat, and it is apparent to me that part of the belief is based on a lesser quantity of intelligence regarding the biological threat and the different challenges associated with even collecting information on the biological threat in the first place.

Do you believe this to be the case as well?

Dr. KADLEC. I do. During my time at the White House, clearly, if you look at the volume of material, there is certainly disparity. I think in some ways, that disparity reflects the challenges, quite frankly, to get good intelligence.

I mean, I recall the WMD Commission, sir, before yours that looked at the events in Iraq and basically highlighted the fact that the difficulty of collecting that kind of information because of the—nature and the ambiguity that is inherent in all that.

But also is the stigma that basically said that based on their view, at that time, which I believe was 2005 and 2006, is that in some ways, you know, they knew we would know less about the biological threat 5 years hence than they did then. So I think there is a real challenge there.

I would just highlight to you that I believe it was in the 2010 Intelligence Authorization Bill there was actually a call to have a report from the DNI on this particular area, the biological collection issue. So, I don't know where that is in its evolution, but clearly I think it has been a matter of concern by Congress and rightfully so.

Mr. TALENT. If I could just——

Ms. CLARKE of New York. Sure, quickly.

Mr. TALENT. The old leader of al-Qaeda, who has met his just desserts, his background was in construction. I don't think it is any accident that the plan he developed involved, you know, attacking a building.

The new leader of al-Qaeda's background is in medicine and infectious diseases, and I do believe that the intelligence community as a whole has never just really accepted the urgency of this threat as they have in the nuclear area, and I think you are right to be concerned.

Ms. CLARKE of New York. I am sorry, sheriff, did you want to add anything?

Sheriff BERDNIK. Just, again, the fact is from the perspective of a county, when we have these white powder incidents—again, in our situations, it causes a lot of pandemonium, a lot of hysteria. It causes the evacuations of buildings. It causes an area to be contained, and from that perspective, not just from the fact that it is

a chemical threat, but the fact that it does cause a public threat from the hysteria that it causes.

Ms. CLARKE of New York. Thank you, very much, gentlemen for your feedback, and I yield back, Mr. Chairman.

Mr. LUNGREN. Gentleman from Florida, Chairman of the other subcommittee is recognized for 5 minutes or more.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it very much.

Senator Talent, in your report you described Pakistan as an intersection of nuclear weapons and terrorism. Since the death of bin Laden, our relationship with Pakistan has been in a state of flux. How is this affecting our ability to work with the Pakistani government to secure nuclear materials in Pakistan and defeat terrorist safe havens?

Do you think the fact that the bin Laden was found in their country so close to their military training academy—has it opened their eyes to the terrorist threat and given them a greater sense of urgency to secure nuclear and biological materials?

Mr. TALENT. I will speak as, you know, Jim Talent, private citizen here, because the WMD Center doesn't—we are not taking a view on that. We said in the report that it was the epicenter of our concerns—Pakistan was, and everybody knows it is difficult to deal with Pakistan, in part, because it is difficult to figure out exactly what is going on.

You know, it has been my opinion that it is a government that has been penetrated pretty effectively, particularly in security services by elements that are hostile to us and if not friendly, at least open and receptive, and I think the incident with Osama bin Laden is some indication of that.

Parts of the government that don't have that view are nevertheless—they are not putting the same level of priority at going after these terrorist elements as we are. I mean, they are looking at that, I think, in the context of domestic politics and broader issues like their relationship with India, which makes it difficult to deal with them.

At the same time, given the position that we are now in in Afghanistan and the fact that when what we are trying to do in the region, you have to deal with the government of Pakistan. So it is a situation where they have leverage. I am not going to tell you that I think that they're entirely reliable; although, there certainly are elements of the government that have worked with us.

Yes, the way that that mission developed, and the fact that he had been there that long is, in my judgment, a source of concern.

Mr. BILIRAKIS. Thank you. Anyone else on the panel choose to respond? Okay.

Next question, we know from think-tank research that—this is for Dr. Kadlec, in particular. We know from think-tank research that at least a dozen Federal departments and agencies are involved in biodefense activities.

It seems that we shouldn't have to rely on think-tanks for this information. The WMD bill directs that the White House submit an analytical budget crosscut for its biodefense expenditures. Having worked in the White House, what kind of analysis do you think would come from this provision, and will it help get us the analysis

of redundancy and inefficiencies that we are looking for? For Dr. Kadlec.

Dr. KADLEC. Thank you, sir. I would just simply say, I think we would probably be surprised at the number of programs that are identified as biodefense programs that may not be, No. 1.

No. 2, and that could be the circumstance that they are labeled or they are doing something else, maybe chemical defense. So the thing is that there is lack of, I think, understanding how things are defined.

Clearly, sometimes it is in the benefit of the Department's budget to basically characterize things in one light when in actuality they are doing other things. So I think we will find a few of those out there.

The other thing is, we will likely find that there are some redundancies, some that maybe should be planned redundancies but others that are, quite frankly, unintentional and unrecognized. So, there are opportunities to leverage those in terms of better programs. Again, certainly savings in that area.

The third thing is, I believe, is that you will find that, in some ways, the Department's interests and, again, we talk about the environmental issues that we—and the concerns around how well we are to clean up contaminated areas—that you will find that there are multiple departments that are doing things that are relevant and they don't even know they are doing those things, meaning that someone else is doing something very similar.

So they first can leverage those and the benefits of increasing their knowledge base, but also to collectively work on a problem cooperatively. Again, it gets back to this issue of leadership at the White House and being able to not only have that kind of crosscutting budget that says what is being spent and how and by whom, but then going the next step and saying, well, how do we actually leverage it?

We actually tried that in the Bush administration subject to medical basic research and development. Just between the Department of Defense and NIH, and went through—and maybe there is a success story there. I don't have the particulars of it, but it was certainly challenging, and it certainly wasn't necessarily bringing two willing departments together.

I think that is what you have to do is kind of force unnatural acts between departments and agencies to do the right thing.

Mr. BILIRAKIS. Thank you. Anyone else want respond?

Mr. TALENT. I will, with your permission, because I don't think I gave as good an answer to Chairman Lungren's question to me as I should have. Because this really is, I think, the No. 1 thing is getting somebody in charge of the whole enterprise.

Getting somebody who has the clout, the ear of the President, and the ability insofar as it is possible in our Government to get people to work together and that also knows everything that everybody is doing.

I think if we don't do that, then the other things that you are working on legislatively—as important as they are, are likely to fail in execution. So if I can amend my answer to you, Chairman Lungren, that is probably the No. 1 thing.

Mr. BILIRAKIS. Thank you for your comments. I yield back, Mr. Chairman.

Mr. LUNGREN. Since some of the other Members had to leave, we have time for a second round. So I will recognize myself for 5 minutes.

Dr. KADLEC. In your written testimony, you expressed concern about doing away with what is known as the National Biosurveillance and Integration Center, yet there appears to be, even in your own testimony, consensus that it is not doing what it should. It hasn't reached its objective.

You talk about let's not throw the baby out with the bathwater, and I understand that, but what would you like to see that strategy accomplish, that is a truly interagency strategy, and how soon, realistically, do you think you could have a truly National and integrated biosurveillance mechanism and—well, first of all, purpose—goal and mechanism that affects that goal?

Dr. KADLEC. Well, my understanding, there is active work in that area right now. So I would say the good news is it seems like there is activity, certainly in the Executive branch at the White House, subject to the—that is the good news.

I am less concerned about the strategy than the plan, because I think the strategy is pretty straightforward, I think, in terms of having confidence in your ability to detect across a range of spectrums—human, animal, plant, environmental, things, agents, whatever that happened that you would really need to know about quickly and be able to disseminate that.

Mr. LUNGREN. Is it a lack of knowing what the specific pieces of evidence should be, or is it a lack of putting up some sort of chain and then integrating them? For instance, if you are a first responder, you are a sheriff, you are a police department, your eyes and ears are everywhere compared to anybody in the Federal Government.

Is it a lack of training for officers to know that if they see this, this is something that at least ought to be mentioned and somehow we don't have a reporting requirement? Or is it those things do get reported, but they are not integrated?

Dr. KADLEC. Well, I think it is the latter. So I would say to use the law enforcement analogy, I have greater confidence that information that has been collected in the field by law enforcement officials, intelligence officials are being synthesized and dissimilated rapidly. It is not that same way.

I think one of the challenges, particularly in our inability to have a high degree of confidence of understanding what is going on out there. Look at a disease outbreak, and I will use Germany as an example with the latest E. coli outbreak. I mean, the fog and friction of war applied to outbreaks of disease and the ability to gather credible information and evaluate it in real time.

So, in some ways, there is not only that, if you will, the front-end problem, be able to get to know what you don't know rapidly, there is also the idea of once you know it, how do you manage it and how do you share it? I think there is a reluctant—and this gets to a bureaucratic problem as well—that, in some ways, departments and agencies with some of these responsibilities are less than willing to share information, particularly early on when their

confidence levels are not very high subject to the information they have.

Mr. LUNGREN. How would you define biosurveillance in this context?

Dr. KADLEC. Well, I think it would be what we would want to know about what is happening in humans; that it is happening not only through public health departments, but more importantly, emergency rooms and doctors' offices, in mini clinics at Walmart and all the other places around and having some confidence that, if there are suspect cases of either some natural or deliberate event, that those would be hopefully recognized early.

A critical enabler—there is a technology solution that doesn't get a lot of identification, but it is point-of-care diagnostic. Being able to provide a physician something that is in his means to rapidly evaluate someone to ascertain whether they have or not have something that is of public health concern.

Mr. LUNGREN. How do you command that? In other words, I am a pediatrician on my own. I see something of a certain disease, communicable of some sort, I know I am required to report certain things——

Dr. KADLEC. Right.

Mr. LUNGREN. Do I need to have that training when I am in med school, continuous training, public health edicts, or publications? What do you do?

Dr. KADLEC. Well, I think all of the above. I mean, the reality is for, you know, practitioners—and I don't mean to single them out here, but that is just the human element. But yes, you really do need to have a sensitive—I will use something, you know, mundane like measles as an example, where we have outbreaks of measles, not because people are not sensitive to it, it is just sometimes they don't recognize it, and they are not aware of it, and they kind of lost that index of suspicion.

So, in some ways, it is really sensitizing the whole system to these kind of events. The challenge is a lot different though if you have to look at food or animals or crops, because those really rely on very different input to the system, where the commercial sector has a huge role in it and, quite frankly, is also somewhat reluctant to share that kind of information, because you can imagine, you know, bad news about a product can certainly impact sales as it often does.

So there is some, you know, it is not easy to say homogenously, you know, how do you build this? I think part of it is building a trusting place where NBIC was supposed to be where people believe that you could share information and that information would be handled responsibly and disseminated to people who need to know when they needed to know it.

That is something that, quite frankly, has not happened with NBIC.

Mr. TALENT. Mr. Chairman, if I could, I am very hopeful. Bob Graham and I, along with Colonel Larsen and Lynne Kidder are very hopeful that our report is going to help you with respect to this sort of thing.

We are going to have a piece on the threat, a piece on the assessment, and then a piece on recommendations. I know it is very dif-

ficult. You can't do everything. So, you know, what are the priority things? What are the most important things?

I think, Bob talked about point-of-care diagnostics. I think the current diagnostic test we have for anthrax takes 48 hours, does it? Well, of course, you have to respond within 48 hours. If it takes 48 hours to find out a person has anthrax, you can't get them the Cipro in time.

So that sort of thing probably is the higher priority. Then the only other point—and I am going to go back to a point you made, and I am glad you are facing up to it, the extremely complicated oversight rules here in the Senate in this issue make it more difficult for agencies to develop the level of trust with this body that they need to act freely and make judgments. Because, as you know, oversight works when it is one committee or two committees.

The Executive branch develops relationships. They know what to expect, what is expected of them, et cetera. Then they can feel free to make a judgment without fear that they are going to be hung by somebody they don't even know, if you know what I mean.

Now, on the other hand, if they are ever going to be overseen by two dozen different committees, it is much more difficult to get that kind of a relationship and much more difficult for them to know the discretion they have to act. So I can't emphasize enough that getting that problem fixed I think is going to help across a wide area of issues.

Mr. LUNGREN. Thank you, very much.

Mr. Clarke of Michigan is recognized.

Mr. CLARKE of Michigan. Thank you, Mr. Chairman. My apologies coming, I think, Senator, you are actually addressing the issue that I think is really critical.

I am a new Member here. So many times, you know, also and a former staffer. So last 2 days, we have had critical legislation before this committee, and apparently, you know, we haven't been able to get it implemented through Congress because of all these other committees that have jurisdiction over the issue.

To me it has become clear, is that if we want to protect the American people, especially against the harms that this legislation and other legislation this committee has considered and passed, we need exclusive jurisdiction over these issues, really.

You know, our enemy is out there plotting and they are evolving with their threat. We have to outmaneuver them. Our decision-making process has to be quicker. I mean, this is really, like, outrageous.

So I just want to commend Chairman Lungren and Congressman Pascrell for recognizing that. Just along the lines of that F grade that you gave us in terms of oversight, could you just expand on that a little bit, since I missed that, because I am assuming that is relevant to unifying the committee jurisdiction over these homeland security issues.

Mr. TALENT. Sure. I have always been a fan of—I think Congressional oversight adds a lot to the Executive branch work on balance. Now, we all have been part of oversight hearings or processes that haven't worked very well, and I think they can add a lot to this. One of the reasons I think this legislation is so important, even though some of it could probably be done by an Executive

branch order, as the President has done with a National bioforensic strategy and the lab regulation and they deserve credit for that—is because when the Congress does something—when you all pass legislation, everybody in the Government sits up and takes notice.

In the Executive branch, in a way, oddly enough, that they don't necessarily is when the President says something. Because you all control the money. You know, it is a sign of unity across the branches of Government that I just think is hugely important.

That is, you know, oversight represents that kind of influence. But just for common-sense reasons, it just doesn't work if you have taken a subject that ought to be confined to one or two committees and you split it up among dozens and dozens of committees and subcommittees.

Nobody is looking at the whole picture. Everybody becomes parochial. Everybody cares about their program; their little agency; their little slice of it, and few people care about working together.

So an organization or a body that ought to be an integrator—the Congress—that ought to be encouraging unity of effort within the Executive branch, that ought to be overseeing to make certain that, you know, the money goes to the right places becomes an agent for the opposite of that. Either nothing is done, or it just tears the effort apart.

That is bad enough in this body, but let me say, it is worse in the other body, because, you know, those struggles are worse over there and they also have confirmation power over there, which means that, you know, they can do more mischief if the oversight goes off the rails.

So I think you are correct, and this is not just a Congressional reform thing you can write about and they will teach about in colleges and doesn't really matter whether you do it or you don't do it. I mean this is a big deal, and I think you are right to raise it.

Mr. CLARKE of Michigan. Thank you, Senator.

Just for the time I have left, I just want to give just the panel a follow-up on a specific example, and that deals with the regulation of facilities that have chemicals of interest on their premises.

You know, yesterday we considered authorization of the CFATS, Chemical Facilities Anti-Terrorism Standards, and for me, I represent metro Detroit that has a huge regional drinking water and waste water system. Well, CFATS won't apply to those systems. I think it is critical, you know, to protect the American people—millions of people that could get harmed from contaminated water—that we have some regulatory body in the Federal Government whose charge is to regulate the security of waste water and drinking water systems.

Apparently, there isn't that type of consolidated regulatory oversight. Now, on an off-line conversation some of you mentioned it, there likely may not be a great bioterrorist threat to waste water systems, but there is a water system in my area that is totally open to anybody, you know, contaminating that water supply.

So it still concerns me that, No. 1, these systems are still vulnerable to a bioterrorist attack and that, second, there is the need to have a single regulatory oversight by the Federal Government over these water and waste water systems.

Did your report, or your investigation, address any of these issues specifically? I yield back——

Mr. TALENT. I would certainly defer to either the sheriff or Dr. Kadlec on this, because they are more expert, but our feeling is that an attack would be less likely to come through a water system, because it is not as good a—from the standpoint of the attacker—not as good a means of disseminating the toxin or the germ, because it gets diluted so quickly in the water supply and might get filtered out.

Now, having said that, there are all kinds of reasons why you don't want a water treatment system to be, you know, unprotected. You know, for one thing, just the disruption of that system, if not through a bioattack, through some other attack would certainly disrupt that city.

So I think your concern is justified, and I would just say that, as you move forward with the concept of some kind of regulation, do try to do it in a way that integrates with the authorities that are already out there so that we don't have another one that we, sort of, don't know what it is doing, and it doesn't know what everybody else is doing.

So this concept of trying to unify the regulatory structure is very important.

Sheriff BERDNIK. If I might just add to that. The Passaic County Sheriff's Department does patrol the reservoirs. We have actually eight sheriff's officers assigned to that function. In addition to that, there is private security.

Also, we are working in conjunction now with the prosecutor's office through grants that they had obtained to do video monitoring of those sites as well.

Mr. LUNGREN. Mr. Bilirakis recognized for 5 minutes.

Mr. BILIRAKIS. Thank you, Mr. Chairman. I appreciate it.

Sheriff, we heard concerns from witnesses in one of our hearings on medical countermeasures dispensing that a biological attack on an unprepared Nation would seriously disrupt the critical infrastructure.

How important do you think it is to have a comprehensive risk-based guidance for first responders to guide them in their preparation for a CBRN attack?

Sheriff BERDNIK. I think it is very important. I think that every officer should be prepared. They should have the best education available to them. Again, in a time of chaos and panic, it is most important to have the ability to be able to communicate and network amongst each other to deal with the crisis.

Mr. BILIRAKIS. Thank you. Let me ask you one more question. We are having a hearing on July 8 with regard to warnings and alerts. How much trouble are you having—elaborate as far as notifying your residents, your constituents——

Sheriff BERDNIK. Yes, we have a substantial problem. If we were to——

Mr. BILIRAKIS. Give me some suggestions.

Sheriff BERDNIK. Okay. If an attempt to notify all the residents of Passaic County, it is my understanding that through a computerized reverse 9–1–1 system, it would take 7 days to make a complete notification.

I think the way that—and, again, not being a computer expert, but my understanding is that through advancing the fiber optic lines, there would be a way of increasing those notifications at a much, much more rapid pace.

Mr. BILIRAKIS. Okay, very good. We will get those concerns—your concerns will be heard. We are going to talk to FEMA and FCC. So thank you, very much. Appreciate it.

Sheriff BERDNIK. Thank you.

Mr. BILIRAKIS. Thank you, Mr. Chairman.

Mr. LUNGREN. Gentlelady from New Jersey have additional questions?

Ms. CLARKE of New York. Thank you, very much, Mr. Chairman.

My question is for you, Sheriff Berdnik. From your work in local government in oversight work, I am sure you have some strong views on the inherent challenges of moving forward from a need-to-know mindset to a need-to-share mindset.

In response to a WMD threat, what specific challenges have you identified that have impeded effective information sharing between intelligence and law enforcement personnel? How do you think these challenges can be met and overcome?

Then, finally, what are some of the success stories you have regarding comprehensive cross-jurisdictional catastrophic planning?

Sheriff BERDNIK. Okay. Well, the one thing I have to say, sharing information, as everyone knows, is a contemporary topic. We in the sheriff's department work in conjunction with the prosecutor's office, the Federal authorities, and most recently, are enacting the ability to teleconference with the City of New York.

I think this is the way of the future. I think this is the technology that we in law enforcement need. Again, it is the ability to communicate with each other. The ability to share information. I think that if we have the funding in order to do that as well as communicate with radios in the event of a catastrophe or emergency, it would be paramount.

Again, as I stated, responding to September 11—tri-State response—the unfortunate thing was we could not communicate with each other.

Ms. CLARKE of New York. Could you just, sort of, share any of the success stories you have perhaps regarding comprehensive cross-jurisdictional catastrophic planning. I know that they are tabletop exercises that are taking place.

There are other methodologies you talked about, the teleconferencing capabilities. Can you give us a clearer sense of some of the, I guess, forward-leaning activity that you have already engaged in?

Sheriff BERDNIK. Well, being involved in a HAZMAT, we also have a Tier II bomb squad, and the other thing, of course, is working with the office of emergency management.

It is working with these agencies together that were able to accomplish our goals.

Ms. CLARKE of New York. Then, Senator Talent, it seems to me that the Government needs to know who is in possession of agents that are material threats to the Nation here in the United States and throughout the world.

The military, of course, has long needed to make those determinations in order to protect our troops when deployed overseas.

What is your perspective on this, and how concerned should we be about knowing where these agents are today, for both civilian and military purposes?

Mr. TALENT. Well, that is certainly a piece of the remedy is to know which labs are out there working on these special agent lists, the most toxic and the worst kind of pathogens.

We had a section of our initial report dealing with that where we recommended certain changes. You all put it in your bill. The Executive branch has responded, we think, appropriately with an Executive Order unifying regulations and also moving in the direction of concentrating our regulatory resources on the most dangerous pathogens, rather than trying to oversee 80 different pathogens, for example, most of which are not likely to be the source of an attack, focus on the top six or eight.

We think that that makes sense. So a lot of progress has been made. Now, we need to do more internationally. Other countries are nowhere near as good as we are in terms of looking at their labs. We also have to keep in mind one of the reasons why the biothreat is so dangerous is that life science research has proliferated.

Of course, it is a good thing. We like life science research. It has proliferated to the point where it is probably impossible to prevent this threat by keeping an eye on everybody who is working with these agents.

Because it is just too easy for any reasonably well-educated bioscientist to, you know, to isolate a deadly strain of anthrax, E. coli, that sort of thing. But, yes, trying to find out where these agents are and regulating it is a piece of it. We have made some progress in recently. We do need to do more internationally.

Ms. CLARKE of New York. Thank you, Mr. Chairman. I yield back the balance of my time.

Mr. LUNGREN. Mr. Clarke do you have any other questions? The gentleman is recognized for 5 minutes.

Mr. CLARKE of Michigan. Thank you, Mr. Chairman.

I want to raise the issue that has been addressed by this panel earlier about the need for interoperable communications. I represent the metro Detroit border, and we share a border with Canada, but our first responders cannot easily share information with Canadian officials.

I will give an example. I was down in a local community in my district, and local police and fire they said, you know, we had an incident on the Detroit River, somebody needed rescue, but we couldn't really get a hold of the Coast Guard that easily because of our, you know, our radio equipment. Then, not only that, you know, that they couldn't communicate with their Canadian counterparts.

So these are just three issues that you could address: No. 1, how important is interoperable communications to battling, you know, WMDs? Second, is there a way to measure how much progress we have made nationally in really upgrading our communication systems, our radios, technology? Then, third, what is the approximate cost of fully integrating our communications systems among our first responders?

I mean, to the degree that you have that information. If you don't, that is no problem. We can talk off-line about this.

Sheriff BERDNIK. From a local perspective, again, the area of what seems that we are progressing towards is regionalization of communications. At this time, with budgets the way they are, a lot of the smaller towns are requesting that the sheriff's office be involved in dispatching for them.

So I think, again, as time goes on and this occurs, we are gaining the ability to communicate at a much rapid pace with the municipalities. The State also has a—it is called SPEN. It is a Special Police Emergency Network. This allows us to communicate anywhere within the State; however, part of the problem is the fact that it operates on a certain frequency. So that may require individual towns to have more than one radio in their car, which, again, is a cost factor.

If they are not able to budget for that, then that causes a problem. We can have the system in place but what good is it if they don't have the equipment to utilize it?

Mr. TALENT. To answer your question on how important it is, I think it is very important, because there is a concept here. You know, America has these tremendous first responders, fire, police, emergency management, and in every case they have a culture of mutual cooperation, dedication, and we have seen it time and time again.

Now, no matter how good a job that you all do here and the President does here, there is gonna be gaps in this resiliency chain. I mean it is just the nature of the thing. But if our first responders and local officials are empowered adequately, and some crisis occurs, they will figure it out on the ground and fill the gap as well as it can be filled.

Part of empowering them is enabling them to communicate with each other. So I do think it is very important as a practical matter. I mean, when I was in the Congress, this was an issue. I was always told that to do it Nationally all at once would probably be prohibitively expensive.

So it is good, in my mind, that they are moving to regional solutions and trying to adapt these systems over time and make them better.

Mr. CLARKE of Michigan. Well, you know, what I am recommending today in a resolution is we are devoting that kind of money to fight terrorism—we are actually borrowing it, but we are spending it in military aid to Afghanistan. So I am saying let's take a share of that here and give our first responders—our local police, local fire, local emergency medical providers the equipment and the resources they need to share information and to respond.

I think that is the most effective and cost-effective way for our taxpayers to help protect the American people. Let's protect our folks here at home. We don't need to have even 70,000 troops in Afghanistan. We could draw it down to 15,000, take a share of the savings and redirect it here to Department of Homeland Security to upgrade our communication systems for our first responders Nationally.

Second, this is a political comment—this Congress in the past has failed to deal effectively with the foreclosure crisis that caused all these property values to drop. So our local units of government can't raise the money to cover these costs. We, in Congress, should

do so and redirect and reallocate the money that we are spending in Afghanistan to address this very issue.

Thank you for allowing me to make that comment here.

Mr. LUNGREN. We have concluded all of our questions. So I think the witnesses for your valuable testimony and for your commitment to our country and, particularly, your commitment to the issue that we have before us today.

Members of the subcommittee may have some additional questions for witnesses. So we would ask if you would please respond to these in writing after you have received them. The hearing record will remain open for 10 days.

I want to thank Members of both subcommittees for participating and, with that, the subcommittees stand adjourned.

[Whereupon, at 11:48 a.m., the subcommittees were adjourned.]

○