

HOMELAND SECURITY

HEARING BEFORE THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY UNITED STATES SENATE

ONE HUNDRED SEVENTH CONGRESS
SECOND SESSION

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JULY 17, 2002
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HOMELAND SECURITY

WEDNESDAY, JULY 17, 2002

U.S. SENATE,
COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY,
Washington, DC.

The committee met, pursuant to notice, at 2:08 p.m., in room SD-106, Dirksen Senate Office Building, Hon. Tom Harkin, chairman of the committee, presiding.

Present or submitting a statement: Senators Harkin, Lincoln, Miller, Nelson, Dayton, Lugar, Roberts, Thomas, Allard, Hutchinson, and Crapo.

STATEMENT OF TOM HARKIN, A U.S. SENATOR FROM IOWA, CHAIRMAN, COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

The CHAIRMAN. The Committee on Agriculture, Nutrition, and Forestry will come to order for this hearing on homeland security.

The President has stated and we all agree that we have to be ready to respond to protect American interests against the new and very dangerous threat of terrorism. Protecting our borders and keeping our residents safe from harm is our Government's highest priority and represents an increasingly big challenge to all of us. President Bush's proposal for a new Department of Homeland Security included a call for the transfer of the Animal and Plant Health Inspection Service, APHIS, but recently the administration has indicated it is agreeable to some of the provisions that they worked out with the House in terms of transferring some of APHIS' functions regarding Plum Island and some border security.

I won't go into all the details on that except to say that, at least from this chairman's standpoint, we want to do everything we can to make sure that the new Office of Homeland Security is up and running as soon as possible, that it functions as it is supposed to function, and that we transfer or get to this new Department of Homeland Security what is necessary to do their job, but in the most efficient manner, so that we can still have an Animal and Plant Health Inspection Service that protects the health and well-being of our people in this country but also that the new Homeland Security Office can do its job in protecting our borders. That is the standpoint from which I approach this, and what works the best and what works more efficiently, that is what we want to do.

In the interest of time, since we have a 2:30 vote, I will dispense with reading any more of my statement. If the Senators don't mind, if we could go right to Governor Ridge right away, I would certainly appreciate it. We are honored indeed—

Senator ROBERTS. Excuse me, Mr. Chairman.

The CHAIRMAN. Yes?

Senator ROBERTS. I have a statement I would like to insert in the record at this point on behalf of Senator Lugar.

The CHAIRMAN. Absolutely. I am sorry. I apologize. Senator Lugar is unavoidably detained and will not be able to join us.

[The prepared statement of Senator Lugar can be found in the appendix on page 30.]

The CHAIRMAN. Any other Senators that have a statement they want to put in the record, it will be made part of the record in its entirety right now.

Governor Ridge, we welcome you here. We thank you for the great job you are doing. As a former colleague of ours, we are proud of what you are doing down there, and we look forward to working with you to make this transition as smooth and as seamless as possible. Please, welcome to the committee, and your statement will be made a part of the record in its entirety. Proceed as you so desire.

**STATEMENT OF HON. TOM RIDGE, DIRECTOR, OFFICE OF
HOMELAND SECURITY, WASHINGTON, DC**

Mr. RIDGE. Well, Mr. Chairman, first of all, it is a pleasure to accept your invitation to spend this afternoon with you, at least part of the afternoon, and in the interest of getting into the kind of conversation and dialog that the committee was interested in when you extended the invitation in the first place, I would ask obviously unanimous consent that my full statement be included as part of the record. I had reduced it considerably, but we are on a short clock, and we ought to get into the conversation.

You understand that the President appreciates the bipartisan support that has been evidenced so far in both chambers as we work together to achieve a mutual goal, and that is the creation of a Department of Homeland Security. You are very familiar with the units and the basic desire to create a department whose primary focus, primary mission is the security of this country. You understand that I am testifying today pursuant to an Executive order creating a transitional planning office for the new department, and I testify today as the Director of that planning office. Since all of the members are conversant with the provisions of the President's proposal and may or may not have had the opportunity to review the remarks, in the interest of conserving some time and getting into the conversation that we both think is very important to advancing our mutual effort to get this department set up, I conclude my remarks, and let's have at it.

The CHAIRMAN. Thank you very much, Governor Ridge, and I will limit myself to 3 minutes, and then I will try to give 3 minutes back and forth to all the Senators who are here. Whoever is running this clock, if you would put it on 3 minutes for me.

Again, Governor, essentially the proposal we have before us would transfer all of APHIS' front-line employees charged with responding to agricultural health concerns, about 3,200 of them. To cover its domestic agricultural health responsibilities, APHIS then would have to borrow some of these employees back. USDA and the White House indicate that at any one time APHIS would have to

borrow maybe 15 to 20 percent of those 3,200 former employees to meet domestic agricultural health responsibilities.

Furthermore, the proposal states that APHIS will be responsible for training these 3,200 employees sent to the new department and will set forth the policy regarding what they are supposed to look for and how they do their inspections. Again, I don't know—what we want to—is this the most efficient management structure that we can come up with in terms of what your responsibilities are and what our responsibilities are in terms of just domestic Animal and Plant Health Inspection Service? As I said one time to one of your staff, I said surely you don't want to get into things dealing with corn bores and boll weevils and glassy wing sharpshooters and things like that, plus meat inspection and all that kind of endeavor. We have to determine what is the best management structure for you to be able to get these people when you need them and for us to continue the ongoing job of regular Animal and Plant Health Inspection Service. What are your thoughts on that?

Mr. RIDGE. Well, Mr. Chairman, thank you. As you know, the President's original proposal called for the complete integration of APHIS into the new Department of Homeland Security, and working with Members of Congress and looking for means to refine the allocation of those resources, particularly those invaluable people in a way that enhanced our ability to secure the borders and prevent an agroterrorism event by detection at the borders, we have kind of refined that initial proposal to just include the specialized border inspection and enforcement services. It seems to me that in the event that there is a need for the Department of Agriculture to use some of these men and women in another capacity, that could be worked out in a memorandum of understanding between the two agencies.

Originally, as you are well aware, the grafting of the entire department would have been about 8,000 people, in recognition that there was a—we thought there was a clear line and a very good integration at the border for security and detection purposes to just include the specialized inspection group. Hopefully the concerns that you have addressed regarding these individuals being tasked to do other things just could be worked out with an executive memorandum between the two Secretaries.

The CHAIRMAN. I hope so. Thank you very much, Governor.

In order of people who arrived, I would go down the list to Senators Roberts, Nelson, Hutchinson, Thomas, Allard, Miller. Senator Roberts.

Senator ROBERTS. Thank you, Mr. Chairman.

Tom, thank you for your leadership, and thank you for being in a listening mode, more especially in regards to APHIS, the Department of Agriculture, and the obvious need to tighten up our border security.

Senator Allard, who is probably the pre-eminent expert with expertise with his background in veterinary medicine, and I have a bill that pretty well mirrors what the House has suggested in regards to the division of labor and who we put on the boilers from APHIS and who we keep in APHIS and the function of that agency. It is my understanding that all these functions that the chairman has mentioned, that the House bill has been agreed to by you, and

since our bill pretty much mirrors, is almost the same, as a matter of fact, and we plan to introduce that on Monday, would you be in favor of that bill? Have you agreed pretty much to the House proposal?

Mr. RIDGE. The answer, Senator, is yes. We think it gives us the refinement and better management that the chairman and you were concerned about. Yes, the administration would support that refinement of its proposal.

Senator ROBERTS. Assume we have a foot-and-mouth—well, thank you for that answer, No. 1. Assume we have a foot-and-mouth outbreak that we eventually determine is a result of an intentional introduction in the United States. At the point that determination is made, who would be in charge of handling the situation, tracking down those who are responsible, and the consequence management? We hope, of course, to detect, to prevent, to deter, but in case we got into consequence management, would that be the USDA or the Department of Homeland Security? I am assuming the FBI would be in charge, too, as well, not to mention probably the National Guard under the circumstances. Have you really determined that kind of a situation to the degree that you can answer that kind of a question?

Mr. RIDGE. Senator, we have. In the President's national strategy, it talks about the elimination of the pre-existing division of labor at a time a terrorist incident occurs. You and I are now talking about an agroterrorist incident, bioterrorist incident perhaps. There is a distinction between crisis management and consequence management, and we think it was more rhetorical than it was practical. In the event of a terrorist incident of any nature, the Department of Homeland Security would have the coordinating role, but then, again, the FBI would be the leading law enforcement agency. The Department of Agriculture and the other relevant—in dealing with agriculture may head up the scientific and agricultural portion of that. The Department of Homeland Security would have the overall coordinating mission at the time an event occurred like that and was identified as a terrorism event.

Senator ROBERTS. Are you anticipating in the near future, say this spring, some exercise with some of our land grant schools to work through that kind of a scenario?

Mr. RIDGE. Senator, we believe that one of the basic responsibilities of the new department and one of the real opportunities to get communities prepared, which in itself may end up preventing attacks, is expending resources and working with State and locals on this very kind of exercise that you are talking about. We need to do that in the urban and suburban community, but we need to do it in the rural America as well. We view agriculture as a critical part of our economic infrastructure, one-sixth of our gross domestic product. An agroterrorism event would have enormous economic implications, let alone the potential of loss of life. Engaging the agricultural community in these kind of exercises would be very much a part of what the new agency would intend on doing.

Senator ROBERTS. My time is up, and I thank you for yours.

The CHAIRMAN. Thank you.
Senator Nelson.

Senator NELSON. Thank you, Mr. Chairman. Governor Ridge, it is great to have you here today and to get a chance to see you again.

You have already pretty well made it clear that balancing efficiency, food safety, and food security is going to be a challenge that must be undertaken. I guess one of my first questions is: Can both food safety and food security be accomplished with APHIS? In other words, there is a major difference between what APHIS does today just on the food safety side that when you add food security, recognizing that it may be subject to a terrorist act, that this is—do you think, first of all, it can be a challenge?

Second, in that regard, should we be looking at other facilities such as the NIH and the CDC being transferred as well? As Dr. Torres has—at least it is rumored that he has suggested that.

Mr. RIDGE. Well, Senator, it is clear that there are synergies in science that relate to both food security and food safety. As a matter of fact, the science relative to food security is probably derived from much of the work that has been done by the Department of Agriculture and others—

Senator NELSON. It isn't necessarily a duplication of efforts?

Mr. RIDGE. I don't think so. When it comes to security and/or safety, a little redundancy is probably not a bad thing to have as it affects one-sixth of your gross domestic product, anyhow. When it comes to the border where we try to push the perimeter out and try to prevent these pathogens, this intentionally contaminated food or plant life from coming into the United States, we felt that the refinement of the APHIS provision got us to where we need to be. Clearly there will continue to be great collaboration and cooperation between the Department of Homeland Security and the Department of Agriculture and the other agencies that deal with food safety issues as well.

Senator NELSON. Do you think then, though, that it might be synergy that would be involved with NIH and CDC?

Mr. RIDGE. It is invariable when the scientists get together to deal with the pathogens that could affect humans, affect animals, and affect plant life. I suspect there is probably some synergies there that exist today, and nothing we would do within the Department of Homeland Security would in any way inhibit further collaboration. We want these resources to be focused, depending on how we perceive a particular threat. If there is a threat of a particular kind of agroterrorism incident, we may need to ramp up the work that is being done not through just the agencies that the Department of Agriculture normally works through, but the CDC and NIH as well.

It remains to be seen, but we have to be as flexible and as nimble and as aggressive as our enemies might be, which means we may have to direct certain kinds of research being done as quickly as possible.

Senator NELSON. Thank you, Governor.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Nelson.

Next, Senator Hutchinson.

Senator HUTCHINSON. Thank you, Mr. Chairman. Governor Ridge, thank you for your appearance. You are making a lot of ap-

pearances on the Hill these days, and we thank you for your patience in this huge task that is ahead of us. I commend you again for your leadership and your service to our country.

I was talking with somebody this week who was involved in the creation of the Department of Energy back in the 1970's, and the complexity of what we are involved in is far greater than even the Department of Energy or the Department of Education or the Department of Veterans Affairs, all of which had complexities but nothing like what we are facing here, the number of agencies involved and the number of departments that are affected.

Let me, first of all, say thank you for your comments on APHIS, and I concur with what my colleagues have said about the importance of taking a reasonable approach, and the House has done that, and I appreciate your response to Senator Roberts' question in particular.

On the broader issue of creating this new department and the number of agencies involved and the complexity, do you feel that you have the kind of flexibility that you need to accomplish the goals? Are there statutory needs or changes that need to be made to ensure that the new department accomplishes the goals that have been laid out for it? Do you have that kind of flexibility?

Mr. RIDGE. Senator, we are asking the Congress of the United States to give the new management team of this department flexibility to deal with personnel, flexibility to deal with the organization, and flexibility to deal with the transfer and reprogramming of funds. It is absolutely critical, as we set up this very large and very complicated agency, that the ability to attract and retain people and giving the Secretary and his team discretion above and beyond what might exist under Title 5 or civil service is absolutely essential.

The President has made it very clear. Historical, traditional, all Title 5 protections will continue to exist in this department: whistleblower protection, civil rights protection, veterans' preference protection. These men and women transfer over with collective bargaining rights, with their pay and their benefits. We do need to give the new management team some flexibility to move some people around, to reorganize.

Clearly, given the nature of the mission of this agency, if there are savings to be realized by the reorganization—and we see immediately in the first couple of years, depending on how we construct the information technology piece and how we build the technological architecture, we can probably save some money. It is the hope of the President and the desire and the request before Congress that if you save certain dollars in one area of homeland security, you have the flexibility to apply them someplace else for homeland security. On that note, it is the request of the President—I know it is very controversial. It is very contentious. I hope everybody takes a good, honest, solid look at this. The ability for this Secretary to transfer some funds on an annual basis, we have requested up to 5 percent, but to vest the discretion of that piece of the budget to the Secretary and his management team in order to react and respond to a threat, react and respond to a need, react and respond to a priority, we think is critical to maximize the effectiveness of this organization.

We have requested congressional support of the management flexibility that is provided in the President's proposal and hope we can secure some bipartisan support for it.

Senator HUTCHINSON. Well, Governor, I know it is controversial, but I certainly hope given the implications for the health and safety of the American people and the security of the homeland that you will be given that. That is a reasonable request, and I hope we will comply with it.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Hutchinson.

Senator THOMAS.

Senator THOMAS. Thank you, Mr. Chairman. Welcome, Governor.

The comments that have been made are pretty much the comments that I guess I would have. In Wyoming, our producers rely on APHIS primarily for two things: one is predator control and the other is disease monitoring, brucellosis and scrapie, whatever. We hope that core can continue to do what it has been doing, and certainly we don't deny that some parts should be transferred and we hope to do that. I don't think the whole thing should be transferred, and you have indicated that you do not either. I hope your department can be kept as small and simple as possible to get your job done.

What about Plum Island? Is that something that will be part of your activities?

Mr. RIDGE. Well, we have asked for it in the President's initiative, Senator. It is more than a symbolic profiling, raising the visibility of potential agroterrorism activity. Plum Island does a great deal of detection research in the area of agriculture, and having that capacity within the Department of Homeland Security and ultimately sharing the resource, however, with the Department of Agriculture is ultimately how it is going to work out. Connecting the capacity at Plum Island to the security mission of the Department of Homeland Security is something we felt was consistent with the mission of the new agency.

Senator THOMAS. We appreciate your efforts and appreciate your flexibility. I hope we can be a little flexible as well.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Thomas.

As was said, I am sure this committee will look for a lot of guidance on a lot of these issues from Senator Allard, who is a veterinarian. Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman. I appreciate the opportunity to serve on this committee and work with you and Senator Roberts. I know that you in your own right are very knowledgeable about a lot of veterinary issues. You have a vet school in your home State. We have talked about the importance of some of these issues.

Mr. RIDGE. The University of Pennsylvania has a pretty good one, too.

Senator ALLARD. They do. You are absolutely right.

Mr. RIDGE. A plug in for the home team.

Senator ALLARD. The three top vet schools.

The CHAIRMAN. I want you to know that my niece just graduated from vet med school at Pennsylvania.

Senator ALLARD. I am sorry. Maybe five or six, if we keep looking at all the members on the committee.

I just wanted to raise one question as far as Plum Island. As most members of the committee know, and you probably know, too, we deal with a lot of diseases on Plum Island—it is Federal research—that don't occur in the United States. We need to understand those diseases, and lots of times we say that those diseases do not occur on the mainland of the United States, ignoring the fact that we have Plum Island off to the side, so technically that is correct. The water barriers and whatnot provide some security, but what are your thoughts about enhancing security? It is very important because of the vital type of research that is conducted there and the potential of some of those diseases being introduced inadvertently, whether by birds or whatever, onto the mainland. Are you thinking about beefing up security there? Or, do you think it is pretty adequate right now?

Mr. RIDGE. Senator, I am ill-equipped to make an assessment as to the security at Plum Island today. I know that they have—the Secretary of Agriculture and the Secretary of Health and Human Services and those members of the Cabinet have all looked at their own infrastructure subsequent to, even some of them before 9/11, to determine whether or not it was vulnerable to any kind of terrorist attack in and of itself and have begun to enhance security.

I would think that one of the most important initial missions for the new Secretary of the new Department would be, as he or she goes about the business of aggregating all these resources to protect the homeland, is they make very sure that these facilities themselves have enhanced protection to maximize their effectiveness and use for this country.

Senator ALLARD. A lot of us that have vet schools in our home States, understand that national support from Plum Island is important, as well as the national lab that we have in Iowa. A lot of the vet schools send specimens to Iowa, and they rely on a lot of research there to keep their students and everybody apprised of the latest technology as far as some of these diseases that don't occur in this country. We are in an environment now where our world is very small and we are getting more transportation of animals, such as birds and fish, which we have never had in the past. These functions remain extremely important, and I thank you for your interest in the Roberts amendment, which I worked with Senator Roberts on. I appreciate your working with us on that.

Mr. RIDGE. Thank you, Senator.

The CHAIRMAN. Thank you very much, Senator Allard.

Senator Miller.

Senator MILLER. Governor Ridge, it is good to see you again.

Mr. RIDGE. Good to see. Thank you.

Senator MILLER. Thank you for the job you are doing. Our thoughts have been with you.

I want you to know that I support the administration's goal of creating a Homeland Security Department. I want you to know that I want to give that agency all the tools necessary to protect the citizens of this country. I would like to associate myself with the remarks that some of the Senators have already made, Senator Roberts about APHIS and what the House did, and something

similar would certainly be acceptable to this Senator. It is a common-sense approach.

I also would do what my other colleagues have done, and that is, remind you that there are a lot of land grant universities represented on this committee, including the University of Georgia that has excelled in poultry research and food quality. I know that you will be looking toward those universities and realize what they can mean in supporting your department. I wish you well.

Mr. RIDGE. Thank you, Senator. One of the units within the new department will be a science and technology unit, and it may not be as aptly named or might not strike you as—the way the phrase is or the terminology we use is the WMD Countermeasures. Clearly, it is a science and technology research and development unit that the President wants available to this country through the new department. As we go to enhance our research as it affects security issues affecting citizens, affecting agriculture, affecting whatever in this country, the President feels very strongly that we ought to look to existing laboratory capacity and the scientists that exist without trying to create our own laboratories or develop our own scientific base. As you pointed out, we have some fabulous institutions in this country with great scientists, great researchers, and we ought to take advantage of them.

Senator MILLER. Thank you.

The CHAIRMAN. Thank you, Senator Miller.

Senator LINCOLN.

Senator LINCOLN. Thank you, Mr. Chairman.

Welcome, Governor Ridge. We are glad to have you here.

Mr. RIDGE. Thank you, Senator.

Senator LINCOLN. I am certainly looking forward to the work that we can achieve together.

Mr. Chairman, I want to thank you for holding this hearing and to all of the other guests that will be testifying today, we appreciate the input that everybody has.

I wanted to add just a few brief remarks to what has already been said by several of my colleagues. I, too, think that the President was wise to coordinate the many border security and protection functions of the Federal Government into one new department. Of course, the integration of so many of these Federal agencies from so many different parts of Government will not be a simple affair. We do want to be able to work with you providing that kind of flexibility that you need to be able to accomplish that.

Yesterday in the Finance Committee, Chairman Baucus held a hearing to look into the President's proposal to reorganize the functions of the U.S. Customs Service into the new Department of Homeland Security. At that hearing, both Chairman Baucus and myself expressed our reservations about folding all of the functions of the Customs Service into the new department. It makes the most sense to preserve some of the normal day-to-day commercial operations of the Customs Service separate and distinct from the border enforcement operations. Both kind of operations are clearly very, very important to all of which occurs in this country, and many here have expressed that the same logic applies to our consideration of what to do with APHIS, and certainly with some of the action that the House has taken. I am pleased to see that the

administration has agreed to the House proposal that will do just that, I believe, with APHIS, keeping the important day-to-day agricultural functions within the USDA and moving also very important border security functions to your new Department of Homeland Security. We hope that this will prove to be a success not only with APHIS here but hopefully with other areas like U.S. Customs and others.

This is a very prudent plan and think it will very much help to ensure that all of the people's business is carried out. I hope that we will use some of this as really a plan or a template as we work through how homeland security can really do its job in terms of, as Senator Miller mentioned, protecting the citizens of this great country in a security sense, but also recognizing the day-to-day operations that secure our economy through the industries of this country and making sure that we keep those day-to-day operations continuing.

Just a couple of quick questions. Is my time up?

The CHAIRMAN. I am trying to limit it to 3 minutes. We have about 10 minutes left in this vote on the floor, and I would like to get everybody in, if I could, if you could just—

Senator LINCOLN. OK. Well, can I just add these last two things? One is specifically how the administration does plan to allocate personnel between these two departments. As you formulate those ideas—I don't know if you have yet or not in terms of how you are doing that. Moving required personnel currently that are working in the normal agricultural operations of APHIS to be taken out of those jobs and sent to a new department. I just hope that we will take particular consideration in the decisions that you make there. Several of my colleagues have already brought this up. Will there be new personnel needed to fill the void that is left behind? Are we going to require personnel to be detailed back and forth between the departments as needed? All of those are very difficult situations, and we are already experiencing some of that concern of lack of personnel at USDA to begin with.

I hope that as you approach that issue, you will recognize the concerns that we already have at USDA and certainly recognize how we can best get the functions of both the day-to-day operations and that of homeland security.

The other is just to mention to you in our state of Arkansas, Jailnet is a program I have started with the law enforcement officers, and we have been able to incorporate into that a plan called E-Plan, which provides our first responders with an ability to really react to bio-terrorism and some other things. It is a very low-cost way to get to your first responders and your law enforcement officers in dealing with things that very often can be foreign to them where they may not have a great deal of background. We have five States now connected together, and it is a really good proposal. We would be glad to visit with you and pass some of that along to you.

Mr. RIDGE. We would be very interested in learning more about that. We are finding great leadership and innovation at the State and local level, particularly as it relates to first responders. I will have someone followup with you.

Senator LINCOLN. We have all of our law enforcement officers connected in our State with five other States, and we have the first responders as well.

Mr. RIDGE. It sounds to me like a good mutual aid agreement.

Senator LINCOLN. There you go.

Mr. RIDGE. It sounds excellent.

Senator LINCOLN. Thank you. Thank you, Mr. Chairman.

The CHAIRMAN. There are about 9 minutes left on the vote, so, Senator Crapo, then Senator Dayton, and we can let Governor Ridge leave.

Senator Crapo.

Senator CRAPO. Governor Ridge, I would like to join all the others here in thanking you for your excellent work and indicate to you that I also support the President's proposal for this new department.

I also would like to associate myself with the comments of Senator Roberts and others about the House proposal and the approach to which appropriate functions from APHIS should be shifted to the new department, and with Senator Miller and others who have commented about the importance of the land grant universities, and I look forward to working with you in that context.

I just have one very quick question, and that is, in the area of trade, the sanitary and phytosanitary inspections and issues, I understand under the House proposal at least, would not be transferred to DHS. Is that your understanding? Would you support that? I guess I would really just like your general answer as to how your department, if established, would function with regard to the trade issues and the phytosanitary and sanitary issues that we deal with with our international trading partners.

Mr. RIDGE. Senator, it is my understanding that the specialized border inspection team will be focusing on security rather than food safety measures, and the FSIS and others would be dealing with that issue. I don't think it is transferred, but I need to give you more clarity and will make sure that I do by the end of the day.

Senator CRAPO. All right. I appreciate that. That that is the way it is, but I just wanted to clarify that myself.

Mr. RIDGE. All right.

Senator CRAPO. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Crapo.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

Governor, I join with the others in thanking you for your excellent service, and I certainly also want to work and be supportive with you. I serve on the Governmental Affairs Committee, so I have had a chance to work with Senator Lieberman who has certainly worked closely with you, and I want to start by acknowledging that you made here one of the more cogent and insightful observations that I have witnessed in my now year and a half in the Senate. That is where you say on page 3 here that you have examined the Federal Government and you quickly concluded the Federal Government could be much better organized than it presently is. That is spoken as a Governor, looking at that situation, and you need obviously in this exercise the wisdom of Solomon in terms of what to leave and what to take and the like.

However, Solomon didn't split the baby, and I guess I almost as a devil's advocate could kind of question—and on behalf of most of those involved in Minnesota, appreciate the change in the position that you have now taken and the administration regarding leaving much of this in the Department of Agriculture.

Given that you have the CIA, the FBI, some of these other entities with whom you need close working relationships are being left also out of the department and left intact outside, is there consideration given to leaving all of this in the Department of Agriculture and establishing the working relationships you need with that Department and this entity? What is the advantage of splitting it and doing it that way?

Mr. RIDGE. Senator, as you have pointed out, we would like to have the wisdom of Solomon, but none of us do. The refinement of our proposal was in recognition of both management and mission concerns that we had after consultation, frankly, with Republicans and Democrats in both the House and the Senate. If the primary mission is security and one of the means that you enhance security for this country is you consolidate different functions at the border, you have a significant portion of APHIS, about 3,000 FTEs out of 8,000, that has an ongoing relationship with INS and Customs and very much a part of our border security apparatus. That seemed to be a very good means by which we could separate a group of these employees who fit very directly into the primary mission of the agency. The others—the balance of APHIS and those good people down the road, there may be some connection, but the tear line seemed to be the appropriate one to take. These men and women will be focused on security issues, as they have been, and should be part of a border consolidation effort.

Senator DAYTON. I appreciate the great deal of time and care you have taken, and the resolution is the optimal one and am glad to support it. That is your decision to make.

Mr. RIDGE. Thank you.

Senator DAYTON. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Governor Ridge, if I could just close up by just saying I wonder if we have a gaping hole here.

Mr. RIDGE. I hope not.

The CHAIRMAN. Well, I hope not, either, but let's think about this. I will just take a couple of minutes here, and if you can't respond, maybe we will just do it in writing. When things come across our border in APHIS, APHIS is charged with the responsibility of making sure that what comes across our border in terms of animals and plants is not a threat to our animals and our plants. It doesn't take into account if it is a threat to human health safety. That is done by FSIS, Food Safety and Inspection Service, and the FDA. APHIS looks at the countries where it is coming from and if there is any possibility that it could infect our plants or our animals, foot-and-mouth disease, that type of thing.

It seems to me if a terrorist wants to really terrorize our people, they might want to do something to affect food safety in terms of meat, meat products, vegetables, other things that may be coming across our border. That is what FSIS and FDA do.

I don't see any proposal that the White House has, it doesn't mention food safety as a part of this. I am wondering whether this fits in because it seems like what you are going to do—at least I assume that Homeland Security would, if there is any indication of a threat, they would coordinate or call upon FDA and FSIS without putting them under Homeland Security. On APHIS, you put them under Homeland Security, and that is only covering one threat, the threat to plants and animals, not to humans. I am wondering if we might not want to think about how we put that there also; in other words, the protection of human health.

What if someone came across the border, a terrorist, and they were able to contaminate something that made people sick and they were traced? I mean, that could terrorize a lot of people in our country, but that is not here under this proposal.

Mr. RIDGE. Well, conceivably, Senator, that, as I said before, there is a tremendous amount of synergy—maybe it is a word we use too often, but here it is appropriate—between the science and the detection of food security problems and food safety. Obviously, the FSIS and the FDA and others have much broader regulatory authority, and they are looking for natural contaminations rather than willful contaminations of animal and plant life. At the border it is very appropriate that we take that portion of APHIS to focus on food security.

In the event that those who work in the various departments and agencies that deal with food safety issues suspect a terrorist act, clearly the resources and the collaboration with the new Department of Homeland Security would hopefully be a reflexive action. The first sign, the first indication, the first possibility that it is a terrorist act, engaging the Department of Homeland Security, calling in the FBI, bringing all the resources to bear to identify or to confirm whether it is or is not, and then trace back the etiology to determine where it may have begun and to take a look nationwide to see if there are other signs. Clearly, there will be the kind of collaboration and coordination on an ongoing basis between the food safety agencies and the Secretary of Agriculture and the new Department of Homeland Security.

The CHAIRMAN. Well, we have to work on this. Someone once said to me, you are putting APHIS over there, that is fine. You are going to protect our animals and our plants. What about humans and the food that comes across our border? I thought, well, you are right. What about that?

This needs to be further developed somehow and how you coordinate with FDA and FSIS on that. I don't have the answer. I am just throwing out the problem. That is all.

Mr. RIDGE. Senator, that we recognize we are both interested in resolving it. The existing structure, the way the department is organized does solve the problem.

The CHAIRMAN. OK.

Mr. RIDGE. Obviously, as we chatted before the hearing, this deserves further conversation, and I look forward to that in the next few days, because I know you are working on a very limited time schedule, and I will look forward to that conversation.

The CHAIRMAN. Thank you very much, Governor Ridge, and thank you for being here.

Mr. RIDGE. Thank you.

[The prepared statement of Governor Ridge can be found in the appendix on page 31.]

The CHAIRMAN. The committee will stand in recess. We will go over and vote and come back, and then we will have Secretary Veneman on.

[Recess.]

The CHAIRMAN. The Senate Committee on Agriculture, Nutrition and Forestry will resume its sitting. The committee had just heard from the Director of our Homeland Security, Governor Ridge, and we took a break to go vote. We are back now to get the input from our Secretary of Agriculture, the Honorable Ann Veneman. Again, this committee, Madam Secretary, is trying to wrestle with just exactly how we form and shape, in the best and most efficient managerial regime, the jurisdiction for Homeland Security and not only how they operate in the jurisdiction for USDA under APHIS but also under FSIS and what is the best model for that.

As I said to Governor Ridge, as chairman, as an individual, I don't have any set beliefs or parameters, just what works best for homeland security. That is what we are interested in trying to figure out, and we certainly welcome your input and expertise on how we can best shape it so that we get the job done without getting into turf battles. I am not concerned about turf battles. I just want to know what works.

We welcome you, Madam Secretary, and your statement will be made part of the record in its entirety, and please proceed as you so desire.

STATEMENT OF HON. ANN M. VENEMAN, SECRETARY, UNITED STATES DEPARTMENT OF AGRICULTURE, WASHINGTON, DC

Secretary VENEMAN. Thank you, Mr. Chairman. It is a pleasure to be before this committee again and to have the opportunity to talk about this very important subject. I appreciate the opportunity that you have given me to follow Governor Ridge today. That this is certainly a very important topic and one which we have worked very closely with Governor Ridge and the Department of Homeland Security all the way along since he has been appointed. What we are discussing today indicates that that relationship has been a very good working relationship. He certainly has a very good understanding of the importance of our food and agriculture system to the whole issue of homeland security.

That as we look to how it is—what is appropriate as we move forward, as you know, the initial proposal would have transferred all of the Animal and Plant Health Inspection Service to the new Department of Homeland Security as well as Plum Island, through work with the House Ag Committee and with the Office of Homeland Security, we have created, as Governor Ridge referred to it, a tear line and we believe that the structure that has been agreed to within the House Ag Committee's proposal and I believe will be adopted, based on testimony that I was involved with yesterday, by the House oversight committee is the appropriate means by which to include the important role of agriculture inspection in the new Department of Homeland Security.

We think that as you look at the various roles of the Animal and Plant Health Inspection Service there are a number of areas that then, under the House proposal, the Department will retain jurisdiction over. As you know, APHIS has a very broad responsibility, everything from biotechnology regulation to animal welfare to international issues including imports and exports, and all of the regulatory functions of APHIS will remain, under the House proposal, with the Department of Agriculture. We do endorse that proposal. We appreciate the collaboration we have had, and we look forward to working with you, as Senator Roberts has now indicated, he and others of this committee will introduce a parallel proposal in the Senate.

I might add that we have been working very continuously on these issues for a number of months. As you know, just after I took office, we encountered the threat of foot-and-mouth disease, and we started to review all of our systems. We added money, we added inspectors, and we really began to look at our overall infrastructure in this regard.

After September 11th, we began a whole other set of reviews that included a look at how do we know consider this real threat of an intentional act that might impact our food or agriculture. Again, we have used—our 2003 budget has allocated additional funds to beef up our programs. We got additional resources through the supplemental on homeland security. We are looking at the security of everything from our laboratories to our facilities to our research that needs to be done, to new diagnostic tests, and we continue to be very actively engaged in issues that impact on homeland security.

Mr. Chairman, I appreciate the interest of this committee in this topic. It is something that we take very seriously, and I would be happy to answer your questions and the questions of those on the committee.

The CHAIRMAN. Thank you very much, Madam Secretary.

Again, we will go 3-minute time limits here on this.

At a staff briefing with your staff and those from the Office of Homeland Security, we were told that there was no intention to increase FTEs. With 3,200 people being transferred, or at least being told to transfer—3,200 employees from APHIS would be transferred over. Will you be able to carry out your agency's mission without APHIS in its entirety, or approximately—let's say that is about one-third of the people going over to Homeland Security. Or will you need increased numbers of employees?

It seems to me that, we have a lot of other things to do in APHIS that is not concerned with homeland security, and if one-third of those people are transferring, are you satisfied that you will be able to meet your obligations with the remaining work force?

Secretary VENEMAN. Mr. Chairman, the way that this proposal that is now in the House has been structured is that the employees that would be transferred are those employees that are currently doing the border inspection work, which amounts to about 3,200, plus or minus.

Now, some of those employees are also used in the case of an outbreak, and we will take some of those inspectors and put them on an emergency situation in the case of an outbreak of, say, citrus canker or med fly, something like that.

The way we have envisioned this in working with the Office of Homeland Security and the way the new department would work is that we would have a cooperative agreement with the U.S. Department of Agriculture that we could utilize still people from the border inspection part that would be transferred over for cases of emergency. We believe with that arrangement it should not impact current operations of APHIS other than those at the border, and that the border capabilities would then also be carried out as they are now, just through a different agency.

The CHAIRMAN. Thank you very much, Madam Secretary. Senator Roberts.

Senator ROBERTS. Yes, I have three questions. Thank you, Madam Secretary. Thank you for your leadership in this whole area. I hope you can do more with the same or less. I have every confidence you will do your best.

You have already answered this question. I just want to ask it for the record. Do you believe the split of APHIS functions between the USDA and Homeland Security, as outlined in the House Agriculture Committee proposal and in the Miller-Allard-Roberts bill and others to come, is the proper division of functions?

Secretary VENEMAN. Yes.

Senator ROBERTS. Thank you.

Assume under a worst-case scenario—and you testified about a real threat scenario and looking ahead, and when you first assumed office, we had a good talk about this in regards to homeland security, agroterrorism, and the threat to our food supply. I truly appreciate that conversation and the many conversations we have had since that time. If we determined we had an intentional or unintentional outbreak of disease in multiple counties and locations all throughout the country, are we really prepared to handle this? Or do you think it would be useful to establish an organization within the USDA or to expand APHIS to create the equivalent of something like a CDC for agriculture?

I know that has budget implications, policy implications. Now is not the best time to ask you that question. Down the road it seems to me that something like that certainly would be needed.

Secretary VENEMAN. Well, Senator, that your question is a very good one, and it is obviously an issue we have spent a considerable amount of time looking at, and looking at our response mechanisms. It is very important that, as we looked at the whole foot-and-mouth disease situation we saw last year, as we then looked at much broader scenarios with the post-9/11, we have worked to not only strengthen our prevention but look at what would happen in the event of an outbreak.

We have brought in our States. We have brought in universities. We have worked with other departments. We have had interagency meetings with FEMA and all of the other agencies that might be involved if we were to get an outbreak. We have been involved in exercises. While you can always do more in terms of preparedness, I believe that the Department has taken considerable steps in trying to be continuously better at what they are doing and in their preparedness.

In terms of setting up additional offices, we have been strengthening our emergency response systems. We have integrated in

something in our Forest Service, for example, the emergency teams that go out to forest fires. You know, they were used in New York City on 9/11, but we have also discovered they can be used for logistical support in the event of an outbreak. We recently did that in a case of avian influenza in Virginia, where we brought in the Forest Service logistical support.

We think by thinking outside the box a little bit that we are improving our response systems and that we will continue to do so, and we have been working with the Office of Homeland Security, and we look forward to continuing that relationship with the new Department of Homeland Security.

Senator ROBERTS. Mr. Chairman, my time has expired. Could I be permitted 30 seconds for a real quick question?

The CHAIRMAN. Absolutely.

Senator ROBERTS. Along those lines, have you contracted with any outside parties or organizations to pursue a missionary analysis or something that I call a “war game scenario” to determine or identify any vulnerabilities in disease management functions, maybe located—and I am talking about consequence management or what Director Ridge called crisis management? Are you that far along the line in terms of those steps that you are considering?

Secretary VENEMAN. Well, we are working with a number of organizations on different kinds of issues. We have had an outside firm looking at laboratory security issues. We have worked with some universities on some scenario planning types of issues. We will be glad to work with you and brief you on all of the kinds of outside activities that—

Senator ROBERTS. I was thinking of the Dark Winter exercise which became not only famous but infamous, not that I am encouraging you to do that, but something of that nature. I appreciate your response.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Allard.

Senator ALLARD. Thank you, Mr. Chairman.

Those agencies that don’t get transferred, that stay within the Department, what are you doing to assure that they coordinate their efforts on agroterrorism with the new Department of Homeland Security?

Secretary VENEMAN. Well, as I indicated, we will have some memorandums of understanding with the department, but it is very important to recognize that we have worked very closely with the Office of Homeland Security since the President initiated it in October, a very close working relationship. We have coordinated our activities. They have become very cognizant of the issues that impact the food and agriculture system. Certainly the fact that they are putting out of the agriculture inspection service into the new department is a recognition of how important these issues are.

This is an administration that works very closely together on a whole host of issues, and when it comes to food issues and homeland security, we have worked closely not only with that office but also with HHS and particularly Food and Drug Administration. I would anticipate that those relationships would continue to strength, if anything, and that we would continue to work very

closely in an interagency coordinated way to continue to make sure that everything is coordinated completely.

When you look at the response systems that FEMA has, for example, when we have a disaster today, we have a very coordinate Government system. The new Department of Homeland Security will make those systems even stronger because it will bring resources together. That doesn't undermine the fact that you are going to need very, very strong working relationships with all the departments and the regulatory agencies in particular.

Senator ALLARD. If we had an outbreak of, say, foot-and-mouth disease on our border with Mexico it would bring up all sorts of international issues and whatnot. Who negotiates that? Is that the Department of State or is that all the agencies sitting down? Who negotiates with what agency in Mexico? Is that Agriculture or will they have a comparable law enforcement division over there? Have we given that some thought?

Secretary VENEMAN. Well, it would be an interagency coordination, but Agriculture would have a key role. We work very, very closely with the Department of Agriculture in Mexico on regulatory issues, on animal health issues.

As you know, I was involved in the Agriculture Department in the State of California, and we had agreements of all the border States on animal disease issues because of this very issue. You have an animal disease or you have a med fly outbreak. Animal diseases don't know that there is a border there, and so we have a number of cooperative agreements, both at the Federal level, primarily through APHIS, and also at the State level through our State veterinarians, on how these kinds of things are controlled and what we would do in the event of an outbreak. I would think that those relationships would just continue on and be strengthened.

Senator ALLARD. My time has expired. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Allard.

Senator Dayton.

Senator DAYTON. Thank you, Mr. Chairman.

Madam Secretary, I commend you and Governor Ridge for having worked out this division, which seems like a good one, and I would be happy to support it, as well as others, and thank you for that.

In Minnesota, as in many other States, homeland security is very much a part of the state of our agricultural economy, so I hope you will permit me that little extension as a way of asking you just a couple of questions. One, we talked before the hearing began here about the situation with Russia, and I have several turkey growers from Minnesota actually waiting in my office right now watching this hearing on television. I will be meeting with them. Can you give us any indication or update of what you and Ambassador Zoellick and others think is the future there?

Secretary VENEMAN. Well, we have worked very diligently in our administration to try to resolve this issue with the difficulties we have had with Russia and our poultry exports. As you know, our largest export to Russia of anything, outside of food and agriculture as well, is poultry. This has been something that has been of ex-

treme interest to the entire administration, and there has been a high level of engagement.

We have had a number of teams go to Russia. We have had Russian teams come here. We most recently had a team in Russia that included our Under Secretary J.B. Penn. We feel that we have made considerable progress during that visit. There have been letters that are being exchanged even as we speak today. We remain hopeful that we can reach a quick resolution to this issue and get the agreed protocols negotiated so that trade can resume, hopefully in a manner that brings it up to near the levels that we had before.

Again, we had not anticipated that it would take so long to resolve this issue. We are continuing to work very diligently to get it done.

Senator DAYTON. Well, thank you, and thank you for your efforts there.

As we also discussed before—so I am not, hopefully, surprising you—the Senate bill which Senator Harkin so masterfully put together has as one of its key components disaster assistance money, and the House did not and, unfortunately, would not accede. I have a number of farmers—others do as well in the States, this strange anomaly where in some States they are burning up, and others like Minnesota are under water, farmers who have lost 90 to 100 percent of their crops, and without the countercyclical payments and without the disaster assistance that the House took out. I am told indirectly that there is thought that there is money in the Farm bill that was just passed that would be available for disaster assistance, which, of course, the Senate had made arrangements for, but I don't see any—is there any hope for the farmers who have lost their crops in terms of disaster assistance, either through existing funds that I am not aware of or through—would the administration be willing to support additional disaster assistance for those who don't have a crop?

Secretary VENEMAN. Well, Senator, we are very aware that there have been some extreme weather conditions that have impacted not only our farmers and ranchers, but this has been the most extreme fire season we have seen in almost history. The extreme weather conditions have been a big issue in our Department, obviously.

We have taken every tool that we have in our tool box and tried to make it available to people who have suffered this year because of weather, whether it is opening up CRP to haying and grazing. We have declared disasters as quickly as possible in counties where it has been requested because that then makes the emergency loans available to the farmers and ranchers. We have even opened up haying and grazing on non-disaster counties so that they can help out with the people that are suffering in the disaster counties. We have been doing everything we can to try to alleviate the disastrous situation.

Senator DAYTON. Well, I believe you have and I thank you for that, and you have extended the resources as far as possible. I guess I would just ask if you would implore the President on behalf of the farmers in Minnesota, who really are suffering, and consider the disaster aid, without which many of them won't be around next year.

Thank you, Mr. Chairman.

Thank you, Madam Secretary.

The CHAIRMAN. Madam Secretary, thank you. I just have one follow-up question. The USDA and the White House indicate that at any one time, APHIS will have to borrow about 15 to 20 percent of the 3,200 former employees to meet domestic agricultural health responsibilities.

All of those 3,200 are not just used in the case of an outbreak. If we need 15 to 20 percent of those to do non-border activities, such as invasive species work, enforcing domestic quarantines, or monitoring and surveillance, I guess what I am wondering then again is do we leave a gap at the border if you at any one time have 15 to 20 percent of these plant and quarantine officers just to meet APHIS' day-to-day responsibilities.

That is why I was asking so many questions about the FTEs, because we have indications that at any time you would need 15 to 20 percent for day-to-day activities, but then how much do they need for border activities? Maybe we don't really need to transfer 3,200.

Secretary VENEMAN. Well, let me see if I can explain that as well as I understand it. We utilize up to 15 to 20 percent of the inspectors during certain times when we have outbreaks. We have a lot of people assigned in Florida, for example, because it is a big State both in terms of airports and, as well, shipping ports. We have also had citrus canker and we have had control because of that disease and we have needed additional APHIS people, so they have been rotated in for control of that disease.

Under the proposal, as it now has been passed by the House Ag Committee, that would anticipate that we would have contract authority and a memorandum of understanding so that we could still utilize those resources.

We have overall increased inspectors over the last year-and-a-half since we have been in office, primarily because of the foot-and-mouth disease and then 9/11, and through the emergency funds and additional funding that we have put in. We believe that with the flexibility of this memorandum of understanding that we can maintain the level of inspection, as well as the level of containment and control and eradication that we need.

I might also add that I believe that as you put all of these people under the same department, we will be doing more cross-training. For example, I would anticipate that Customs inspectors will be better prepared to look and ask the right questions about food and agriculture, so that we will gain resources, in my view, because of the agencies with whom the APHIS inspectors will be housed.

The CHAIRMAN. Thank you, Madam Secretary.

Did you have any followup at all, Senator Allard?

Senator ALLARD. No, Mr. Chairman.

The CHAIRMAN. Thank you very much.

Madam Secretary, thank you very much for taking time from your busy schedule to come up here.

Secretary VENEMAN. Thank you, Mr. Chairman and members.

The CHAIRMAN. We will work with you, and also Governor Ridge, to get this thing figured out.

Secretary VENEMAN. Thank you.

The CHAIRMAN. Thank you, Madam Secretary.

[The prepared statement of Secretary Veneman can be found in the appendix on page 37.]

The CHAIRMAN. Now, we will call Dr. Alfonso Torres, Associate Dean of Veterinary Public Policy and Director of the New York State Animal Health Diagnostic Laboratory at Cornell University. Dr. Torres was the former APHIS Deputy Administrator for Veterinary Services.

Dr. Torres, we welcome you to the committee and your statement will be made part of the record in its entirety. If you would just summarize for us, we would be most appreciative.

STATEMENT OF ALFONSO TORRES, ASSOCIATE DEAN, VETERINARY PUBLIC POLICY, AND DIRECTOR, NEW YORK STATE ANIMAL HEALTH DIAGNOSTIC LABORATORY, COLLEGE OF VETERINARY MEDICINE, CORNELL UNIVERSITY, ITHACA, NEW YORK

Dr. TORRES. Thank you, Chairman Harkin, members of the committee. Good afternoon. Thank you for the invitation to come here.

As you requested, I am going to shorten by formal remarks before I can answer some questions. I must indicate to you, Mr. Chairman, that when I prepared these written remarks I was not aware of the amendment to the House bill that has made significant changes to the original proposal of the President. If I may, let me go right to the five points or recommendations that I indicated in my remarks and make reference to those as the current proposal stands.

Let me say also, Mr. Chairman, that I am making these comments based on my extensive experience at the USDA, 8 years at Plum Island in charge of foreign animal disease diagnostic, and then director of the center, and then the last 3 years here in Washington, DC, working with Secretary Veneman and previous Secretary Glickman on animal health issues for the United States.

My first recommendation or point was exactly what the House bill has done in modifying that only the port inspectors will be transferred to the Department of Homeland Security. However, I do have similar concerns to the ones that you have expressed in the sense that PPQ, plant protection and quarantine, depends on many of those port inspectors for plant health activities.

This is a little bit different than what we have on the animal health side, in which we have permanent personnel located in all 50 States that deal on a day-to-day basis with issues of animal health, whether we have an emergency or not. That is not exactly the same situation as PPQ is organized in APHIS. They depend quite a bit on those port inspectors when they have plant disease outbreaks.

If those port inspectors will go to the Department of Homeland Security, I will suggest that either USDA will retain some funding or personnel to fill the gap that you identified in your remarks.

My second remark or recommendation is that there are some import/export permitting activities for restricted agents, now called selected agents, that need to be coordinated between APHIS and Customs. That has been taken care of by the development of a new

selected agent list, and that the two agencies are well coordinated there.

A third point I would like to raise and a point that I have not heard up to this point in time is that APHIS from time to time during the past few years, certainly while I was there, was suggesting that there is a need to have emergency management specialist veterinarians located at FEMA. FEMA is taking more of a role of dealing with national disasters or disease outbreaks where animals are involved and they need to have this veterinary expertise within the FEMA organization.

Whether FEMA stays or not within the Department of Homeland Security, I will suggest that the proposals that were put forward by APHIS in the past of having veterinarians in the headquarters of FEMA and one specialist in emergency management animal health issues at each one of the eight FEMA regions should be given consideration.

My fourth point is in relation to the animal and plant health laboratories and science centers. The question came recently from Senator Roberts about whether or not APHIS should have a CDC-like organization, and my answer to that is that we do indeed have that organization in place.

APHIS has the National Veterinary Services Laboratories at Ames, Iowa, with one of their labs is located at Plum Island. They have the Centers for Epidemiology and Animal Health in Fort Collins, Colorado, and the Center for Veterinary Biologics in Ames, Iowa.

All these are, in essence, very, very similar in activities and organization as to what CDC has for human health, and I will suggest that the same treatment that CDC has had should be applied to these centers. Except for Plum Island, that the new amendment in the House bill takes care of that.

My final points are in relation to Plum Island, a place where I spent 8 years with USDA in top managerial leadership positions. As most people know, Plum Island was created back in the 1950's with the main purpose of working with the foot-and-mouth disease virus because at the time the bio-containment technologies that existed required around the world that these centers would be located in an island setting. That is no longer the case today. Actually, most centers around the world working with foot-and-mouth disease are located on the mainland.

Because Plum Island was then created with these bio-containment characteristics, then all the highly contagious diseases were moved to work at Plum Island. It is important, Mr. Chairman, to point out and to remember that not all foreign animal diseases are diagnosed or worked at Plum Island. Many of these diseases—all poultry diseases, all equine diseases, and many diseases that affect other species, including mad cow disease, chronic wasting disease, and scrapie—are diagnosed at Ames, Iowa. The notion that Plum Island is the only center in the United States where foreign or highly contagious diseases are worked is not correct.

We have other activities at Plum Island. We also have research activities in some of the diseases that, because of the requirements of the law, need to be done at Plum Island, mainly foot-and-mouth disease and other highly contagious diseases.

All the APHIS labs, at Ames, Iowa, and at Plum Island, also deal with zoonotic diseases, and in those cases there is a great deal of coordination with CDC, and I include in here working with rabies, working with the west Nile virus, and working with encephalitic conditions that affect horses and humans as well.

While I understand to a certain degree the idea of having better coordination by moving a major Federal lab into Homeland Security, I will put forward the question of why is Plum Island singled out when it is not the only place in the United States where foreign animal diseases are studied?

Second, given the similar nature of APHIS labs to CDC labs or NIH labs, why are those labs not transferred to the Department of Homeland Security? All scientific labs providing diagnostic scientific support for diagnosis of human or animal diseases should be treated the same.

In the case of CDC and NIH, it is my understanding that they will remain under HHS and Homeland Security will provide additional moneys or programs to enhance their needs in case of bio-terrorism or other terrorism, for that matter. I will suggest that perhaps it will be good to think in those terms for all those scientific centers of APHIS.

Thanks again, Mr. Chairman, for the opportunity to come here to speak to you and I will be glad to answer any specific questions that you may have.

The CHAIRMAN. Well, Dr. Torres, thank you very much because you bring some valuable experience as former Deputy Administrator and also Director of the Plum Island facility.

Let me see if I understand correctly the summation of your testimony. What you are basically saying is since the only facility being transferred is Plum Island—that is the one that they want to transfer, but they will be coordinating with all these other facilities for human health and safety and plant and animal safety.

Are you saying that they could have the same type of arrangement with Plum Island? In other words, they could be used to fight bio-terrorism, but not necessarily transferred. Is that what you are saying in terms of Plum Island?

Dr. TORRES. Yes, Senator Harkin. What I am saying is Plum Island provides scientific basis, diagnostic technologies, and research on some of the foreign animal diseases that could be used for a bio-terrorism event. The same thing happened with the other laboratories in Ames, Iowa.

The CHAIRMAN. Right.

Dr. TORRES. Plum Island is not exclusive for having these technologies. Those technologies exist in other APHIS laboratories in the country. What I am suggesting is that the same situation happens with the CDC labs in regard to human diseases.

CDC provides the scientific basis, diagnosis, and surveillance for human diseases that could be used for bio-terrorism, and the President's proposal did not call for moving CDC labs from Atlanta or Fort Collins into Homeland Security, but provides some ways to enhance their capabilities through funding and cooperative programs.

I am suggesting that Plum Island could and perhaps should be treated in the same way; that is, leaving it under the jurisdiction of USDA, but providing additional moneys and programs to en-

hance the needs of the new department in regard to agents of agroterrorism.

The CHAIRMAN. I say to my friend, Senator Allard, this is the one thing that bothers me, or I am just concerned about anyway, and that is that with the other elements of human safety, CDC remains basically as it is, but will work in a collaborative function with the Department of Homeland Security; NIH labs the same thing.

On Plum Island, they want to move it over there, but still there are a lot of things that go on at Plum Island that deal with safety and health things that aren't necessarily terrorist activities that we need there. I am just wondering why couldn't there be the same arrangement with Plum Island as they have with CDC labs. This is where I am a little hesitant.

Again, you know about this kind of stuff. Maybe this was the first reaction was to say that they should move it over there, but I am not certain it should be. I am not expert enough to know, but I rely upon people like you and Senator Allard and others who know this better than I do.

That is the essence of what you were saying?

Dr. TORRES. Yes, sir.

The CHAIRMAN. Do you have any thoughts on that, Senator Allard?

Senator ALLARD. Well, Mr. Chairman, there are foreign disease studies done in the United States, but I don't believe they are keeping live animals, for example, for study except on Plum Island.

Chronic wasting disease, he suggested, doesn't occur in the United States. If you will pardon this getting a little technical, we have spongiform encephalopathies. These kinds of lesions are caused by a group of diseases—chronic wasting disease, scrapie.

Mad cow disease doesn't occur in the United States. We have chronic wasting disease, which is a wildlife disease, and scrapie—these diseases have similar lesions, but mad cow disease itself, does not occur in the United States. There would not be any research done on that disease, nor any of the other foreign diseases, because the United States wants to claim that we are free of these foreign diseases.

As you observed with foot-and-mouth disease, for example, if we let this in on the mainland, we could no longer make that claim. You saw what happened to trade with England. It shuts off. We don't want that to happen to our cattle producers here in this country. That is why we have Plum Island set over here, not on the mainland; so that we can make those claims and why we make those studies there.

That doesn't happen with the human diseases so much. They are classified a little higher, too, on security perhaps. You don't have the industry impact and the claim of whether you have the disease on the mainland making an impact on whether you can export or import. That is the basic difference between the two.

There are zoonotic diseases that both the CDC lab in Georgia and the one in Fort Collins, study. The lab in Fort Collins deals mainly with what we call vector diseases, diseases that are transmitted through an insect. They specialize in that, and the rest of the diseases are handled at the CDC lab in Atlanta, Georgia.

There is kind of a fundamental difference between the two labs and how their research relates to trade. We want to make the claim that we don't have these diseases in the United States, but we also want to have a facility where we can do the research. Those diseases that occur at the CDC lab don't necessarily affect disease because there aren't countries that make rules and regulations on transporting animals. With on human diseases, it is probably not as apt to have an impact on trade issues.

The CHAIRMAN. My question is will most of the work in the future at Plum Island be focused on terrorism threats and bioterrorist threats, or will most of the work there be done on what we have been doing all along, and that is, if you will permit me, the common old garden-variety types of threats that we have had from infestation into this country from other countries?

If it is the latter, and only periodically would they be used to do something in the anti-terrorism regime, it would seem to me that the best thing would be to leave Plum Island under APHIS, but to have a collaborative type of an agreement with the Department of Homeland Security.

If, however, the majority of the work that is going to be done there is of a nature that concerns itself with terrorist threats and a minority of its work is in the ongoing types of research and scientific work we do now, then I can see moving it to DHS and have a collaborative arrangement with APHIS. That is what I am wrestling with.

Senator ALLARD. There is a greater likelihood that the diseases that you see at Plum Island would be used in bio-terrorism because of the impact they could have on the economy of this country.

Take foot-and-mouth, for example. It would really shut down the agricultural economy in this country. I would suspect that it would have some appeal to a bioterrorist if he wanted to severely disrupt the agricultural economy in the United States.

The CHAIRMAN. Dr. Torres, any thoughts on our little discussion here?

Dr. TORRES. There are about 50 diseases that are foreign to the United States that can affect livestock and poultry. Of those, not all of them again are worked at Plum Island. As I mentioned, avian diseases are diagnosed in Ames, Iowa. Avian influenza, for example, could shut down—and we have seen what happened with the non-pathogenic avian influenza in Virginia, let alone what could happen if we have the highly pathogenic form. All of that work is done at Ames, Iowa. Venezuelan equine encephalomyelitis, which is a disease that is also zoonotic for humans, as you well know, is done at Ames, Iowa.

My point is that not everything that could be used as a bioterrorist weapon is done at Plum Island. Certainly, the most highly contagious are, but there are many others that also could shut our trade down that are done at Ames, Iowa. That makes an illogical separation of Plum Island away from other units of APHIS, and ARS for that matter, that are working with agents that also could be used for bio-terrorism.

The CHAIRMAN. To belabor this a little bit further, as I understand it, what the House did—and my staff just kind of corrected

me on this—what the House did is they transferred the facility of Plum Island to Homeland Security.

Senator ALLARD. That is correct.

The CHAIRMAN. All the people there and the professional staff would stay with USDA. Now, I am not certain if that makes much sense. Maybe it does. I don't know.

Senator ALLARD. I am not sure that jives with the testimony we got earlier from Secretary Veneman. We will have to check that out.

The CHAIRMAN. That is what I am told here. My staff is all nodding their heads. They are saying that that is in accordance with the briefing they attended from the White House that they would move the facility, but the USDA professional staff would stay with USDA. I don't know. As I said, I am not an expert in this area, so I don't know if that is a logical thing to do or not.

You and I have to talk about this.

Senator ALLARD. Yes.

The CHAIRMAN. You have to tell me what you think is the best on this. I just don't know if that makes sense or not. I don't know.

One more time, Dr. Torres, how would you see it? They are moving the facility, but they leave the people.

Dr. TORRES. Senator, it is not clear to me the actual meaning of the text of the amendment of H.R. 5005. It says that the Plum Island Animal Disease Center, including assets and liabilities, will be moved to the Department of Homeland Security. As I understand it, in the definitions of this bill that means building, equipment, the physical structures.

Then the second paragraph indicates that the Department of Agriculture shall enter into an agreement to ensure that the Department of Agriculture has access to the center for research, diagnostic, and other activities. There is language that indicates that even though the facilities would be transferred, USDA will have to access to the activities of research, diagnosis, and training. It is not clear to me, at least, the meaning of that amendment.

The CHAIRMAN. This is something we are going to have to clear up.

Senator ALLARD. Yes, we have to clear up the term "professional staff."

The CHAIRMAN. That is probably right.

Senator ALLARD. If you are running a diagnostic lab, it makes sense to keep the veterinarians and the pathologists in the Department of Agriculture. I just don't know what is included under the definition of "professional staff."

The CHAIRMAN. We are going to have to get our staffs together and take a look at this. I am told it is because the employees are either ARS or APHIS employees who don't work for the Plant Protection and Quarantine Service. That is what I am told, anyway, so I do believe we are going to have to look at this.

I thank you again very much, Dr. Torres, for coming here and presenting this testimony. I hope we can call on your expertise as we work this through in the future.

Did you have another question?

Senator ALLARD. No, I don't, Mr. Chairman.

The CHAIRMAN. Again, I would conclude by saying that these are things we are going to have to work out. As I said to Governor Ridge, I don't have any preconceived notions on this or territorial types of claims or anything like that; whatever works the best and the smoothest.

I mean, obviously we have gone from transferring all of APHIS, which would have involved the Department of Homeland Security inspecting and caring for circus animals in this country, which obviously they don't want to do, and they shouldn't—so we have gone from that to a clearer delineation of what really Homeland Security ought to have.

Perhaps we need to refine it a little bit further here and make sure that we have, again, the best functional operation, whatever works smoothest and managerially is the best setup. That is what we are going to be wrestling with here.

Dr. Torres, thank you very much for being here.

Dr. TORRES. You are welcome.

[The prepared statement of Dr. Torres can be found in the appendix on page 40.]

The CHAIRMAN. The committee will stand adjourned to the call of the Chair.

[Whereupon, at 3:52 p.m., the committee was adjourned.]

A P P E N D I X

JULY 17, 2002



**Opening Statement of Senator Richard G. Lugar
Full Committee Hearing on Homeland Security
Wednesday, July 17, 2002
2:00 p.m. in SD-106**

Today we gather to hear testimony about a very important topic – homeland security legislation and the U.S. Department of Agriculture (USDA). I thank Chairman Harkin for holding this hearing today.

I support President Bush in his efforts to boost homeland security. We know that agriculture, like other industries, is vulnerable to terrorism. As we learned last September, those who oppose our nation and its strength and its freedoms want to exploit weaknesses in our own systems in their quest for terror.

The immense amount of global trade that occurs daily at our border, while important to our economy, also poses a risk for the intentional or unintentional spread of foreign diseases and pests. The USDA's Animal and Plant Health Inspection Service (APHIS) is charged with protecting our domestic agricultural sector from the intentional and unintentional introduction of potentially devastating foreign animal and plant diseases and pests. While we have always been concerned about the introduction of foreign disease or pests into our country, we must now be even more concerned about the potential for intentional introduction of one of these pests or diseases in a deliberate attempt to economically devastate our agricultural economy.

Over the past year, my staff has reviewed thousands of meat shipments or trans-shipments into the United States. Based on APHIS and Food Safety and Inspection Service (FSIS) regulations, additional information has been requested from USDA on some of these shipments. This exercise has been instructive of the complexity of the laws and regulations that establish food safety standards in the United States and the many agencies involved at ports-of-entry. It appears the President's homeland security plan does not include the Food and Drug Administration or the FSIS, although they both have important responsibilities that protect the American food supply. I look forward to Administration input on how it intends to assure coordination of the food safety agencies at our ports-of-entry.

As an additional point, according to the General Accounting Office (GAO), a regularly updated single list of "approved countries" with eligible exporters that meet both FSIS and APHIS regulations is not available. Last year I wrote to USDA, encouraging one information source, regularly updated, to enhance the public's confidence in the American food supply and improve understanding of the food safety system.

This Committee is reviewing the President's proposal and the recent action taken by the House Agriculture Committee related to APHIS and the new proposed Department of Homeland Security. I look forward to hearing from Governor Ridge and Secretary Veneman today and am hopeful that their comments will guide our Committee in determining what recommendations to provide to the Senate Governmental Affairs Committee.

**Written Statement of Governor Tom Ridge
On the Department of Homeland Security
Senate Committee on Agriculture, Nutrition, and Forestry
July 17, 2002**

I. Introduction

Chairman Harkin, Senator Lugar, distinguished members of the Committee on Agriculture, Nutrition and Forestry, President Bush asked me to convey his appreciation for the comprehensive, expeditious, and most importantly, bipartisan manner in which the Senate is considering his proposal to make America safer by creating a Cabinet-level Department of Homeland Security to unite essential agencies that must work more closely together.

I am here today, with Agriculture Secretary Ann Veneman, to speak to you about the President's proposal regarding the Animal Plant Health Inspection Service (APHIS) and the Plum Island Research Center. The President believes these components are critical to the border security and scientific goals of the new Department.

Through all of this legislative activity, it is important to stay focused on our goal. The United States is a nation at risk of terrorist attacks and it will remain so for the foreseeable future. We need to strengthen our efforts to protect America, and the current governmental structure limits our ability to do so. Change is needed now. It is our job – Executive Branch and Legislative Branch working together – to implement this change.

II. The Need for Homeland Security: Threat and Vulnerability

All assessments of the terrorist threat must start with a clear understanding that terrorists are strategic actors. They choose their targets deliberately based on the weaknesses they observe in our defenses and our preparations. They can balance the difficulty in successfully executing a particular attack against the magnitude of loss it might cause. They can monitor our media and listen to our policymakers as our Nation discusses how to protect itself – and adjust their plans accordingly. Where we insulate ourselves from one form of attack, they can shift and focus on another exposed vulnerability. The tools available to the terrorist – agro-terrorism, bioterrorism bombs, nuclear attack, to name a few – are many and diverse. We must act to protect ourselves as best we can from all and any combination of these methods.

Our population and way of life are the source of our Nation's great strength, but also a source of inherent vulnerability. Our population is large, diverse, and highly mobile, allowing terrorists to hide within our midst. Americans assemble at schools, sporting arenas, malls, concert halls, office buildings, high-rise residences, and places of worship, presenting targets with the potential for many casualties. Much of America lives in densely populated urban areas, making our major cities conspicuous potential targets. Our factories, power plants, and parts of our transportation system could be attacked to cause systemic disruption. Americans depend on the produce of farms in rural areas nationwide, making our heartland a potential target for agroterrorism.

III. The National Strategy for Homeland Security

When President Bush established the Office of Homeland Security in October 2001, the first mission he assigned the Office was “to develop and coordinate the implementation of a comprehensive national strategy to secure the United States from terrorist threats or attacks.” The President recognized that the United States has never had a shared national vision of what must be done to secure the homeland against the full range of terrorist threats we face today and might face in the future.

The *National Strategy for Homeland Security* released yesterday by President Bush is the product of over eight months of intense consultation across the breadth of the United States. In preparing this document, we consulted with thousands of people across the country – from the public and private sector and from numerous disciplines. Their ideas are reflected in the *Strategy*. Above all, we sought to create a national strategy that can mobilize and organize our Nation to secure the U.S. homeland from the threat of terrorism.

The *National Strategy for Homeland Security* will help to prepare our Nation for the work ahead in several ways. It is a single, comprehensive statement of virtually everything that needs to be done to secure the homeland to which all Americans can refer. It provides direction to the federal government departments and agencies that have a role in homeland security. It suggests steps that state and local governments, private companies and organizations, and individual Americans can take to improve our security and offers incentives for them to do so. It recommends certain actions to the Congress. In this way, the *Strategy* provides a framework for the contributions that we all can make to secure our homeland.

The *Strategy* aligns and focuses homeland security functions into six critical mission areas:

- Intelligence and warning
- Border and transportation security
- Domestic counterterrorism
- Protecting critical infrastructure
- Defending against catastrophic terrorism
- Emergency preparedness and response.

The first three of these mission areas focus primarily on preventing terrorist attacks; the next two on reducing our vulnerability; and the final one on minimizing the damage and recovering from attacks. Starting with the President’s FY04 Budget, every homeland security dollar in future budgets will correspond with one, and only one, critical mission area. In this way, the *Strategy* provides a framework to align the resources of the federal budget directly to the task of securing the homeland.

In addition, the *Strategy* also describes four foundations of our homeland security effort – unique American strengths that cut across all of the mission areas, across all levels of government, and across all sectors of our society. There are: (1) law; (2) science and technology; (3) information sharing and systems; and (4) international cooperation.

The *Strategy* is a national, not just federal, strategy. It recognizes that homeland security is a shared responsibility and that the federal government does not have the solution to all problems. The *Strategy* pays close attention to the roles of the state and local government, the private-sector, and citizens. The President's intent in publishing the *National Strategy for Homeland Security* is to help Americans achieve a shared cooperation in the area of homeland security for years to come.

IV. Overview of the Proposed Department of Homeland Security

When President Bush directed his Administration to develop the *National Strategy for Homeland Security*, it was immediately clear that doing so would require careful study of how the federal government is organized for the mission of homeland security. Like many who have examined this question, we quickly concluded that the federal government can be much better organized than it presently is. Homeland security is, in many respects, a new mission, so it should come as no surprise that our strategic review concluded that the structure of the federal government must be adapted to meet the challenges before us.

The President proposed the establishment of the Department of Homeland Security on June 6, roughly five weeks prior to the publication of the *Strategy*. The proposal to create the Department preceded the *Strategy* because we finished our work on the organizational issue first and because of our wish to deliver the proposal to create the new Department to the Congress in time for action during the current legislative session. As the President said in his June 6 address to the Nation, "we face an urgent need, and we must move quickly, this year, before the end of the congressional session."

Creating the Department of Homeland Security proposed by President Bush would result in the most significant transformation of the U.S. government in over a half-century. It would transform and largely realign the government's confusing patchwork of homeland security activities into a single department whose primary mission is to protect our homeland.

Currently, no federal government department has homeland security as its primary mission. In fact, responsibilities for homeland security are dispersed among more than 100 different government organizations. Creating a unified homeland security structure will align the efforts of many of these organizations and ensure that this crucial mission – protecting our homeland – is the top priority and responsibility of one department and one Cabinet secretary. The fundamental mission of the Department would be to:

- Prevent terrorist attacks within the United States;
- Reduce America's vulnerability to terrorism; and
- Minimize the damage and recover from attacks that do occur.

The Department of Homeland Security would mobilize and focus the resources of the federal government, state and local governments, the private sector, and the American people to accomplish its mission. It would have a clear, efficient organizational structure with four primary divisions.

Establishing a new department to meet current and future homeland security challenges is both a vital enterprise and an extraordinarily difficult and complex one. The success of a new department in protecting our country will depend upon two principal factors: (1) ensuring that the new Department has the right building blocks moved into it, and (2) ensuring that the leadership of the new Department is given the right set of tools to work with and manage those blocks to ensure that the benefits of consolidation, in terms of both security and efficiency, can be achieved. There are a variety of issues in both categories, and we have strong views about many of them. I look forward to answering any specific questions members of the Committee may have about the President's proposal. I'll use the balance of this statement to focus on aspects of the proposal that relate to protecting the American people from the threat of agroterrorism.

V. Responding to the Threat of Agro-terrorism

We are today a Nation at risk to terrorist attacks and will remain so for the foreseeable future. The terrorist threat to America takes many forms, has many places to hide, and is often invisible. Yet the need for improved homeland security is not tied solely to today's terrorist threat. It is tied to our enduring vulnerability.

One-sixth of the U.S. gross domestic product and one-eighth of all jobs are connected to agriculture, either directly or indirectly. A terrorist attack on crops and/or livestock would have a direct financial impact on growers or breeders, but it would also hurt shippers, stockyards, slaughterhouses, distributors, and so on. Attacks against the nation's agricultural sector could also impact consumers, threatening not only their pocketbooks, but their confidence in the safety of the food supply as well. We only need to recall the terrible impact of foot-and-mouth disease in the United Kingdom and other parts of Europe to understand the potential devastation of the intentional introduction of disease to our agriculture sector.

Agricultural terrorism is the malicious use of plant or animal pathogens to cause disease in the agricultural sector. Animal diseases like foot-and-mouth, pests like the Mediterranean fruit fly and Asian long-horned beetle are very difficult to contain once they are established. Many biological agents are readily obtainable in countries where animal diseases are endemic, and could be introduced within the United States. Insects or plagues could also be used to target specific crops or regions.

We do, however, have some of the tools to detect and prevent such attacks. With the information-sharing and vulnerability assessments envisioned by the President's proposal, we will become better positioned to detect and intercept agro-terror efforts.

We are improving our national ability to confront the threat of agro-terrorism. Our border protection personnel levels will be at their highest levels ever, and investments in the areas of research, laboratory upgrades, security, have enhanced our ability to prepare and respond to potential threats to American agriculture. These much needed resources help protect not only against unintentional threats, but are helping as we deal directly with the potential acts of terrorism that we now face in the wake of September 11.

A major goal of the President's proposal is to unify the border and transportation security functions of many Federal agencies. For this reason, the President proposed including Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) – the agency that prevents and manages outbreaks of pests and diseases – in the new Department. In the past few weeks, the Administration has worked with many interested members of Congress to refine the President's proposal. We believe that moving the specialized border inspection and enforcement functions of the U.S. Department of Agriculture recognizes the critical role in border security played by inspections of agricultural cargo, conveyances, and international passengers. It also acknowledges the close partnerships USDA inspection personnel have developed with their counterparts from the U.S. Customs Service and the Immigration and Naturalization Service.

Similarly, the President's proposal seeks to unify within the new Department much of the federal government's efforts to develop and implement scientific and technological countermeasures to CBRN terrorist threats, including agro-terrorism. The Department would incorporate and focus the intellectual energy and extensive capacity of several important scientific institutions, including the Plum Island Animal Disease Center. The Department would unify our defenses against human, animal, and plant diseases that could be used as terrorist weapons.

Finally, the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 authorized the Department of Human Services (HHS) and the Department of Agriculture (USDA) to promulgate and enforce regulations concerning the possession and use of Select Agents. The Administration proposes transferring the select agents program to the Secretary of Homeland Security in consultation with the Secretaries of HHS and USDA whose agencies would continue to make key medical and scientific decisions, such as which biological agents should be included in the select agents list.

In short, the transfer of APHIS' agricultural quarantine inspection functions, the Plum Island Animal Disease Center, and the USDA component of the select agent program to the Department of Homeland Security is the right step to take to protect our Nation's security and agricultural health.

VI. Conclusion

Over the past nine months, the Administration has conducted a thorough review of existing government institutions and systems for providing homeland security, such as law enforcement, public safety, public health, and emergency management. We concluded that the current arrangement was not the best way to organize for homeland security because responsibility is scattered across the government, information is not fully shared, authority is shared by multiple agencies, and numerous redundancies cause inefficiency.

The fragmentation of border security responsibilities is a case in point. In his testimony before the House Select Committee last week, Treasury Secretary Paul O'Neill cited a recent example of overlapping responsibilities. The Customs Service – part of the Department of Treasury – stopped a suspicious boat and searched it for illegal drugs and other contraband. However, the Customs agents found illegal aliens. Customs transferred the aliens to the Coast Guard –

currently part of the Department of Transportation. The Coast Guard, upon reaching land, then turned over the aliens to the Immigration and Naturalization Service – currently part of the Department of Justice. In such a fragmented system, a terrorist can easily slip through the bureaucratic maze undetected. Under the President's reorganization proposal, a single department would be responsible for border security.

The Homeland Security Act of 2002 includes twenty-two of the more than one hundred Executive Branch organizations or entities that have significant homeland security responsibilities. The President's proposal includes agencies and entities – such as APHIS and Plum Island – whose ability to contribute to homeland security would be improved by being in a Department whose core competency and single mission is homeland security.

Again, I thank the members of the Committee on Agriculture and the Senate for the serious and expeditious action you are taking on this proposal to strengthen the Nation's collective effort to secure America. We look forward to working with Congress so that the final bill provides the Secretary of Homeland Security the coordinating authorities required to ensure integrated plans to address the threat of agro-terrorism.

Testimony of
The Honorable Ann M. Veneman,
Secretary of Agriculture

Before the United States Senate
Committee on Agriculture, Nutrition and Forestry

July 17, 2002

Chairman Harkin, Senator Lugar and distinguished members of this Committee, thank you for the opportunity to be here today before the Senate Committee on Agriculture, Nutrition and Forestry to discuss with you the President's proposal for a new Department of Homeland Security and the integral role of agriculture in that new agency.

The President appreciates the timely manner and bipartisan approach in which this Committee and the Senate have considered this proposal. And, I certainly appreciate the continued cooperative relationship USDA continues to have with you and your staff on the important issues facing our food and agriculture sector, particularly as it relates to the subject at hand today, and that is the security and protection of our homeland.

I would also like to thank Governor Ridge for his participation at this hearing today. During the past several months, I have enjoyed a strong working relationship with the Governor and I can tell you he understands clearly the importance of USDA's role in homeland security. As the President's advisor on these issues, I have grown to appreciate his knowledge and understanding of the complex issues throughout federal government.

As well, it is good to see Alfonso Torres, USDA's former APHIS Deputy Administrator for Veterinary Services, who is now at Cornell University. He is someone in which the Department has a great deal of respect and I'm glad to see him here to offer the Committee his perspective on this homeland security proposal.

The plan that President Bush has put forth is bold and historic, aimed at better protecting our nation from potential terrorist threats in the future. The President's approach is to bring together agencies currently with missions related to the protection of our homeland and merge them into a single agency that will better protect, better prepare and better coordinate this critical responsibility.

This requires extraordinary vision, new thinking and the ability to look at the much larger issue at hand – and that is again, the protection of our citizens against potential threats.

We have seen the devastation, destruction and lives lost by the events of September 11. It is something that nobody ever wants to see repeated. It is why all of us here today are discussing the important issues of homeland security and how we best prepare and plan to prevent any future attacks from happening. But, if there ever were an emergency, how do we best prepare this nation – and the infrastructure which supports it – to respond in the case of an emergency.

That is why yesterday, the President unveiled the nation's first-ever National Strategy for Homeland Security.

This strategy takes an important look at not just the Department of Homeland Security, but lays out a forward-looking approach to secure the nation from terrorist threats. It builds on the many reinforcements to our federal, state and local structure that the Administration, Congress and related stakeholders have worked so hard to strengthen since September 11.

And, during the past several months, our mission at the U.S. Department of Agriculture has taken on new context and different missions.

In the past, the focus of most of our efforts has been to prevent and deter the unintentional introduction of pests and diseases from entering our country.

To better protect agriculture and our food supply, we have worked closely with other federal agencies, state departments of agriculture, academia, and the food and agriculture sector on many fronts to secure and strengthen planning and preparedness. Simply put, we are working together to better protect agriculture, our food supply and consumers from potential terrorist threats.

For example, we have expedited work with U.S. Customs Service to implement an automated inspection targeting system. We have collaborated with research universities and state agriculture departments to step up the development of rapid detection systems, expand our network of diagnostic laboratories, strengthen pest and disease surveillance, better secure and strengthen laboratories, and improve emergency preparedness capabilities.

The recently enacted Public Health Security and Bio-terrorism Preparedness and Response Act of 2002 authorized the Department of Human Services (HHS) and the Department of Agriculture (USDA) to promulgate and enforce regulations concerning the possession and use of Select Agents - certain hazardous biological organisms and toxins widely used in over 300 research laboratories across America. Examples include the bacterium that causes anthrax, the bacterium that causes Plague, and the virus that causes Ebola, a lethal hemorrhagic fever. Select Agents are prime candidates for use by would-be bio-terrorists and thus, when used in research, must be kept constantly under safe and secure conditions.

The Administration believes that the new Department, with its strong multi-purpose security infrastructure, will be best suited to prevent nefarious or other irresponsible uses of Select Agents. The Administration proposes that the Secretary of Homeland Security would administer the select agents program in consultation with the Secretaries of HHS and USDA with these agencies continuing to make key medical and scientific decisions, such as which biological agents should be included in the select agents list.

Through the President's FY 2003 budget proposal and supplemental appropriations by the Congress, we will continue those efforts. Border protection personnel levels will be at their highest levels ever, and investments in the areas of research, laboratory upgrades, security, have enhanced our ability to prepare and respond to potential threats to American agriculture.

While a great deal of work has been done in a very short amount of time, the job is far from over. We cannot let down our guard. When it comes to protecting U.S. agriculture and our food supply, we must continuously improve and strengthen our protection capabilities.

This is why the President proposed including USDA's Animal and Plant Health Inspection Service (APHIS)- the agency that prevents and manages outbreaks of pests and diseases- and the Plum Island Disease Facility in the new Department.

In the past few weeks, the House Agriculture Committee has worked with the Administration to refine the President's proposal. The result of that work appears in the Committee's amendment that moves the specialized border inspection and enforcement functions of the U.S. Department of Agriculture, as well as the Plum Island Disease Facility, to the new Department.

The Administration supports the amendment. And, we look forward to working with Congress so that the final bill provides the Secretary of Homeland Security the coordinating authorities required to ensure integrated plans to address the threat of agro-terrorism.

The House Agriculture Committee's amendment is consistent with the President's goal of unifying the border and transportation security functions of many Federal agencies. It affirms the critical role played by inspections of agricultural cargo, conveyances, and international passengers. It acknowledges the close partnerships USDA inspection personnel have developed with the U.S. Customs Service, the Immigration and Naturalization Service, and the U.S. Border homeland security inspection personnel involved in examining cargo, passengers, and trade in food and agricultural products.

In short, the transfer of APHIS' agricultural quarantine inspection personnel and the Plum Island Animal Disease Center to the Department of Homeland Security is the right step to take to protect our Nation's security and agricultural health.

Mr. Chairman, Senator Lugar and Members of this Committee, again let me thank you for the opportunity to appear before you today. This nation's food and agriculture sector is such a critical part of our economy and way of life. A potential attack against any component of our food and agriculture sector could cause great harm, including the loss of jobs and confidence in our food system.

A Department of Homeland Security will strengthen our ability to protect our food and agriculture sector from potential threats. And, it will continue to promote and invite cooperation, planning and preparedness among federal, state and local agencies, in a coordinated and integrated manner.

I appreciate the leadership from this Committee in addressing the important issues related to homeland security, particularly as it relates to the protection of agriculture and our food supply. I look forward to answering your questions and for a continued dialogue on these and other important issues in the future.

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Comments Presented at the Senate Committee on Agriculture, Nutrition and Forestry

Hearing on

Homeland Security

By

Dr. Alfonso Torres

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College of Veterinary Medicine
Cornell University

Wednesday, July 17, 2002

Washington, DC

Senator Harkin, Senator Lugar, and members of the Committee, I am Alfonso Torres, Associate Dean for Veterinary Public Policy and Director of the New York State Animal Health Diagnostic Laboratory at the College of Veterinary Medicine at Cornell University. I want to thank you for the invitation to testify on the President's proposal to create a Department of Homeland Security (DHS). I do so on behalf of myself only, and my comments do not necessarily represent the positions of either the State of New York or of Cornell University in matters related to this hearing. However, I believe that my comments reflect a great majority of veterinarians associated with State Animal Health Diagnostic Laboratories around the country and many other individuals involved in safeguarding our vital animal industries. My comments are based on my extensive personal and professional experience of eleven years of work for the USDA, eight of those years at the Plum Island Animal Disease Center where I held the position of Chief of the Foreign Animal Disease Diagnostic Laboratory under APHIS, and later the position of Director of the entire Center under ARS. I also had the honor of serving as the APHIS Deputy Administrator for Veterinary Services and Chief Veterinary Officer for the United States for three years until my departure from USDA only 5 months ago.

In general I support the President's proposal for the creation of a Department of Homeland Security (DHS) to increase our border security and be better prepared and coordinated in dealing with potential bioterrorist and agroterrorists attacks. The President's proposal calls for the transfer of all USDA's Animal and Plant Health Inspection Service (APHIS) activities under the Border and Transportation Security

Division, and the transfer of the Plum Island Animal Disease Center (PIADC) under the Chemical, Biological, Radiological and Nuclear Countermeasures Division.

The President's proposal to include all APHIS in the new DHS reflects the recognition and general understanding of the importance of APHIS activities in safeguarding animal and plant health for more than 150 years. APHIS' contributions to the well-being of society have been well demonstrated in its success in keeping serious animal diseases and plant pests from entering our country. However, it is important to keep in mind that APHIS has many functions that are not totally related to the exclusion of animal diseases and plant pests from entering our country. Three out of five APHIS main programs do not have functions that are directly associated to the proposed mission of the new Department of Homeland Security: International Services, Wildlife Services, and Animal Care. The other two: Veterinary Services and Plant Protection and Quarantine have some activities compatible with the new Department. These activities are related to the actual inspections at ports of entry and the issuing import permits for agricultural commodities and for restricted animal or plant pathogens. There are some activities of Veterinary Services related to response to natural disasters or disease emergencies when animals are involved, that would fit within the activities assigned to the Division of Emergency Preparedness and Response of the proposed Department. Finally, there are activities at the scientific centers and laboratories of APHIS and ARS that will need to be coordinated with the proposed activities assigned to the Division of Chemical, Biological, Radiological, and Nuclear Countermeasures.

Based on my experiences at USDA and my knowledge of APHIS and ARS missions and activities, I respectfully suggest that you consider the following suggestions when considering the President's proposal for the transfer of all APHIS and of the Plum Island Animal Disease Center to the new Department of Homeland Security.

1. **APHIS, PPQ Port Activities:** All agricultural port inspection could be transferred to the Border and Transportation Security Division of the DHS. Their duties are quite integrated to the Customs Service of DOJ and they are already co-located at sea, land and air ports of entry. In compensation for the loss of PPQ personnel currently located at ports of entry that would be available for combating plant disease outbreaks, APHIS should receive funding (or retain funding not transferred to DHS) for hiring of plant health professionals to be distributed in all 50 states to conduct the necessary surveillance and diagnostic activities for plant health in the United States.
2. **APHIS, VS and PPQ Import Export Permitting Activities:** Activities related to the issuing of import permits for plant and animal agricultural commodities could be integrated to the Customs Service, as part of their import permitting activities.

3. **APHIS, VS Emergency Management Liaison with FEMA:** As identified by APHIS in previous budget requests, there is a need to have emergency management veterinarians co-located with FEMA to coordinate their assistance in disasters of any origin where animals are involved. These nine or ten positions (one or two veterinarians at headquarters plus one veterinarian for each of the eight FEMA regional offices) could be created as part of enhanced activities of FEMA under the new DHS.

4. **APHIS, Animal and Plant Health Laboratories & Science Centers:** All APHIS, Veterinary Services laboratories and science centers involved in animal health (including the Centers for Veterinary Biologics and the National Veterinary Services Laboratories at Ames, IA and at Plum Island, NY, the Centers for Epidemiology and Animal Health at Fort Collins, CO, and the Center for Veterinary Biologics at Ames, IA) should be kept under the current administrative arrangements within USDA. The same recommendation applies to APHIS, PPQ plant health laboratories in several locations in the United States as well as their Center for Plant Health Science and Technology at Raleigh, NC.

5. **APHIS and ARS Plum Island Animal Disease Center (PIADC):** The President's proposal would move the PIADC from USDA into the Chemical, Biological, Radiological, and Nuclear Countermeasures Division of the DHS. It is important to point out that the PIADC was created at Plum Island, NY in 1954 as

the only laboratory in the US where foot and mouth disease (FMD) and other highly contagious diseases could be studied. Because of the legal requirements of restricting work on FMD to an island setting, APHIS' National Veterinary Services Laboratories (NVSL) has co-located its Foreign Animal Disease Diagnostic Laboratory (FADDL) at the PIADC. Thus, the PIADC has two components from two different USDA agencies: ARS and APHIS. The ARS conducts research restricted to an island setting on selected foreign animal diseases. APHIS conducts diagnostic on highly contagious diseases of livestock at Plum Island, conducts training of veterinarians from the US and abroad, in the recognition and diagnosis of most foreign animal diseases. This is an activity outside the main scope of the proposed DHS. It is important to point out that not all research and diagnosis of foreign animal diseases are studied or diagnosed at the PIADC. In fact, all poultry foreign and domestic animal diseases are diagnosed at the NVSL facilities in Ames, IA, with research in many done at ARS' laboratories in Athens, GA. All equine foreign and domestic animal diseases are diagnosed in NVSL facilities at Ames, IA, in addition all diagnostic work on transmissible encephalopathies including the surveillance for BSE or "Mad Cow Disease" is conducted at Ames, IA. NVSL diagnostic activities are coordinated with CDC laboratories when dealing with zoonotic diseases. Examples are the cooperative work on rabies, west Nile virus and other encephalidities common to humans and horses. While is understandable the desire to better coordinate the different federal activities related to chemical, biological,

radiological, and nuclear countermeasures, it is also important to point out that the federal laboratories dealing with human diseases and organisms that could be used for bioterrorism are not proposed to be transferred to the DHS. These laboratories are; the Centers for Disease Control and Prevention (CDC) of DHHS (located at Atlanta, GA and Fort Collins, CO), and at the National Institutes of Health (NIH) also of DHHS at Bethesda, MD. In the case of CDC and NIH laboratories, the President's proposal would keep them under their current Department but would provide additional funding and programs for assisting the new Department of Homeland Security with laboratory support in the areas of diagnosis and research to enhance the capabilities of the US in deterring, preventing and responding to bioterrorist attacks. Exactly the same arguments could be made regarding the USDA's laboratory facilities and programs at Ames, IA and at Plum Island, NY. There is no difference in mission and activities between the NIH/CDC laboratories for human health and the NVSL/CVB and Plum Island Animal Disease Center laboratories of APHIS for animal health. They both provide the scientific basis for surveillance, early detection and responses for either human or animal diseases. In addition, thanks to the leadership of Secretary Veneman, we are in the process of developing a national network of animal and plant diagnostic laboratories that will provide needed redundancy and increased capacity in the US in dealing with large outbreaks of animal or plant diseases regardless of their origin. Thus the integration of the diagnostic laboratories from the State Departments of Agriculture with USDA

will more than justify keeping the critical animal and plant federal laboratories under the USDA.

Mr. Chairman, thank you again for the opportunity to testify in front of your committee. I wish you well in these important deliberations that will contribute to the enhancing of our abilities to continue to safeguard animal and plant health in our country.

DOCUMENTS SUBMITTED FOR THE RECORD

JULY 17, 2002

Statement of Senator Max Baucus
Committee on Agriculture, Forestry, and Nutrition
Hearing Regarding Homeland Security
July 17, 2002

Mr. Chairman, thank you for holding this hearing today. As we approach the one year anniversary of the September 11th attacks, it's clear that protecting our citizens by strengthening our Homeland Security must be a top priority. It is vital that the steps we take in creating a new Department of Homeland Security are deliberate and precise.

As we discuss the creation of the Homeland Security Department, we need take a look at the staffing levels at the agencies that are responsible for ensuring a safe domestic food supply and certifying our exports. These agencies have the critical responsibility of protecting our plants, animals and food products from disease. It's critical that agencies such as the Animal Plant Health Inspection Service, the Food and Drug Administration, and the Food Safety Inspection Service have well trained and responsible employees who have the ability and the capability to protect our nation.

It's especially essential that we ensure a proper level of inspection at our ports of entry into the United States. In Montana, we have 5 Plant Protection and Quarantine employees, 5 wildlife services employees, 2 veterinary care employees, and 7 Food Safety Inspection Service employees stationed on the border. Given the size of Montana's northern border, which is equal to the distance between Washington, D.C. and Chicago, it is critical that it is well staffed. Let's ensure that we have strong staffing levels across the country as we move forward with Homeland Security.

Another issue that we cannot ignore any longer is natural disaster assistance. Each and every day, producers around this country and in Montana are going out of business because we have not provided assistance for agricultural natural disasters as we have for those who suffer losses from tornadoes, ice storms, hurricanes or floods. According to the New York Times on May 3, 2002, more than a thousand wheat farmers in eastern Montana have already called it quits. These are efficient family producers whose families have been farming for generations. Once they leave, they don't come back. Agricultural producers in Montana and the United States produce the highest quality products in the world. They work everyday to ensure that we have full plates in front of us. We owe it to them, to future generations of producers and to future generations of Americans to provide natural disaster assistance to ensure that we have a safe, affordable food supply for years to come.

I stand ready to work with the Administration in the creation of a Department of Homeland Security. I hope the Administration is ready to work with me to provide natural disaster assistance. I believe that if we work together we can ensure the safety and vitality of our domestic agricultural industries.

Thank you.

Statement by Senator Pat Roberts
Homeland Security/APHIS Hearing
Senate Committee on Agriculture, Nutrition and Forestry
Washington, DC
July 17, 2002

A handwritten signature in black ink, appearing to read "Pat Roberts", is positioned to the right of the typed text.

Mr. Chairman, and Ranking Member Lugar, thank you for holding this hearing today on one of the most important issues facing this Congress and this nation in our lifetimes – the need to strengthen homeland security in the wake of the September 11 terrorist attacks.

Today's hearing is especially important as we look at the role the Animal Plant Health and Inspection Service (APHIS) plays in protecting our homeland security.

Mr. Chairman, going back to my tenure as Chairman of the Emerging Threats Subcommittee of the Armed Services Committee, I have been warning of my concerns related to agroterrorism since 1999.

Many may not think of agriculture and our food security as

as a terrorist target. But, I must tell you that they are targets and it would be very easy to carry out an attack.

I have repeatedly said that we are aware of no specific terrorist threats, but the risk of an agroterrorist attack has increased from where it was prior to September 11. We also know that members of al-Qaida, including some of the 9/11 hijackers, have, or had, agriculture training.

These facts, coupled with the large amount of biowarfare agents the Soviets had developed for attack on the North American agriculture machine demand that we remain vigilant. I have been to Russia, I have toured the facilities, the security is minimal, and the risk is real.

I also introduced legislation to deal with the threat of agroterrorism last fall, and many of the provisions of that legislation were incorporated into the Bioterrorism Preparedness

legislation signed into law by President Bush last month.

Mr. Chairman, in light of these threats, it is important that the threat of agroterrorism play a role in any discussions on the proposed Department of Homeland Security, especially as it relates to proposals to move APHIS from the Department of Agriculture.

APHIS serves as the premier agency in combating and preventing plant and animal diseases that could devastate our agriculture economy. It plays an important and vital role in port inspections and security measures that keep numerous diseases out of the United States. It is no accident that we have avoided foot-and-mouth and other diseases.

However, APHIS also serves many important functions that deal with plant and animal health on a domestic scale, and many other areas that have nothing to do with border inspection

issues. These include quarantine of infected areas and counties from diseases such as Karnal Bunt, biotech issues, enforcement of the animal welfare act, the issuance of phytosanitary certificates for exports, etc.

Quite frankly, none of these issues have a real role to play in the new Department of Homeland Security, and they also represent why APHIS plays such an important role in the long-term health of the United States agriculture machine.

None of the other agencies proposed for transfer to the new Department play the same role in the economics of an industry as APHIS, and this is why I privately expressed concerns to the White House when this proposal came out.

Mr. Chairman, I am pleased that Governor Ridge and the Administration have indicated a willingness to work with us on this issue. I know they worked with the House Agriculture

Committee to develop the language the Committee approved last week.

That language basically shifts the port inspection activities of APHIS and control of the Plum Island research laboratory to the new Department, while keeping all other APHIS activities within the Department of Agriculture.

I believe this is the way we should also go in the Senate. This route ensures that we protect homeland security, but it also ensures that these important agriculture issues will continue to receive the attention they deserve and will not be pushed to the back burner by other issues of a national security interest.

Sen. Ben Nelson

Suggested Opening Statement:

“Thank you Mr. Chairman for holding these hearing today, and thank you Secretary Veneman, Governor Ridge, and Dr. Torres for testifying before this committee today.

Our nation, and our society lost its innocence on 9-11, and as a result our understanding of what it means to be safe has profoundly changed. Almost every aspect of our lives, including agriculture, must now be examined through a new lens focused on how the evils of terrorism will strike in insidious and sophisticated ways. As a result, we must take steps to find our weaknesses before our enemies do. That is why I strongly support our President’s efforts to create a new Department of Homeland Security, and his efforts to improve the Animal and Plant Inspection Service (APHIS) so that our borders are secure.

How to improve APHIS is the central question for today’s hearings. Many suggest, as does the President, that we shift parts of APHIS into the new Department of Homeland Security, and this proposal holds great promise to improve the physical condition and security of APHIS facilities and labs.

However, we must be cautious as we proceed, addressing concerns about the impact of these transfers on agricultural trade and APHIS’s current mission in traditional agriculture protection functions. I wholeheartedly agree that we must improve our border inspection, and I am willing to do anything I can in that effort, but let us proceed cautiously so that we enhance *both* the mission of security and agriculture. Again, I thank our distinguished members for attending today, and I look their testimony.



HOMELAND SECURITY AND THE UNITED STATES
DEPARTMENT OF AGRICULTURE

Mr. ALLARD. Mr. Chairman, today this committee turns its attention to the security of our homeland, and the vital role that the U.S. Department of Agriculture plays in protecting the borders of our nation, and the well-being of our citizens. During World War II, phrases such as, "plowshares are swords," and "the farmer fights for food," were common themes. Today, after the most basic of our country's values and traditions have been attacked, we convene to discuss new ways agriculture can protect the freedom of the United States.

Over the last several months, the world has witnessed the strength of America. This strength is reflected in the actions taken by Congress after the attacks, when we responded to them by enacting new laws, and by providing financial assistance to families, and by providing for a strong defense. We acted swiftly to suffocate terrorists and to destroy the hateful organizations that work to undermine our society. I thank the President, Governor Ridge, and Secretary Veneman, for the leadership and courage they have displayed in light of these threats. But we all know that we must never cease to be diligent in our fight against terror.

I congratulate President Bush for leading the effort to create a cabinet level Department of Homeland Security. The new department is good news for every citizen, and is a big step forward toward better protecting the American people from another possible terrorist attack.

The creation of the Department of Homeland Security is a key element of an overall Homeland security strategy. For such a strategy to be effective, it must be implemented in a cohesive manner, integrating our defensive programs, our ability to respond to threats, and our science and technology programs.

The entry points into the United States are our front line of defense. Through them, the international flow of commerce must constantly be monitored, inspected, and controlled, in order to assure the safe passage of goods and people traveling to and from the United States. While we must increase the vigilance with which we stand guard against improper entry into the U.S., we must not impede or impair the ability of our nation to carry on its daily business.

One of the most important components of point of entry security rests within the United States Department of Agriculture. USDA has done an admirable job, safeguarding our nation against outbreaks of animals diseases such as Foot and Mouth Disease, even as Europe fell under siege. But it is important that we focus our efforts on new strategies that will capitalize, and build upon, existing security arrangements, and bring those responsible for entry security into the fold of one overarching body - even if their expertise requires that, at times, certain personnel be shared.

That is why I am working closely with the Administration and Senator Roberts to craft legislation that takes a strong step toward developing the best point of entry inspection infrastructure possible. This combined effort will lead to better communication between the agencies that carry out and enforce the laws and regulations of our ports, and it is an effort that we owe to the American people.

As a veterinarian, I believe that decisions based on sound science and strong research are critical to the development of any legislation that deals with agriculture and the safety of our food supply. Over the past twelve years in Congress, I have played an active role in issues that involve the Animal and Plant Health Inspection Service. Most recently, I have been working with scientists and veterinarians at APHIS to develop a plan of attack as the federal government

ramps up its efforts to combat and eradicate Chronic Wasting Disease, an emerging threat to the wildlife of the United States. I have also been actively engaged in discussions concerning Plum Island. Over the past three years, I have been working with APHIS to strengthen the Animal Welfare Act, by closing loopholes within the animal fighting provisions of that act. These separate and distinct issues reveal an agency with a diverse mission that is carried out by an even more diverse cadre of professionals. Now, however, it is time to take a critical look at certain functions of the organization, and ask if that organization could better serve the country if some of its resources were shifted, along with a relocation of certain personnel, to a new department whose sole purpose is the protection of the homeland. I believe the answer to that question is yes, there is a more effective way to handle the security at our points of entry. Through this legislation, we will create an opportunity for an unprecedented working relationship between two cabinet level agencies, both of which focus on the safety of the public, yet under the new authority, there will only be one point of entry authority.

I look forward to working with you, Madam Secretary, Governor Ridge, and members of this committee as we move forward with our proposal. Agriculturists have long served as the backbone of America. Through innovation and hard work, these soldiers of the soil respond to moments of national crisis by providing the vital food supplies necessary to ensure that we are a secure nation and to sustain our democracy. Now, agriculture has a new opportunity to show the world how it will stand strong against the enemies of the United States. Lets not disappoint them.

Thank you, and I look forward to hearing your comments.

Statement by Senator Patrick Leahy
Committee on Agriculture, Nutrition, and Forestry
hearing on the Homeland Security Legislation

Mr. Chairman, thank you for holding this important hearing on Homeland Defense. I also want to thank Secretary Veneman, Governor Ridge, and Dr. Torres for appearing before us today.

There is bipartisan support for the concept of a cabinet-level officer to coordinate homeland security. Majority Leader Daschle and all of us want the Senate to produce a thoughtful and workable charter for the new department, as quickly as possible. Indeed, we were prepared to include such a provision in the USA PATRIOT Act last year, but we did not at the request of the White House. We hope to work with you now, Director Ridge, as we did with Attorney General Ashcroft last year, across party lines, in a bipartisan, bicameral partnership in which the Executive and Legislative branches can offer ideas and come up with the best collective legislative product that we can in the least amount of time.

No issue is more important in this debate than determining how best to protect our nation's food supply. We in this country are blessed with a safe, affordable and bountiful supply of food. We should not take this for granted. Fortunately, agricultural production is not concentrated in one region of the country, and so a major disruption in our food supply from a single event is unlikely. But as we've seen in Europe, some diseases—such as foot and mouth disease—can spread quickly. So we need to be vigilant and take all necessary precautions to prevent their introduction.

Protecting American agriculture from the intentional or unintentional introduction of diseases or pests is vital to our national security. But it is a daunting task. Each year, millions of travelers and millions of shipments enter the United States—each a potential vehicle for the introduction of foreign pests or diseases.

The Animal Plant Health Inspection Service (APHIS) provides the first line of defense. APHIS inspects incoming travelers and foreign shipments for potential threats to American agriculture at the nearly 200 major ports of entry into this country. Over the years the trained professionals at APHIS have performed their job splendidly. APHIS has other responsibilities too. APHIS manages the control of pests and diseases domestically as well as internationally. APHIS administers the animal welfare act—assuring that farm animals, zoo animals, and research animals are treated humanely. And APHIS plays an important role in facilitating U.S. agricultural exports—issuing sanitary and phytosanitary certificates required by other countries certifying that U.S. shipments are free of certain pests or diseases.

The President originally proposed to transfer all of the functions of APHIS, together with USDA's research facilities at Plum Island Animal Disease Center to the Department of Homeland Security. I understand from Governor Ridge's and Secretary Veneman's prepared statements that this proposal has been scaled back. I applaud this

change. Leaving the non-border functions within the Department of Agriculture will help ensure that the important work by APHIS that is not related to border security is not ignored.

Mr. Chairman, thank you again for holding this hearing. I look forward to hearing from the witnesses on these and other issues.

TOM HARKNE, IOWA
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PATRICK J. LEAHY, VT. (HONORARY)
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November 29, 2001

The Honorable Ann Veneman
U.S. Department of Agriculture
14th & Independence Ave., SW
Washington, DC 20250

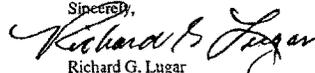
Dear Secretary Veneman:

As part of the Senate Agriculture Committee's oversight activities, members of my staff have been reviewing meat imports into the United States. They have informed me of the complexity of determining whether countries and individual exporters are eligible to export meat or poultry into the United States.

Every June, the Food Safety and Inspection Service (FSIS) submits a report to Congress that lists eligible exporters by country. However, that report is only published once per year and any interim revisions would not be reflected until the next year's report. Furthermore, the Animal and Plant Health Inspection Service (APHIS) has authority to disallow imports from a particular country because of outbreaks of FMD, BSE or other harmful diseases. According to the General Accounting Office (GAO) and APHIS, a regularly updated list of countries with eligible exporters that meet both FSIS and APHIS regulations is not available.

These overlapped responsibilities, the absence of a regularly published, consolidated list of "approved countries" (by APHIS) and the absence of an updated list of eligible exporters creates considerable confusion. Having this type of list available would enhance the public's confidence in the American food supply and improve understanding of the food safety system.

Once you have conducted a review of this matter, please provide a written account of how you believe this matter can be addressed. In addition, please outline the process by which FSIS and APHIS interact on a regular basis related to imported meat issues. Thank you for your assistance.

Sincerely,

Richard G. Lugar
Ranking Member

REL/mtk

June 19, 2002

Dear Senator:

On behalf of The Humane Society of the United States (HSUS) and its 7 million supporters nationwide, we want to urge you to oppose any provision in the soon-to-be-developed authorizing legislation creating a Department of Homeland Security that would transfer the animal welfare programs of the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) into the new agency.

The HSUS does not in any way oppose the larger effort to consolidate security functions within a newly constituted department focused on homeland security. We recognize the grave domestic security threats posed to our nation by the enemies of the United States. However, we believe that transferring animal welfare programs to the Department of Homeland Security is an obvious misfit and would, in all likelihood, relegate important animal welfare programs to the margins of a department focused on matters entirely unrelated to the well-being of animals.

Historically, The HSUS has been a critic of USDA's enforcement programs for the Animal Welfare Act (AWA) and the Humane Slaughter Act (HSA). In recent years, however, we have worked diligently with members of Congress to secure increased funding for animal welfare programs, and Congress is responding. Just this year, 39 Senators and 131 Representatives signed letters to the chair and ranking member of the Agriculture Appropriations subcommittees urging a \$4.1 million increase in funding for AWA and HSA enforcement. Last year, Congress approved a \$5.15 million increase in funding for the AWA and \$1 million for the HSA. Senate Appropriations Chairman Robert C. Byrd has spoken eloquently on the Senate floor of the need for better enforcement by USDA of animal welfare laws.

That said, USDA is stepping up its efforts, thanks to greater public and congressional scrutiny and to increased funding. USDA is beginning to recognize its important charge in safeguarding the welfare of millions of animals at more than 10,000 facilities, including puppy mills, laboratories, zoos, circuses, airlines, and slaughterhouses. We hope Congress will not transfer this responsibility away from USDA to the new Homeland Security Department, where inattention may set back the progress of recent years. We recommend instead that the Animal Care unit and a segment of the Investigative and Enforcement Services division of APHIS remain under USDA, so that animal welfare laws can be rigorously enforced. Thank you for your consideration of our views.

Sincerely,

Wayne Pacelle
Senior Vice President
Communications and Government Affairs
(202) 778-6112

Mimi Brody
Director
Federal Legislation
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**Statement to the Senate Committee on Agriculture, Nutrition and Forestry
on the Proposed Transfer of the Animal & Plant Health Inspection Service (APHIS)
to a Department of Homeland Security**

**Presented by Lin Schmale
on behalf of
American Nursery & Landscape Association (ANLA)
and
Society of American Florists (SAF)**

Chairman Harkin, Ranking Member Lugar, and Members of this Committee, ANLA and SAF are grateful for the opportunity to present joint testimony on the importance of the Animal & Plant Health Inspection Service (APHIS) and the potential impact of various proposals to transfer APHIS or portions of APHIS to a new Department of Homeland Security. ANLA and SAF are the national trade associations for the nursery and landscape and floriculture industries, known collectively as environmental horticulture.

ECONOMIC SIGNIFICANCE OF THE ENVIRONMENTAL HORTICULTURE INDUSTRY

According to the USDA's National Agricultural Statistics Service (NASS), **the nursery and greenhouse industry remains the fastest growing agricultural sector in cash receipts**. The 1997 Census of Agriculture shows that nursery, greenhouse and floriculture crop sales totaled \$10.9 billion in 1997, up from \$7.6 billion in 1992. This represents a *43 percent increase* in sales over the previous 1992 Census. Together these crops make up 11 percent of total U.S. farmgate receipts, up from 10 percent. Some 33,935 farms produced nursery plants as their principal crop; floriculture farms numbered 21,824.

In crop value, nursery and greenhouse crops have surpassed wheat, cotton, and tobacco and are now the third largest plant crop – behind only corn and soybeans. Nursery and greenhouse crop production now ranks among the top five agricultural commodities in 24 states, and among the top 10 in 40 states. Growers produce thousands of varieties of cultivated nursery, bedding, foliage and potted flowering plants in a wide array of different forms and sizes on 1,305,052 acres of open ground and 1,799 million square feet under the protective cover of permanent or temporary greenhouses.

**ROLE AND IMPACT OF APHIS PROGRAMS IN AGRICULTURE
AND THE NURSERY, LANDSCAPE AND FLORICULTURE INDUSTRIES**

The environmental horticulture industry is uniquely vulnerable to the ravages of invasive plant pests introduced from abroad. Virtually every introduced pest may find a home and suitable plant hosts somewhere in the U.S. and among the literally thousands of species and varieties grown commercially in nurseries and greenhouses. Once established, such pests disrupt the industry by

causing direct crop damage, and spurring imposition of quarantines, inspection and certification requirements to slow further pest spread. For the purposes of clarity, references to plant pests in this testimony are intended to include all types of pests such as insects, pathogens, and weeds.

As a result, the environmental horticulture industry was intimately involved in the design and passage of the nation's first quarantine laws early in the last century. The industry has since maintained a close and collaborative working relationship with USDA-APHIS given that agency's key role in excluding, detecting, and responding to serious agricultural and environmental pest threats.

OVERVIEW OF APHIS PROGRAMS IMPORTANT TO OUR INDUSTRY

Key APHIS programs that are important to the nursery, landscape and floriculture industries are intended to achieve the following purposes: pest exclusion; detection and response; domestic pest management; and trade facilitation.

Pest Exclusion – Given the vulnerability of our industries to plant pest introductions, we absolutely rely on APHIS programs designed to prevent new pest introductions. Historically, these programs have relied mainly on commodity inspection at the ports of entry into the U.S. However, experience has shown that arrival inspection has major inadequacies. As a result, the safeguarding system is evolving into a continuum of activities that occur offshore, at the ports of arrival, and in the interior of the U.S. These activities may include the design and execution of production and handling practices for foreign commodities to reduce or eliminate pest threats; monitoring to ensure that such practices are being followed and are effective; establishment of foreign preclearance programs; commodity inspection and testing abroad and at our ports; domestic surveillance for pests that may have slipped through the "safety net", and emergency programs to contain or eradicate serious threats that have become established. Examples of current or recent eradication programs of great interest to our industry include Asian longhorned beetle, citrus canker, exotic fruit flies, and plum pox.

Pest Detection – This has been an underdeveloped area historically, but APHIS is now putting substantial resources toward broad-based detection programs to identify pest problems while it is still feasible and cost-effective to eradicate them. The ability to maintain and affirmatively demonstrate freedom from serious agricultural pests is key to sustaining a vibrant domestic agricultural industry and export market access for U.S. plants and plant products.

Domestic Programs – APHIS maintains a number of federal domestic programs designed to ensure a level playing field for commerce, and/or seek to manage the spread and threat of serious pests. These programs are usually implemented in cooperation with the states, and the private sector plays a critical role through "informed compliance." Examples are programs to contain imported fire ant, gypsy moth, chrysanthemum white rust, and the so-called sudden oak death. APHIS also plays a key role in the development and implementation of long-term biological control programs for pests like the Pink Hibiscus Mealybug, which was just discovered in Florida, and numerous wildland and rangeland weeds.

Trade Facilitation – With the reduction or elimination of tariffs and most other barriers to international trade, the importance of phytosanitary measures in international trade negotiations is at an all-time high. In addition, many sectors of U.S. agriculture are absolutely dependent upon foreign exports. Pursuant to international agreements including the World Trade Organization's agreement on sanitary and phytosanitary measures, the International Plant Protection Convention and NAFTA, APHIS plays a pivotal role in analyzing risk and establishing and enforcing measures

necessary to protect plant health. APHIS also plays a key technical role in resolving trade disputes and gaining foreign market access for U.S. producers.

WHERE IS APHIS HEADED?

Congressional and Bush Administration proposals aside, APHIS is moving through a strategic process of restructuring and renewal to meet rising needs and expectations. In 1999, USDA requested an external review of APHIS programs and activities designed to safeguard U.S. plant resources. The review, conducted under the auspices of the National Plant Board (representing APHIS' state cooperators) was co-chaired by ANLA. Leadership of this broad-based review gives ANLA unique insights into APHIS' role and performance. The *Plant Safeguarding Review* generated over 300 recommendations. APHIS established a process for developing and carrying out implementation plans, and this effort has shown substantial progress and commitment. Details can be viewed on the Internet at www.safeguarding.org.

A primary recommendation of the *Plant Safeguarding Review* was passage of the Plant Protection Act, which occurred in June 2000. This Act consolidated and enhanced APHIS authorities to better permit it to carry out its agricultural and environmental resource protection mandate. ANLA and SAF worked hard with Members of this Committee to enact the Plant Protection Act.

The salient point is that implementation of both the *Plant Safeguarding Review* and Plant Protection Act have stimulated the Agency to make advances forward along a very important and hard-won path of revitalization -- designed to pursue a clear mission of protecting agricultural and environmental plant resources; to strengthen the Agency's science base and risk analysis capacity; to better manage information resources; to improve collaboration with stakeholders of all types; to improve transparency of Agency actions; and to strengthen linkages with related and cooperating federal and state entities.

INITIAL PERSPECTIVES ON PROPOSALS TO TRANSFER APHIS TO A NEW DEPARTMENT OF HOMELAND SECURITY

The environmental horticulture industries join the rest of agriculture in encouraging the Bush Administration and Congress to pursue vigorously measures to secure our country from terrorism, including bioterrorism, as fully as is realistically possible. The Administration and some Congressional proposals include transferring all or parts of APHIS to a new Department of Homeland Security (DHS). Such proposals merit very careful consideration as to the opportunities and synergies that may be gained, or that may be lost.

The opportunities driving these proposals appear obvious -- APHIS has an infrastructure of inspectors at ports of arrival who are already tasked with monitoring incoming commodities and conveyances. APHIS also has user fee authorities whereby those engaged in travel and commerce underwrite most of the costs of such inspections.

The risks of such a move are similarly apparent. APHIS is a complex and multi-faceted organization whose activities are integral to the health and well-being of U.S. agriculture. As already discussed, the Agency is in the midst of a major strategic renewal effort to enable programs and activities to meet vastly increased expectations. It seems plausible that even if a commitment were made to sustain all current program initiatives, much ground could be lost in a transition. Moreover, is it realistic to expect that current programs can be sustained -- and future needs of agriculture met -- under the auspices of a new department that has some shared interests, but also substantial new and different priorities?

Some have proposed simply moving just the port inspection activities of APHIS to a new department. To us, this approach seems even more problematic. Safeguarding is achieved through a continuum of activities: in foreign countries, at U.S. ports, and in the interior. The port inspection activities are an integral component, but by no means the only component, of the safeguarding system. In fact, there is a growing sense that port inspection activities largely constitute an oversight and monitoring function that helps to inform program managers on the effectiveness of a full range of risk reduction measures. It strikes us that moving just the border and port functions of APHIS is akin to removing an organ that is vital to the overall body's functioning. A split Agency would also jeopardize extensive cooperative program efforts already underway with the States and industry partners.

There is an additional complication that Congress and the Administration must carefully consider – that is, the collection and disposition of user fee funds collected to fund agricultural quarantine inspection. The statutory authorities under which APHIS collects these fees direct that they are to fund timely and efficient provision of inspection services designed to protect agriculture from harmful pests. Diversion of these funds for other purposes could be both programmatically and legally problematic.

Finally, we do see potential gains that could result from a strategic linkage between APHIS, a new Department of Homeland Security, and other agencies with inspection and clearance responsibilities. These gains may be achievable regardless of whether or how an APHIS transfer is pursued. For example, APHIS is pursuing broader user fee authorities to address gaps in the current system, such as a user fee for cargo inspection. A stronger and broader partnership with other departments and agencies could bring faster resolution of such authority and program gaps.

APHIS is also pursuing the development and implementation of "smart x-ray" and other technologies that speed the efficiency and effectiveness of passenger and cargo clearance. It seems to us that biological materials including pests and prohibited commodities are just one of many types of "contraband" that must be detected. A shared focus on such technology needs by a new DHS could speed the development and deployment of such technologies.

CONCLUSION

In an era of rapid globalization and unprecedented trade and travel, the stakes are higher than ever for all of agriculture in terms of effective plant resource safeguarding and trade facilitation. APHIS' role and importance is more significant than ever. Can the growing demands on APHIS be met in a sustainable way through an unprecedented Agency transition?

APHIS programs are vital to the well-being of the nursery, landscape and floriculture industries. Broader U.S. security interests are also vitally important. We respectfully urge Congress to carefully assess whether current proposals represent the best way to meet an array of complex needs. Of greatest concern to us is the direct loss or potential diminishment, over time, of the agricultural resource safeguarding mission. We ask Congress and the Administration to carefully explore how the U.S. can best establish the new linkages, training and resource deployment needed to carry out the vital homeland security functions while avoiding a major disruption and potential loss of key agricultural protection focus of APHIS that could result from such a major reorganization.

The Plant Safeguarding Alliance is a broad coalition of plant-based agriculture groups who joined together to support APHIS implementation of the Plant Safeguarding Review and key provisions of the Plant Protection Act. The Plant Safeguarding Alliance has contributed to the development of a

number of questions relating to current APHIS transfer proposals, and how those proposals might affect the current APHIS mission and ongoing programs. We have attached a list of these questions to our testimony.

Mr. Chairman, ANLA and SAF thank this Committee for the opportunity to share our views on the matter, and we pledge to work closely with you as options are assessed and a national course of action in this important matter is decided.

**Questions on the President's Proposed Department of Homeland Security
By Various Plant-based Agricultural Organizations
June 14, 2002**

The mission of the Animal and Plant Health Inspection Service (APHIS) is to protect America's plant resources by:

Safeguarding plant resources from exotic invasive pests and diseases,
Monitoring and managing agricultural pests and diseases in the United States, and
Resolving and managing trade issues related to plant health

These mission areas are of vital importance to the U.S. agriculture industries. Every day, the activities of APHIS allow the plant agriculture industries to continue to be competitive in the global marketplace whether it is preventing a foreign pest or disease from entering the U.S. or by resolving a sanitary or phytosanitary issue in order to allow the export of U.S. products. APHIS has a very important role in the security of the homeland. They also have an important role in domestic protection for plant-based agriculture.

Knowing the role that APHIS plays in animal and plant agriculture, we have developed these questions to better understand the President's proposal to transfer APHIS to the Department of Homeland Security. These questions are not prioritized and are meant to reflect the broad array of issues that APHIS handles that are of importance to plant agriculture. Animal agriculture faces similar issues and needs, and so is mentioned in some of these questions. The questions are categorized according to the main APHIS program areas.

General

- *How will the issues that APHIS deals with that are not related to protecting from terrorism be prioritized within the new Department?*
In addition to the mission of APHIS to safeguard America's animal and plant resources from exotic pests and diseases (whether intentionally or accidentally introduced), APHIS also has missions that do not relate to protection from terrorism. They include: monitoring and managing agricultural pests and diseases existing in the US, resolving and managing trade issues related to animal or plant health, and ensuring the humane care and treatment of animals. These missions support animal and public health (through the control and eradication of zoonotic diseases) and the interests of agricultural industries.
- *How will APHIS maintain the linkage between the agriculture research function at USDA that are vital to the function of APHIS programs while being at this new Department?*
Currently, the Agriculture Research Service and the Cooperative State Research, Extension and Education Service provide the research necessary to APHIS to carry out their mission. This close relationship allows APHIS to be able to coordinate the research with the emerging issues and needs of agriculture as they address plant and animal health issues.
- *How would the State authorities work with the federal component? Who would the field staff work for and with?*
APHIS has entered into hundreds of cooperative agreements, compliance agreements, and memoranda of understanding with government and non-government entities.

- *How would laboratories that conduct research for both APHIS and the Agricultural Research Service operate if they were transferred to the new Homeland Security Department?*
- *The APHIS import activities are being transferred to the Department of Homeland Security but the FDA and FSIS import inspection functions are not. Why?*
A major component of the Department of Homeland Security is border security. This includes the importation of food, animal feeds, drugs, biologics and other items that must be controlled at our borders to enhance human, animal and plant protection. Several agencies including APHIS, FDA and FSIS perform these critical functions.
- *Will all of APHIS move? If so, how will the various component parts of APHIS be split among the organizational structure of Homeland security? Will APHIS lose the coordination and integration that it has now?*
- *With a the transfer of APHIS to the Dept of Homeland Security, will the biological and agricultural focus of APHIS inspection services fundamentally jeopardize delivery of inspection services be redirected or compromised in any way? Will APHIS' plant and animal safeguarding mission remain a top priority?*
- *Will focus on homeland security create a more isolationist attitude (when in doubt, keep it out) and negatively impact the opportunities for agricultural trade?*
- *Will emphasis shift to more "secrecy" and less openness and participatory/collaborative approaches?*
- *Will reorganization consume resources and slow progress toward achieving better preparedness and response capabilities?*

Pest and Disease Exclusion

- *How will the Department of Homeland Security maintain the importance of this mission assuming other security issues of border entry will arise?*
APHIS' PPQ provides a valuable service for agriculture through inspection of incoming plant materials and prevention of entry of plant pests such as disease, insects, and noxious weeds.
- *What will the new department do to ensure that the ability to gather, assess, and respond to data gathered through Agricultural Quarantine Inspection and other APHIS and cooperative efforts remains viable?*
Many such activities involve coordination with state cooperators and industry. Will the security-oriented focus of a new Dept. of Homeland Security limit data-sharing essential to such cooperative efforts?

Plant and Animal Health Monitoring

- *How will a major reorganization and transition affect the progress and ongoing effort to meaningfully strengthen plant and animal health programs?*
APHIS has made two years of progress implementing 300 substantive recommendations made in the *Safeguarding American Plant Resources* report that resulted from a USDA-

requested external review. A similar review was done later for animal health programs, *The Animal Health Safeguarding Review*, and the recommendations are in the process of being implemented.

- *How would a new Department prioritize pest detection beyond the ports of entry?*
The most critical underdeveloped aspect of the plant safeguarding system in the U.S. is pest detection. Little in the way of programs and infrastructure exist to quickly detect pest and disease incursions beyond the ports, while the extent of an invasion is small and remedial actions may be most cost-effective.

Pest and Disease Management

- *How will Domestic Disease Eradication, Monitoring and Surveillance Programs be managed and executed?*
 - imported fire ant, citrus canker, exotic fruit flies, gypsy moth, and golden nematode, etc. as well as many animal health programs

The mission of protecting animal & plant health involves a significant investment in domestic pest and disease eradication, surveillance and monitoring. These programs are essential for the economic viability of American agriculture both at the farm level and for exports of U.S. plant and animal products.
- *How would the integrity of pest programs such as the Boll Weevil Eradication Program and the Pink Bollworm Eradication Program be sustained within the new department?*
APHIS carries out several programs that are very important to the U.S. cotton industry and plant agriculture but are not necessarily oriented to homeland security. These programs are essential for the economic viability of American agriculture both at the farm level and for exports of U.S. plant products.
- *Would the Department of Homeland Security assume responsibility for providing compensation for producers in instances where the pest or disease is not related to an act of bioterrorism? If not, are provisions in place to have an appropriate agency within USDA administer indemnification in such instances? Will access to Commodity Credit Corporation funds for emergency response and indemnification be affected?*
Part of APHIS' responsibilities includes indemnifying animal owners and growers for pest and disease losses. For example, a recently proposed APHIS rule would establish new compensation guidelines for assisting poultry and livestock producers who lose animals to diseases such as foot and mouth disease and highly pathogenic avian influenza. On the plant side, indemnification has been provided for eradication efforts associated with plum pox virus, citrus canker, and karnal bunt.
- *Would the Department of Homeland Security have the resources to continue providing such support, even when such an outbreak was not caused by an incident of bioterrorism? Would it make more sense to have the new department determine whether the outbreak is an act of bioterrorism, then have USDA respond if the outbreak is not terrorism-related?*
APHIS provides significant logistical and scientific support during an animal disease outbreak. For instance, more than 200 APHIS employees have been sent to Virginia during the current low pathogenic avian influenza outbreak. This support has played an important role in slowing the spread of this disease.

Trade Support

- *How would APHIS' current responsibilities for issuing sanitary and phytosanitary inspection certificates for grains and grain products to foreign countries be affected?*
Such certificates are required by foreign buyers to document that U.S. commodities do not originate in U.S. regions known to have plant diseases, such as Karnal bunt. Would these functions better fit within another USDA agency, such as the Grain Inspection, Packers and Stockyards Administration?
- *Who will conduct risk assessments and develop import policies with regard to imports to the U.S.?*
It is critical that careful reviews are made of other countries prior to allowing trade to take place. Import-Export staff and the staff at the Fort Collins facility have done the risk assessments.
- *Who will help facilitate exports of plant and animal products and plants and animals?*
Currently, VS and PPQ work with companies to meet export requirements and sign export certificates. VS and PPQ are critical to providing the scientific expertise to address sanitary and phytosanitary trade issues. This is important to the economic viability of the animal and plant industries
- *Will APHIS activities to promote exports continue in this new Department?*
Export support requires close liaison with other USDA personnel like the Foreign Agricultural Service. There is concern that export issues are not a homeland security issue and therefore would not have the same priority status for funding and support as they currently do at USDA. USDA APHIS is considered the competent authority on animal and plant health issues. This is vital to support the continued expansion of US agricultural sales throughout the world. Import/export negotiations often need to be carried out together - quid pro quo's and the need to avoid retaliatory tariffs in response to security measures.
- *How will those efforts by APHIS-PPQ to conduct risk assessments be affected by a potential shift in mission under a new Department?*
APHIS-PPQ has faced a large and persistent backlog of risk assessments to support commodity import and export decisions. Furthermore, the Agency has come under increased scrutiny relative to the scientific strength and transparency of those assessments. Major efforts are underway to build scientific capacity, risk assessment transparency, and stakeholder collaboration.
- *Who will work with the International Plant Protection Convention and the Office of International Epizootics to continue to provide U.S. input into the setting of international health standards?*
It is critical that the U.S. is well represented in these discussions and has staff to provide extensive review and comments on proposed changes in these standards.
- *What will happen to the trade support provided by the Trade Support Team in International Services?*
Trade is very important to the agriculture industries and this group is important in resolving trade issues related to health.

- *What will happen to the assistance provided to countries with FMD and other disease/pests to help them eradicate these diseases?*
It is important to help fight diseases in other countries as well as in the U.S.
- *How would such efforts to reduce risks of pest and disease introduction at the source be affected?*
APHIS is increasingly pursuing off-shore risk reduction strategies as the first line of defense against plant and animal pest risks. Such strategies are generally coordinated with APHIS International Services staff and foreign countries' phytosanitary officials.
- *Will APHIS continue to provide scientific and technical expertise in the trade arena if it is moved top the Department of Homeland Security?*
Another critical matter relates to trade. APHIS is a major player when it comes to the World Trade Organization, the Sanitary and Phytosanitary and Technical Barriers to Trade agreements. There is constant interaction with FAS, FSIS, GIPSA, ARS and perhaps other agencies within USDA on these matters.

Related Scientific and Technical Services

- *How would APHIS' responsibilities concerning approvals of biotech crops fit within the new Department of Homeland Security?*
APHIS currently regulates field trials for biotech events and regulates interstate shipments of biotech-enhanced plants under the Plant Protection Act. APHIS also reviews and approves petitions of biotech providers seeking a "determination of non-regulated status" before a biotech variety can be transported and commercialized for unrestricted movement in interstate commerce.
- *How would effort by APHIS "methods development" centers are developing tools and techniques for pest exclusion and detection be affected?*
These efforts supplement the more basic research support of USDA's Agricultural Research Service and Cooperative State Research, Education and Extension Service.
- *Who will administer the veterinary accreditation program?*
The veterinary accreditation program is very important to the disease eradication programs and the movement of livestock in the U.S. Currently, important revisions are underway with the program.
- *Who will work with the identification initiatives underway?*
VS is working with various groups to help develop the appropriate identification procedures.

Questions specific to the President's book on The Department of Homeland Security

1. Page 2 explains that the "Department would oversee federal government assistance in the domestic disaster preparedness training of first responders." Do disasters include outbreaks in the US of exotic or emerging animal diseases? If so, will the training of first responders include training of veterinarians who will be the first responders to animal disease outbreaks?
2. On page 2, the Chemical, Biological, Radiological and Nuclear Countermeasures paragraphs mention and discuss preparedness for and responding to terrorism, including agro-terrorism.

3. Will preparedness for and response to accidentally introduced animal and plant diseases also be addressed by the Department?
4. Under Science and Technology on page 3, the Department "would also assist state and local public safety agencies by evaluating equipment and setting standards." Will the Department similarly assist state agriculture agencies?
5. On page 3 under Other Key Components, it is stated, "The Department would consolidate and streamline relations with the federal government for America's state and local governments." This will not be true for state agriculture agencies if they need to coordinate with both the USDA and the Department of Homeland Security.
6. Under Incident Management on page 12, the document states, "The Department would work with federal, state, and local public safety organizations to build a comprehensive national incident management system for response to terrorist incidents and natural disasters." Will the Department also work with state agriculture organizations to include them in the national incident management system for response to agro-terrorism, natural disasters affecting agriculture, and disease outbreaks? Will plant and animal emergencies be included in the "one genuinely all-hazard plan"?

FINANCIAL DISCLOSURE

The American Nursery & Landscape Association received no Federal grants or subgrants and participated as a party in no Federal contracts during the FY2001 and FY2002 U.S. Government fiscal years.

The Society of American Florists received no Federal grants or subgrants and participated as a party in no Federal contracts during the FY2001 and FY2002 U.S. Government fiscal years.

CURRICULUM VITAE FOR LIN L. SCHMALE**PROFESSIONAL EXPERIENCE**

Senior Director of Government Relations, Society of American Florists,
Washington, D.C.
March, 2000 – Present

Senior Legislative Representative, Society of American Florists,
Washington, D.C.
March, 1994 – March, 2000

Legislative Assistant, Congressman Jay Dickey (R-4-Arkansas)
May, 1993 – March, 1994

Constituent Relations Director, Federal Crop Insurance Corporation
(now Risk Management Agency), U.S. Department of Agriculture
February, 1991 – January, 1993

Deputy Director for External Affairs
U.S. Department of the Interior, Office of the Secretary
March, 1989 – October, 1990

Special Assistant to the Assistant Secretary for Land and Minerals Management
U.S. Department of the Interior
February, 1984 – March, 1989

Chief, Office of Congressional Liaison, Bureau of Mines
U.S. Department of the Interior
February, 1983 – February, 1984

Government Relations Director for Public Lands and Government Research
Atlantic Richfield Company – Anaconda Minerals
Denver, Colorado
March, 1979 – December, 1982

EDUCATION

B.S., Business Administration, Regis College, Denver, Colorado

APPOINTMENTS AND AWARDS

Minor Crop Farmer Alliance, Technical Committee member, 1997-present

North America Plant Protection Organization, U.S. Industry Advisory Group, member of the nursery
and greenhouse committee, 1998 – present

Special Award in Recognition of Outstanding Service and Support for the Floriculture and Nursery
Research Initiative – U.S. Department of Agriculture, Agricultural Research Service, March, 2000

QUESTIONS AND ANSWERS

JULY 17, 2002

Questions for Secretary Veneman

1. The current proposal for APHIS would essentially transfer the Plant Protection and Quarantine Service to the Department of Homeland Security. To meet USDA's domestic agricultural health responsibilities given that transfer, do you think it is sufficient to request personnel from the Department of Homeland Security, or would it be better to have a permanently stationed corps of officers at the APHIS? Will you be able to reassign staff, or get staff from the Department of Homeland security, as efficiently as you can now to respond to animal or plant health emergencies?

At a staff briefing with your staff and those from the Office on Homeland Security, we were told that there is no intention to increase FTE's. Will you be able to carry out your agency's mission without APHIS in its entirety or at least without approximately 1/3 of your staff or will you need to increase numbers of employees?

2. We are concerned that the important work at Plum Island and the interrelationships at that facility with other APHIS and ARS facilities not be disrupted in ways that will reduce the effectiveness of the research and veterinary training that now goes on there. On the human health side, CDC and NIH will have a collaborative relationship with the new Department of Homeland Defense but the facilities will remain under HHS control. Why do you think it is logical for USDA to not follow that pattern on the animal disease side?

3. The Department has commissioned a very comprehensive study on biocontainment needs at our research facilities. And, I understand that a draft is in the Departments hands. As we try to figure out what is the best policy here, I think it would be useful to have a draft. The Committee would appreciate you making a copy available to us.

Questions for Governor Ridge
7/19/02

1. The ultimate goal of the proposed transfer of APHIS functions has been to improve border security. Considering the proposal that the White House negotiated with the House Agriculture Committee, there seems to be a risk that we may create some problems while trying to solve others. Essentially that proposal transfers all of APHIS' front line employees charged with responding to agricultural health concerns, 3,200 of them. To cover its domestic agricultural health responsibilities, APHIS will have to ask to "borrow" some of those employees back. USDA and the White House indicate that, at any one time, APHIS will have to borrow about 15-20% of its 3,200 former employees to meet domestic agricultural health responsibilities. Furthermore, the proposal states that APHIS will still be responsible for training those 3,200 employees sent the new department, and will set forth the policy regarding what they are supposed to look for and how they are to do their inspections.

Is this the most efficient management structure we can come up with? Doesn't it run the risk of creating new gaps, and more fragmentation in our agricultural health system? Is there a way to examine more closely exactly what the problem is at the borders that we are seeking to address, and have a proposal more tightly focused on that? How, specifically, will sending APHIS border inspectors to Homeland Security improve the security of our food and agriculture system?

2. Despite the fact that the safety of our food supply (and the potential to intentionally tamper it) is very much on the minds of the American public, the White House Proposal does not mention food safety. Certainly, the safety of our food supply must be fundamental to homeland security. Why do you consider it sufficient, for homeland security, to allow coordination between the Department of Homeland Security and FSIS and FDA while you need to transfer employees from APHIS? Have you given any thought to whether the real need is to create an office at the department of homeland security that is charged with overseeing all border activities related to agricultural health? This office could coordinate APHIS, FDA, FSIS, and other agency activities to make sure we are doing all we can to protect our borders. It is possible this could be done without requiring massive transfers of personnel.

3. While you propose to transfer the Plum Island facility, we understand from your staff that APHIS and ARS employees based on the island will continue to be USDA employees even though the Island itself and its facilities would be under the control of and administered by the Department of Homeland Defense. How does transferring control of the physical assets of Plum Island relate to the goals of the Homeland Security office? In addition, we understand that the expectation is that USDA would have an agreement that would allow them to continue to carry out their historical research and training activities. Do you expect that this would be a permanent arrangement? Where will you get the people to staff it or the funds to run it? What are the future plans for Plum Island?

4. With regard to the human disease facilities, the Administration's proposal simply establishes a coordinative role rather than a transfer of facilities. Why are animal diseases facilities treated differently than human disease facilities? Does the Department on Homeland Defense want a research facility that might at some future point be expanded to do other non-agriculture related research?

5. The president has said that "to achieve efficiencies, the new Secretary of Homeland Security would require considerable flexibility in procurement, integration of information technology systems, and personnel issues." Can you explain how you can justify doing away with an individual's ability to obtain information under the Freedom of Information Act? How can you justify requesting a blanket waiver from civil service law that would, for example prevent employees from belonging to a union or bargain collectively? How can you justify the ability to do away with rules governing the Federal Advisory Committee Act that require open deliberations?

6. Do you have a plan to improve coordination of information systems between agencies such as APHIS, FSIS, FDA, Customs, and now DHS? If not, why not? If so, what is that plan?