

**DOES THE HOMELAND SECURITY ACT OF 2002
GIVE THE DEPARTMENT THE TOOLS IT NEEDS
TO DETERMINE WHICH BIO-WARFARE THREATS
ARE MOST SERIOUS?**

JOINT HEARING
BEFORE THE
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS
AND RESPONSE
AND THE
SUBCOMMITTEE ON INTELLIGENCE AND
COUNTERTERRORISM
OF THE
SELECT COMMITTEE ON HOMELAND
SECURITY
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**DOES THE HOMELAND SECURITY ACT OF
2002 GIVE THE DEPARTMENT THE TOOLS IT
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FARE THREATS ARE MOST SERIOUS?**

Thursday, June 5, 2003

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS
AND RESPONSE, AND
SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM,
SELECT COMMITTEE ON HOMELAND SECURITY,
Washington, D.C.

The subcommittees met, pursuant to call, at 2:05 p.m., in Room 345, Cannon House Office Building, Hon. John B. Shadegg [chairman of the Emergency Preparedness and Response Subcommittee] presiding.

Present: Representatives Shadegg, Sweeney, Dunn, Smith, Shays, Camp, Linder, Thornberry, Sessions, Cox [ex officio], Thompson, McCarthy, Markey, Frank, Cardin, Lowey, Norton, Pascrell, Christensen, Etheridge, Lucas, Langevin, Meek, and Turner [ex officio].

Mr. SHADEGG. Good afternoon. I would like to call the meeting in session, this meeting of the Subcommittee on Emergency Preparedness and Response of the Select House Committee on Homeland Security and the Subcommittee on Intelligence and Counterterrorism.

Today we are holding a joint hearing on Project BioShield, the title of which is, "Does the Homeland Security Act of 2002 Give the Department the Tools it Needs to Determine Which Bio-Warfare Threats are Most Serious?"

The rules of the committee provide that each member in attendance at the sounding of the gavel, or within 5 minutes thereafter, is entitled to either make an opening statement or to take a full 8 minutes for their questioning. Because it is late in the afternoon on a Thursday afternoon, I would like to suggest that it might be appropriate if we limit opening statements to the chairs of the two subcommittees, the ranking member of the two subcommittees and the chair and ranking member of the full committee.

I would make that request by unanimous consent. Is there any objection?

Mr. MARKEY. May I make a comment? Reserving the right to object, is it possible we could limit everyone to just a 1-minute opening statement?

Mr. SHADEGG. The chair understands that that could be done by unanimous consent as well as what the chair has suggested. So if you want to make that as a substitute proposal.

Mr. MARKEY. I would amend the unanimous consent request of the chairman to amend it so that every member would have the right to make a 1-minute opening statement and then we would proceed.

Mr. SHADEGG. This is Mr. Markey being incapable of retaining himself from at least a 11-minute opening. Is there an objection to the substitute proposal?

Mr. COX. Mr. Chairman, reserving the right to object, I think we have got important business to do here. We have got to mark up this legislation. I appreciate your willingness to extend to me as chairman and to others as chairs and ranking members the opportunity to make opening statements, but even if we just do it for 1 minute and we include the full subcommittee here, I think we are going to use up time that members would like to have to ask questions of these witnesses. The 1-minute opening statements will be designed to be content free at that short limit. So I would leave it to your discretion what to do, but that is the basis of my reservation.

Mr. SHADEGG. Sounds like the gentleman has posed an objection to the unanimous consent request.

Mr. COX. I would leave it to you to object or approve.

Mr. SHADEGG. Would the gentleman from Massachusetts—

Mr. COX. Withdraw my objection.

Mr. MARKEY. But then I would object to the unanimous consent request that we waive our right to make our 3-minute opening statements.

Mr. SHADEGG. Here is what I would propose. How about if the chairman of the Subcommittee on Emergency Preparedness Response limits his opening statement to 2 minutes, yields 1 minute to you, and we limit all of the remaining opening statements? I guess I get 5 minutes. I will limit my opening statement to 4 minutes. I will yield 1 minute to you, and we limit the remaining opening statements by the remaining chairs and ranking members as proposed.

Mr. MARKEY. So—

Mr. SHADEGG. So you get 1 minute.

Mr. MARKEY. So you would single me out.

Mr. SHADEGG. I think you singled you out.

Mr. MARKEY. As the one person who—let's count how many members we have here who are not chairmen or ranking members. What are we talking about? I see 11 minutes. Is 11 minutes a lot to ask for the regular members to be given to speak?

Mr. FRANK. Not when you subtract the time it will take to further discuss this; it will probably be—net, it would be rather less.

Mr. MARKEY. We are not talking about a long time. We are not at full committee. We are at subcommittee. I see 11 people who don't qualify to give the longer statement that you suggest. So that is my only—

Mr. SHADEGG. The gentleman—

Mr. PASCRELL. I will stand corrected, but I think this is our third meeting on BioShield. I don't think there is a need for any opening statements.

Mr. SHADEGG. It is our third.

Mr. PASCRELL. If we open any more times, we will be closed.

Mr. SHADEGG. It is our third meeting on Project BioShield, or third hearing. So the gentleman's point is well taken. Does the gentleman from Massachusetts insist on his request for an opening statement, or is he prepared to withdraw it?

Mr. MARKEY. Well, here is the point, is that this is a big day for the committee, because although the gentleman from New Jersey may have forgotten—

Mr. SHADEGG. The gentleman gets 8 minutes to talk about how big a day this is.

Mr. MARKEY. This is the first time we have ever had any Homeland Security Department people before us on this issue, so that is a big day for us. The gentleman from New Jersey may have forgotten that. So that is my only point. If we don't want to stay around all afternoon to finally get our—

Mr. SHADEGG. In requesting the—

Mr. MARKEY. I give. I give. All right. We will go your way. You win.

Mr. SHADEGG. Without objection, so ordered.

Good afternoon. This is the third in a series of hearings on Project BioShield, a proposal that seeks to prepare our Nation for chemical, biological, radiological, or nuclear attacks. Today's hearing will focus specifically on the intelligence and information gathering process that the Department of Homeland Security will use to determine which threats are most serious and merit Federal investment in countermeasures.

This hearing is an outgrowth of the bipartisan nature of the Select Committee on Homeland Security, as a number of requests were made on the minority side at last month's full subcommittee hearing on Project BioShield to gain the perspective of Department of Homeland Security personnel, particularly the Intelligence Analysis and Infrastructure Protection Directorate. Today we have two witnesses from the Department.

Clearly we are living in a very dangerous era. We know that the September 11th terrorists were interested in crop dusters by which to spread biological agents. We have seen the video from Afghanistan showing al Qaeda's experimentation with nerve agents on dogs. We have read just this week news accounts about a new CIA report which indicates that al Qaeda has a goal of using weapons of mass destruction. We are dealing with sick people who are willing to go to any length to injure and kill innocent Americans.

But we are also living in an era of transformation. Technology is proceeding at a mind-boggling pace. Thirty years ago, we did not know what biotechnology or genomics were. But combined with our country's unparalleled leadership in semiconductors and computing power, we are on the verge of a breathtaking breakthrough in the field of biology.

The introduction of the Project BioShield Act of 2003 is not only a recognition of the potential danger proposed by chemical, biological, radiological, and nuclear attacks, but also a realization of the

ingenuity and resources of America's greater scientific minds that will help us produce solutions to this danger.

The Project BioShield Act, which our full committee will mark up shortly, produces these solutions through three important provisions:

First, the bill provides the Secretary of Health and Human Services the flexibility and the authority to unleash innovative minds at the National Institutes of Health to conduct research and development on countermeasures for chemical, biological, radiological, and nuclear attacks.

Second, it provides a reliable funding stream from which the Federal Government will be able to purchase these countermeasures.

And third, it provides for the emergency use of these new medical products.

Today we will explore issues related to section 3 of the act which defines the Secretary of Homeland Security's threat assessment responsibilities. Under the bill, the Secretary shall, one, assess current and emerging threats of chemical, biological, radiological, and nuclear agents; and two, determine which of these agents present a material threat against the United States population.

This determination of a quote, "material threat," closed quote, is a critical trigger to eligibility for purchasing the Strategic National Stockpile under the specific funding mechanism in the bill. There has been bipartisan concern that the Department of Homeland Security may still be struggling in intelligence and information gathering. The grace period for the Department is running out. And I expect the full committee to be holding future hearings on making sure that the Department of Homeland Security meets its analytic responsibility under the Homeland Security Act.

Make no mistake, the continued success of our ongoing fight against the numerous threats to our homeland will largely be determined by the quality of our intelligence. We simply cannot afford to deploy gates guards and guns in every locality across our country to prepare for terrorism. Indeed we must be smarter and more nimble than our foes and able to anticipate their moves before they can be a threat to American lives by using our superior technological capabilities.

I look forward to hearing our witnesses' assessment of this capability. And with that, I call upon the ranking member of the Preparedness Subcommittee, the gentleman from Mississippi Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman. Thank you for your cooperation in allowing this hearing to go forward today.

Mr. Tolbert, I know we have made prior attempts to get you before this committee. It is a pleasure to finally have you with us today.

Mr. Redmond, it is a pleasure to have you before this committee as well.

Gentlemen, in order for this committee to do its job effectively and provide the necessary oversight to assist the Department in its duties, it is absolutely essential that this committee be able to engage DHS and have real discussion and exchange of ideas. After all, we both have the same goal of securing America in mind. It is

my hope that today's hearing would be productive and that we can begin to have some constructive dialogue so that Congress can do its job better.

I want to begin by commending you on your efforts thus far to secure America. There is no doubt in my mind that operations like TOPOFF II and similar drills are necessary and, if successful, can significantly enhance our Nation's preparedness and ability to respond to potential terrorist attacks.

But today I want to address preparedness at its most basic level. Gentlemen, in the coming weeks, this committee will be tasked with marking up the BioShield legislation. I have said in previous statements that I believe that project BioShield is a worthwhile project that will hopefully aid this Nation in rapidly transferring technology into products that can be used to protect individuals against biological and chemical agents used in weapons of mass destruction. However, I don't think this committee can in good faith put its mark on this legislation unless and until we have the relevant information at our disposal that can help us decide exactly what vaccines are needed and in what quantity.

The entire premise of this country going to war with Iraq—excuse me. The entire premise of this country going to war with Iraq was that we needed to rid this rogue nation of weapons of mass destruction, be they nuclear, biological or chemical. Reluctantly this country sent soldiers into harm's way to achieve this goal. Today the war is over. Saddam is out of power. However, to this date no weapons of mass destruction have been discovered. In my mind this can only mean one of two things: that the administration fabricated Iraq's weapons of mass destruction capacity and we sent our brave men and women into war on false pretenses; or, two, these weapons did and still do exist, but they have fallen into hands of other rogue nations neighboring Iraq, or terrorists. If the latter scenario is indeed the case, then that makes this job at DHS and our job on the committee that conducts deputy oversight extremely important.

If we are to succeed in our mission to secure America, we must have your cooperation. This committee cannot be absolutely sure that the Department has the tools it needs to address threats lurking out there unless we know exactly the nature and significance of the threats that the Department believes exist.

Bottom line: If this Congress is going to approve taxpayers' dollars to be used to assist with the development of BioShield, we need to know what vaccines to spend the money on. And in light of the current threats posed to this country, we also need to know what information the Department's assessment of need is based on.

So today the members of the committee may ask some very real questions. It is my hope that we will get some real answers. Once again, gentlemen, it's a pleasure to have you join us today and I look forward to your testimony.

Mr. SHADEGG. I thank the gentleman for his thoughtful statement. This is, as I already noted, a joint subcommittee meeting of both the Emergency Preparedness and Response Subcommittee and the Subcommittee on Intelligence and Counterterrorism. I intend to make it a joint hearing and share the chair. So at this point I

would turn the chair over to the vice chairman of that subcommittee, Mr. Sweeney of New York.

Mr. SWEENEY. [Presiding.] Thank you, Chairman Shadegg. I welcome our guests and witnesses, Mr. Tolbert, Mr. Redmond.

On behalf of the Subcommittee on Intelligence and Counterterrorism chairman, Jim Gibbons, who unfortunately was unable to be here today because of a prior appointment, I am going to submit to the record a full statement from Chairman Gibbons and simultaneously, if I can, in order to keep with the spirit of getting to the witnesses and having this meaningful discussion today, I will also simultaneously submit my own statement.

For the record I will paraphrase very briefly for you Chairman Gibbons' statement, and in part my own, in which we agree that the Department of Homeland Security has the responsibility to merge under one roof the capability to anticipate, preempt, and deter threats to the homeland whenever possible. And this responsibility will only increase with the enactment, I believe and Chairman Gibbons believes, of Project BioShield, H.R. 2122.

Finally, we are committed in the subcommittee to work together with DHS to ensure that our Nation's resources are allocated properly and to protect the citizens of the United States. As I said, I will submit the Chairman's statement in full, and I will submit my own.

And I want to just make these observations and comments as one who serves on the Select Committee and also serves on the Appropriations Subcommittee on Homeland Security, that I think it is important, it has been obvious in all of the various hearings that have been held throughout Congress, that we continue to work as quickly as we can to integrate and implement a seamless and comprehensive system, as the President had called for a year ago; that we do that deliberatively but as forthrightly as we possibly can. And that I essentially believe that the purpose of today's hearing—and we need to stay focused on this because it is the next important step—is to establish whether it is the appropriate time, the right time, to move forward with Project BioShield—which I believe it is—or not, and continue to work on establishing and enhancing that system.

With that, I want to recognize the ranking member of the Subcommittee on Intelligence and Counterterrorism, Ms. McCarthy from Missouri for her opening statement.

[The statement of Mr. Gibbons follows:]

PREPARED STATEMENT OF THE HONORABLE JIM GIBBONS, CHAIRMAN, SUBCOMMITTEE ON INTELLIGENCE AND COUNTERTERRORISM, AND A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

The Department of Homeland Security has the responsibility to merge under one roof the capability to anticipate, preempt and deter threats to the homeland whenever possible. DHS is intended to serve as a central hub of intelligence analysis and dissemination, working with agencies throughout the federal government such as the CIA, DIA, FBI and NSA, and other key intelligence sources.

DHS is also responsible for assessing the vulnerabilities of the nation's critical infrastructure, such as energy and transportation sources; information, computer and telecommunications networks; banking and finance systems; health and emergency services; and systems vital to our national security, public health and safety, economy and way of life. The DHS is the lead agency in evaluating these vulnerabilities

and coordinating with other federal, state, local, and private entities to ensure the most effective response.

The Project Bioshield Act of 2003, H.R. 2122, charges the DHS with the responsibility of assessing current and emerging threats from chemical, biological, and nuclear agents, and determining which of these threats presents a material threat against the U.S. population. Additionally, H.R. 2122 provides that the Secretary may support, research and develop biomedical countermeasure products based on continuous systematic threat assessment.

The development of countermeasures to material threats in the U.S. is dependant upon timely, reliable intelligence information. The decisions on which countermeasures take manufacturing precedence are difficult and based on critical assessment of the most imminent threat. The DHS must have the proper tools to complete their tasks successfully.

It is my goal in this committee to work together with the Department of Homeland Security and my colleagues in the House of Representatives to ensure our nation's resources are allocated properly to protect the citizens of the United States.

Ms. MCCARTHY. I thank the Chairman. I also thank Chairman Gibbons and Ranking Member Thompson for this meeting today.

I would like to thank Director Tolbert and Assistant Secretary Redmond for being here. We look forward to your testimony. It will help us in our role to do better in what the President has asked us to do, which is to consider Project BioShield, the initiative, and the process of building a defense against terrifying prospects of a biological weapons attack.

In order to effectively consider how best to accomplish the goal of project BioShield, it is essential that Congress make its decision based upon the best available intelligence and the analysis of that intelligence of the nature and degree of threat which faces us.

What kind of biological attacks are we likely to face? What is the chance of such an attack? Where would such an attack come from? And what will we need to respond to it?

These are questions that can only be answered by the mapping of the best available secret and open source information about the plans, intents, and capabilities of our enemies against the vulnerabilities of our population to biological attack.

It is a particularly critical issue today. The President's proposal predates the war in Iraq, which was planned in part to diminish the threat level from biological weapons by taking them away from Saddam Hussein before he could provide them to terrorists and others who would do harm. Recent press reports raise the serious possibility that stockpiles of biological weapons cannot be found and may now be in the hands of terrorists.

I look forward to our witnesses today addressing the situation and providing us their assessment of whether there is now a greater threat from biological weapons than there was when project BioShield was first conceived. If so, perhaps we should consider increasing the pace and the scope of BioShield.

Our role is also as an oversight role in our responsibility to the Department of Homeland Security. Under the Homeland Security Act, it will have even a greater role under the BioShield bill that is now drafted. In essence, the Department in general, and in particular the Directorate of Information Analysis and Infrastructure Protection has the responsibility for continued assessment of these threats. At present we have little information about whether the Department is ready to take on this task. Secretary Ridge's testimony before our full committee last month left one central question unanswered: Is the department ready to take on this task?

I look forward to your testimony, gentlemen, and to hearing from you on this vital issue.

Thank you very much, Mr. Chairman. I would yield back the balance of my time.

Mr. SWEENEY. The gentlelady yields back the time. I want to thank her for her very thoughtful and insightful statement.

With that, we will go to our witnesses and—I stand corrected. Before we go to our witnesses, I am remiss if I don't recognize the full committee chairman, the gentleman from California and principal mover on this particular piece of legislation, Chairman Cox.

Mr. COX. Thank you, Vice Chairman Sweeney. I will be very brief because I, like others here, want to hear from this distinguished panel. But I want to thank you, Mr. Vice Chairman, Chairman Shadegg, Ranking Members Thompson and McCarthy, for your work in organizing this joint subcommittee hearing. I think this is the right venue for us to consider this aspect of multibillion-dollar BioShield legislation that we will mark up next week.

Before we mark up this legislation, it is important for us to understand the existing infrastructure and the infrastructure that is now being built at the Department of Homeland Security to ensure that the United States Government, and in particular DHS, can fulfill its mandate under the BioShield program.

The BioShield legislation as it is presently before us would charge the Secretary of Homeland Security with doing two things: first, assessment; assessing current and emerging threats from chemical, biological, radiological weapons; and second, determining which of those threats is, vis-a-vis the U.S. population, a material threat. Only if the Secretary makes that decision of materiality can a vaccine or an antidote be funded under the BioShield legislation. So this capability and this responsibility within the Department is pivotal.

The threat assessment role for the Department is in keeping with the responsibilities that have already been placed in law under the Bioterrorism Preparedness Act of 2002 and under the Homeland Security Act.

One of the main reasons for creating the Department of Homeland Security was to gather under one roof all of the information, all the resources, all the expertise to analyze potential terrorist threats. For that reason, the Homeland Security Act created within the Department the Directorate of Information Analysis and Infrastructure Protection. It is the job of the IAIP Directorate to identify and assess these terrorist threats.

The Homeland Security Act tasked the Department's Science and Technology Directorate with supporting the Information Analysis subdirectorates in this role. The S&T Directorate will play an especially important part in helping identify the most dangerous bioterror threats if the BioShield legislation presently before us is enacted.

Today we are fortunate to have with us Paul Redmond, the Department's Assistant secretary for Information Analysis, and Eric Tolbert, Director of the Response Division of the Department's Emergency Preparedness and Response Directorate.

Today's witnesses are uniquely positioned to describe what will be needed for the Department to fulfill its anticipated role under

this new legislation. In considering the material threat determination provision of this bill, we have a context there which is to develop the Department's progress in meeting its mandate to develop a threat assessment capability. And we are hoping, gentlemen, that you will provide that for us today.

I hope that during this hearing we will gain a clear understanding of where the Department is today, where it is going, where in particular we are with our assessment capability and what, if any, new tools you need in the BioShield legislation to accomplish the mission of that program.

I thank you, Mr. Chairman.

Mr. SWEENEY. I thank you, Mr. Chairman, for your leadership and your statement.

Mr. SWEENEY. And I would like to recognize the ranking member of the full Select Committee, the gentleman from Texas, Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman.

Welcome, Mr. Tolbert, Mr. Redmond. We appreciate your presence here today. I have really two concerns that I hope you will address today. The first is that to date none of the committees of jurisdiction over the BioShield legislation, to my knowledge, have had a full briefing on the nature of the bioterrorist threat. And I think it is essential in crafting this legislation to have the knowledge, the background of the nature of that threat.

I have serious concerns personally about the bill in its current form because I don't believe it is aggressive enough. But I think it is important for this committee to have a full briefing regarding the threat.

Now, I hope, Mr. Redmond, you are prepared to do that today, even if it requires us to go into a closed session. But if the threat is as serious as some would suggest, this committee needs to hear about it, and we need to be motivated to craft this legislation to be as strong as possible. And I for one believe that, in addition to the authorization in the bill, that we should give the Secretary the additional tool of being able to fund government research through the Center for Disease Control to develop these vaccines as rapidly as possible as well.

Another issue that I think is critical and is the one Chairman Cox raised; and that is this legislation will give you the authority to determine if there is a material threat from a biological agent and to make a recommendation to the Secretary and to the President. In order to do that, you are going to have to have the capability internally to accomplish that task.

Just this morning before the Subcommittee on Intelligence and Counterterrorism it was very clear from some of the witnesses who appeared there that much of this expertise is now being collected in the Terrorist Threat Integration Center, an entity that resides outside of the Department of Homeland Security; in fact, apparently outside of any current department of the government.

It seems to me that if you are going to have the capability to have an analytical ability to assess a material threat from a biological act, you are going to need the very tools that are now collected within TTIC. So I would appreciate very much if you would address what the current status of your capability is within the De-

partment; and if it is not there, whether or not there is a commitment if this Congress passes the appropriations legislation that is currently before us, you will be able to put together that capability within the Department.

Again, I thank you for being here. It is a very critical point in time for this committee in carrying out our responsibility and our jurisdiction over the legislation that will be before us this week and next.

Thank you, Mr. Chairman.

Mr. SWEENEY. I thank the ranking member.

[The information follows:]

PREPARED STATEMENT OF THE HONORABLE BOB ETHERIDGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA

Thank you, Chairman Shadegg and Ranking Member Thompson, and Chairman Gibbons and Ranking Member McCarthy, for holding this hearing. Bioterror threats may sound like something out of science fiction, but our personal experiences with the anthrax attacks in 2001 clearly demonstrate the danger and our vulnerabilities. I appreciate the opportunity to hear our distinguished panelists discuss the Department of Homeland Security's plans to defend against and respond to these attacks while maintaining FEMA's original mandate to respond to natural disasters. It is good to see Eric Tolbert here on behalf of the Department of Homeland Security. He did great work for North Carolina as the state's Director of Emergency Management.

In addition to assessing the threats overseas, I think it is critical that the Directorate work with other government agencies such as the Federal Bureau of Investigation to track domestic bioterror threats. Evidence from the anthrax attacks clearly points to not only a domestic source for the pathogen, but also suggests domestic perpetrators.

Although the best defense against terrorism is to prevent attacks, I hope the witnesses will address the current status of our response capabilities, especially in terms of the public health infrastructure. In his testimony last month, Secretary Ridge said that the TOPOFF II exercise exposed some important problems with the public health response in areas ranging from communications to liability issues for volunteers.

It has taken the Committee an inordinate amount of time to begin our oversight duties, and I appreciate the efforts of both the Chairman and Ranking Member to hire a top-notch staff and resolve jurisdictional issues. We need to move forward as quickly as possible with our business of protecting our country.

The United States must be prepared to respond to all threats, whether natural or man-made. The Department of Homeland Security has a huge task before it to coordinate both the prevention and response activities of the government, and I appreciate the opportunity to learn more about their efforts.

Mr. SWEENEY. Let me inform members that prior to going to the testimony of our witnesses we have been notified that within about 10 minutes or so, sometime shortly before that, there will be a series of three votes, followed by 10 minutes of debate, followed by two votes, which means we will have a significant pause in this particular hearing. And I will notify the members and look to adjourn or look to recess this hearing with about 6 minutes remaining in the vote on the floor so that we all can get there.

And with that, I want to welcome our witnesses for being here and thank them for their time in being here. And I will recognize, so we can quickly get to the testimony, Mr. Redmond, Paul J. Redmond, who is Assistant Secretary for Information and Analysis at the Department of Homeland Security.

Mr. SWEENEY. Mr. Redmond, welcome, and thank you for being here.

STATEMENT OF MR. PAUL J. REDMOND, ASSISTANT SECRETARY FOR INFORMATION ANALYSIS, DEPARTMENT OF HOMELAND SECURITY

Mr. REDMOND. Thank you, Mr. Chairman, for having me here today. I am Paul Redmond, Assistant Secretary for Information Analysis. I have been on the job somewhere between 2 and 3 months, before that I was retired, and then I worked for the CIA.

Mr. SWEENEY. I would ask the gentleman to speak up.

Mr. REDMOND. Is this better? Before that I was retired for awhile, before that I worked for the CIA for 30 years.

I have no prepared statement but would welcome—be able to answer questions on how we would assess the bioterrorism threat to help the government, the President, and the rest of the government determine how to allocate resources against this threat.

I ask would it be appropriate at this stage to answer, first off, Mr. Turner's questions which he posed in his statement?

Mr. SWEENEY. You have about 4 minutes remaining on your opening statement, Mr. Redmond, so you use it at your own discretion.

Mr. REDMOND. Mr. Turner, I am not prepared to go into full depth in a classified sense today, to give a full assessment of our view of the bioterrorism threat. I am simply not prepared to do that. I would certainly welcome the opportunity to come before this committee in a classified context to give that assessment sometime in the future.

Secondly, on the question of TTIC's expertise as opposed to our expertise, we have resident right now in Information Analysis, a lady we brought—I took the liberty of inviting to come along with me Susan Allen, who is a microbiologist assigned to us from Lawrence Livermore Laboratory. She would form the core of our effort in analyzing this and be able to reach back to all the labs, academia, Fort Detrick, et cetera. So we do have a building capability to address this threat.

Thank you, Mr. Chairman.

Mr. SWEENEY. Thank the gentleman.

Mr. Tolbert is the Director—Eric Tolbert is the Director of the Response Division.

Mr. PASCRELL. I would like an interpretation of the statement that was just made, in English. What are we talking about?

Mr. SWEENEY. What I would suggest is we hold our questions and allow the witnesses to make their opening statements. In lieu of an opening statement, Mr. Redmond began a debate, a discussion, in response to Mr. Turner's opening statement. I would suggest that we get to those as quickly as we can, but first allow the other witness—

Mr. PASCRELL. I understand that his opening statement was that he has no opening statement.

Mr. SWEENEY. I believe you are correct in that there is no formal opening statement. Mr. Redmond is welcome to submit an opening statement for the record at some subsequent period. But I suggest that we get to those issues when we go to questions and answers.

Mr. SWEENEY. With that, I would like to introduce Eric Tolbert, who is the Director of the Response Division, Emergency Prepared-

ness and Response Directorate, at the Department of Homeland Security. Mr. Tolbert, welcome.

STATEMENT OF MR. ERIC TOLBERT, DIRECTOR, RESPONSE DIVISION, EMERGENCY PREPAREDNESS AND RESPONSE DIRECTORATE, DEPARTMENT OF HOMELAND SECURITY

Mr. TOLBERT. Thank you, Mr. Chairman. Good afternoon, Mr. Chairman and members of the committee. I am Eric Tolbert. I am Director of the Response Division for the Emergency Preparedness and Response Directorate of the Department of Homeland Security. I am honored to appear before you today to discuss our Department's role in Project BioShield.

And I do sincerely apologize for not being able to attend the last scheduled hearing of this committee. As a result of the disasters that occurred the prior week, we had a health and safety issue that arose, and due to deployment of a lot of my key staff, it required my personal attention to deal with it. I do apologize for that situation. And despite a cold today, I am going to do my best to answer your questions. I am honored to be here.

Before I discuss the Emergency Preparedness and Response's role in BioShield, I want to give you a little broader perspective about our overall mission. Members of Congress have been good to us in our years as the independent agency, the Federal Emergency Management Agency, as we performed our traditional role of preparing for, responding to, recovering from, and mitigating losses from future disasters of all kinds, all hazards.

The Emergency Preparedness and Response Directorate's mission is very similar in that we lead the Nation to prepare to mitigate the effects of, respond to, and recover from major domestic disasters, both natural and man-made, including acts of terrorism. So our role really has not changed significantly; in fact, it has expanded. And the Department as a whole is committed to helping our country and our citizens in time of disaster.

Preparing our citizens for the risks associated with the acts of terrorism, and bioterrorism specifically, poses a significant challenge for our new Department. And the emergency management community plays an important role in facing this challenge. That is why President Bush announced Project BioShield in his January 28th State of the Union address. And this proposed program will make us directly responsible for first acquiring critically needed vaccines or medication for biodefense or medical countermeasures, ensuring the adequacy and timely distribution of the Nation's stockpiles of pharmaceutical, vaccine, and other medical supplies. And thirdly, remove barriers to the development and production process.

The Department's role is to coordinate with the Department of Health and Human Services to trigger the use of Project BioShield when adequate countermeasures do not exist for a particular threat. And along with the FDA, the Department must declare that the chemical, biological, radiological, or nuclear threat is real and that it requires the use of BioShield provisions.

For this intelligence assessment, we will be looking to the Information Analysis and Infrastructure Protection Directorate of our Department, and they are responsible for the overall assessment

and coordination with other Federal agencies in the intelligence arena. Our Department is responsible for funding the program's activities and finally making the products available in a timely manner through the Strategic National Stockpile to communities that are impacted by acts of terrorism or other types of disasters.

Our Department is committed to working very closely, continuing to work very closely with the various components of the Department of Health and Human Services as we identify contracting and procurement mechanisms with the pharmaceutical industry, certify the safety and efficacy of developing new medicines, and make recommendations for programmatic progress in areas of improvement.

Emergency Preparedness and Response has assumed the responsibility of maintaining and deploying the Strategic National Stockpile together with the Centers for Disease Control and Prevention. The Strategic National Stockpile, which is made up of pharmaceuticals, vaccines, and medical supplies, is housed in various areas around the country in case of emergencies. And it is in those locations to ensure a rapid deployment, and our goal and our standard is a 12-hour response anywhere in the United States.

Once development and production of needed pharmaceuticals and vaccines is completed through BioShield, all of these new products or commodities will be housed within the Strategic National Stockpile.

I hope this information provides sufficient background on our work to prepare this Nation in the event of a biological attack. The all hazards preparedness and response activities, practiced so many times by States and local governments along with FEMA, serves as a strong foundation, we believe, for the work we have been tasked to handle under the new Department of Homeland Security.

I would be pleased to answer any questions the committee members may have. Thank you, sir.

[The statement follows:]

PREPARED STATEMENT OF MR. PAUL REDMOND AND MR. ERIC TOLBERT

Good afternoon. We are honored to appear before you today to discuss our Department's role in bio-terrorism preparedness in general, and BioShield specifically. Preparing our citizens for a bio-terrorism event is one of the significant challenges the Department faces.

The Emergency Preparedness and Response Directorate:

First we want to provide you some background about the Emergency Preparedness and Response Directorate, its Response Division, and our role in the Department. We are proud to join the Department, and we want to assure the Members of this Subcommittee that EP&R will not lose sight of its main responsibility of helping people and communities affected by disasters. The mission statement of EP&R,

To "to lead the Nation to prepare for, mitigate the effects of, respond to, and recover from major domestic disasters, both natural and man-made, including acts of terrorism,"

contains the same core responsibilities that guided the Federal Emergency Management Agency (FEMA) as an independent Agency.

The Response Division coordinates and implements the federal response to Presidentially declared disasters. During fiscal year 2002, FEMA expended nearly \$3.9 billion in disaster funds to aid people and communities overwhelmed by disasters, which included earthquakes, floods, ice and winter storms, fires, hurricanes, tornadoes, and tropical storms. FEMA responded to 42 major disasters involving 37 States and 4 U.S. Territories.

The Response Division is charged with developing and maintaining an integrated, nationwide operational capability to respond to and recover from disasters and

emergencies, regardless of their cause, in partnership with other Federal agencies, State and local governments, volunteer organizations, and the private sector.

The risks associated with acts of terrorism pose a significant challenge for EP&R. FEMA's rapid and decisive response to the events of September 11 demonstrated the Agency's role in consequence management. As a result, the Nation is looking to the emergency management community—and EP&R in particular—to face this challenge. Augmenting and maintaining the Strategic National Stockpile, and strengthening their future capacity, to ensure there are adequate supplies in the event of a national emergency are important steps in meeting the challenge.

Project BioShield

In his State of the Union Address, President Bush announced Project BioShield as an effort to develop and make available modern, effective medical countermeasures, especially vaccines and anti-toxins to protect against a biological, chemical, or radiological/nuclear threat agents. This new Project will be built on the many health advances in basic medical science and pharmaceutical manufacturing technology that our society has enjoyed in recent years.

Specifically, Project BioShield will ensure that resources are made available to pay for advanced development and large-scale acquisition of “next-generation” medical countermeasures as soon as scientists can assert that the envisioned countermeasure is reasonably likely to be licensable, and that large-scale manufacturing of a safe and effective product is reasonably feasible, within the near term. President Bush has proposed creating a mandatory funding authority to spur development of medical countermeasures. This authority will help ensure that the private sector contributes to this effort by ensuring them that if they can produce a needed countermeasure, the government can and will purchase it.

Second, Project BioShield will strengthen the capabilities of the National Institutes of Health (NIH) by expediting research and development on medical countermeasures based on promising, recent scientific discoveries. The new authorities provided to NIH would apply only to support research and development of biomedical countermeasures against bioterrorism threat agents. Funding of grants and contracts will remain subject to rigorous scientific and peer review, but expedited peer review procedures could be used when appropriate.

Finally, Project BioShield will enable the Food and Drug Administration (FDA) to make promising treatments available in emergency situations if alternative treatments are not available. This authority is not intended to alter the FDA's thorough review before licensing a product. Rather, BioShield authorities will supplement the traditional FDA licensing process to ensure that we could respond effectively in a crisis to use medical countermeasures that experts have judged safe and effective. These countermeasures will be subject to Government controls, and can only be used after certain certifications have been made. Furthermore, all civilian use would be voluntary and the benefits of the treatment in question to be used in an emergency situation must outweigh the expected risks.

We must continue to encourage scientific initiative and creativity to ensure rewards for innovators who bring needed countermeasures to the American public. And, the breakthroughs resulting from Project BioShield are likely to have important spillover benefits in preventing and treating other diseases, and in strengthening our overall biotechnology infrastructure.

The Department of Homeland Security is working closely with the Department of Health and Human Services and the Department of Veterans Affairs, as those entities are equipped to identify contracting and procurement issues with the pharmaceutical industry; to assess when new countermeasures can be made that will be safe and effective; and to make recommendations for programmatic progress and areas of improvement. EP&R will be responsible for the Department's role as proprietor of the budget authority under BioShield (we estimate the use of nearly \$900 million in the President's fiscal year 2004 Budget) to allow the federal government to purchase critically needed vaccines or medication for biological, chemical, and radiological/nuclear defense measures, and to ensure the adequacy of the nation's stockpiles of pharmaceutical, vaccine and other medical supplies, and to promote removal of barriers to the development and production processes.

Emergency Preparedness and Response Bio-preparedness Activities

The Department of Homeland Security's work in the bio-preparedness arena includes developing an environmental surveillance system and associated response plans; the Bio-Watch surveillance program; participating in Metropolitan Washington Council of Governments Bio-terrorism Task force; and participating in major bio-terrorism response exercises such as TOPOFF II and Exercise Silent Night.

As one of its responsibilities, EP&R has assumed responsibility for the National Disaster Medical System (NDMS). This system assists State and local governments by providing primary care to disaster victims in the field, patient evacuation from

disaster areas, and definitive care, when needed. The three other federal partners for NDMS are the Departments of Health and Human Services, Defense and Veterans Affairs.

NDMS is a nationwide medical response system to supplement State and local medical resources during disasters and emergencies and to provide backup medical support during an overseas conflict. The System is activated in response to all-hazards, thus preparing the teams to respond to any event including a terrorist event that may be chemical, biological or nuclear in nature.

EP&R has also assumed the responsibility, together with the Centers for Disease Control and Prevention, of maintaining and deploying the Strategic National Stockpile. The President's budget for Fiscal Year 2004 includes a request for \$400 million to maintain the Strategic National Stockpile. The Strategic National Stockpile is made up of pharmaceuticals, vaccines and medical supplies housed in various areas around the country in case of emergencies. By dispersing the assets, the necessary supplies can be delivered to any disaster site within 12 hours. Once development and production of needed pharmaceuticals and vaccines is completed through BioShield, these new items may be placed in the Strategic National Stockpile.

Bio-Watch, an inter-agency initiative involving the Department of Homeland Security, Department of Energy, the Department of Defense, and the Environmental Protection Agency, is developing sophisticated air monitoring and analysis systems to detect large-scale releases of biological agents. Our role is to develop response plans that are more pro-active and responsive in managing the consequences of a biological or chemical attack.

The Metropolitan Washington Council on Governments' Bioterrorism Task Force provides a national model for integrated bio-terrorism response planning. The effort focusing on the National Capital Region provides a structure for Federal, State, local, private sector and cross-jurisdictional coordination, communication, and effective detection and response.

Finally, EP&R is working closely with other federal agencies, State and local contacts on two significant bioterrorism Exercises: The Top Officials 2 (TOPOFF II) exercise, which is occurring this week, is a major counter-terrorism exercise focusing on the nations response to bioterrorism. Participation in TOPOFF II and other bioterrorism exercises enables the response elements to be better prepared to deal with a terrorist attack involving biological, chemical or radiological weapons

Closing

While we have not limited our remarks to BioShield, we hope this information provides you sufficient background on our work to prepare this Nation in the event of a biological attack. We would be pleased to answer any questions the Subcommittee members may have.

Mr. SHADEGG. [Presiding.] Thank you very much for your testimony. I understand that you have reserved time. It seems to me that we have members here who want to hear precisely what the Department's position is. I would appreciate it if you would take the balance of your time to address the specific topic of this hearing; and that is, does the Homeland Security Act of 2002 give your Department, the Department, the tools it needs to determine which biowarfare threats are most serious? Could you please do that?

Mr. REDMOND. Thank you, Mr. Chairman.

Yes, I believe the act does give us the authorities and the capabilities to do that. We are establishing an analytical capability with expertise that will have all-source access to information. We will take that information and apply it to what the possible threats are. We, first of all, try to figure out who perhaps has these pathogens, who is trying to get them; if they got them, could they use them; and how they could be weaponized.

Taking that into consideration we would then merge that with the will and capability to deliver those pathogens in this country and thereby make an assessment of how much danger that particular pathogen, in the hands of whatever terrorist organization we judge might have it, might be. And thereby we could help or we could contribute to making the judgment of applying resources against that particular danger.

Mr. SHADEGG. How far along on that path are you at this point?

Mr. REDMOND. Mr. Chairman, we are just beginning.

Mr. SHADEGG. Mr. Tolbert do you believe the Department has the tools necessary?

Mr. TOLBERT. Sir, I believe by the merger that has occurred in the transfer of strategic assets into the Department, we are well poised to lead the country's efforts, lead the Federal Government's efforts in the development of these new measures, counter-measures, as well as to receive and distribute those as required in an emergency. I think from an emergency preparedness and response perspective, we are far stronger than we were 1 year ago and are well poised to manage this program.

Mr. SHADEGG. Looking at the wording of the act and the tools it gives you, neither one of you believe you need additional tools or assistance at this point, given that you have got a huge undertaking here?

Mr. TOLBERT. No, sir.

Mr. REDMOND. No, sir.

Mr. SHADEGG. I would yield to the ranking member.

Mr. THOMPSON. Thank you very much. Both of you gentlemen are aware of why you were invited to come and testify today; am I correct?

Mr. REDMOND. Yes, sir.

Mr. TOLBERT. Yes, sir.

Mr. THOMPSON. And did you have any concerns about the testimony that you would offer today before this committee in terms of not being able to provide us all the answers we needed? In other words, you say you have all the necessary tools before you right now.

Let me give you a "for instance." You talk about the President's State of the Union address. In that State of the Union address, the President made clear and convincing argument that there were biological weapons in Iraq, that we knew how many, we knew what the drugs were, and all of that. We have not been able to find them.

Can you, Mr. Redmond, say to this committee whether or not, to your knowledge, we have found them as of yet?

Mr. REDMOND. No, sir, I have no knowledge and I am not privy to that intelligence about what has or has not been found or was or was not predicted to exist in Iraq.

Mr. THOMPSON. Is your testimony that our men and women who went to fight in Iraq, given the biohazards that existed, that we had enough defense mechanisms in place for whatever we thought was there at the time?

Mr. REDMOND. Sir, I can't make a judgment about that because I don't know what the intelligence was that was available.

Mr. THOMPSON. Well, so are you saying the President was wrong in saying that we didn't have—that bioweapons were not in existence in Iraq?

Mr. REDMOND. Sir, I am not saying that. I am saying I do not know because I do not know the intelligence. I was not privy, I was not even in the government at the time when these decisions were made and these intelligence assessments were made; and I

wouldn't have known about them anyway, because I was not working at CIA, had I been in the government.

Mr. THOMPSON. So, given your position now, are you privy to any of it?

Mr. REDMOND. No, sir.

Mr. THOMPSON. Next question. What is the current capability of terrorist groups to modify biological agents so that they are antibiotic resistant?

Mr. REDMOND. Sir, I am not capable of answering that technical question. I will have to take the question and get back to the committee.

Mr. THOMPSON. So how can we be prepared to deal with emergency preparedness and you can't answer it?

Mr. REDMOND. Well, I am sorry, but I did not come prepared about—with that amount of technical data, if in fact it is available.

Mr. THOMPSON. In making the analysis of dangers that exist, what is the process that your office would go through to make that happen?

Mr. REDMOND. Sir, we would first of all determine, try to determine from all the intelligence that is available who may have these agents, who is trying to get them, who is trying to develop them. Then make a judgment on whether they could weaponize them or how they could be delivered, how easily or how hard it would be to deliver them. And then make a judgment on their will and capability operationally, actually, to do that in the homeland.

That in a nutshell would be our process to assess the threat of a particular terrorist organization using a particular pathogen to attack the homeland.

Mr. THOMPSON. So you would not be able to deal with it outside the homeland.

Mr. REDMOND. No, sir. My responsibility is uniquely—is uniquely addressing and protecting the homeland.

Mr. THOMPSON. So are you able at this point to do that?

Mr. REDMOND. We are developing the capability after about 3 months in business to develop the analytical capability to make these judgments.

Mr. THOMPSON. Well, but you said you have the tools. Are you saying you have the tools necessary to do it within a reasonable period of time?

Mr. REDMOND. I think we are developing the tools to do it in a reasonable period of time. We are just starting. We have never done this before. When I was thinking in terms of having the tools, we have the slots, the positions, the billets to fill—which we will fill—and we have the budget to do this job.

Mr. SHADEGG. The time of the gentleman has expired. The chair would call on the gentleman from New York, Mr. Sweeney.

Mr. SWEENEY. Thank the chairman. I want to follow up a little bit on some of the questioning that was just asked before I get to some of my own questions. And I guess the fundamental decision we have to make here today and that we hope that you can help shed some light on is the idea of whether or not we are ready to go forward or not with the Project BioShield process. And I think you two gentlemen are as equipped as any to really get immediately to the crux of that issue and talk to me about the implica-

tions of if—I understand you are 3 months into business, Mr. Redmond; and, Mr. Tolbert, I understand all of the time constraints that have happened. And I understand the fact that you were delayed because Congress failed to act over the past year. So it is important that Congress not be an impediment to your progress.

Tell me what the implications are if we are not to go forward; and fundamentally answer the question: Are you ready for us to go forward with this project on the authorizing end of it?

Mr. REDMOND. We are new to the analytical business domestically, but I would say professionally it is my judgment, from what I have seen so far in the intelligence, that al Qaeda and perhaps some of the other terrorist organizations are fully willing to use weapons of mass destruction, and it is a question of—to include bioagents, terrorist agents—and it is clearly a question of their getting the capability or getting the agents themselves and the capability to deliver them in this country in a way that would cause casualties. Therefore, I believe that this would be a worthwhile enterprise to go forward with this.

Mr. SWEENEY. Failing to go forward at this time would be an impediment to the further development that you are in the process of undertaking now.

Mr. REDMOND. That would be my professional opinion, yes.

Mr. SWEENEY. Mr. Tolbert, any comment?

Mr. TOLBERT. Sir, I believe that the secured funding as well as the commitment on the part of the government to work with industry in the development of new countermeasures is a basic and fundamental requirement to ensure that we have the proper—all the proper technical tools, including the vaccines, pharmaceuticals, other medical supplies and equipment that are required. And I think this legislation does provide some additional tools that will ensure that we are able to move in a timely manner; that based on intelligence, which changes daily, we invest many hours reviewing intelligence, analyzing intelligence, looking for the new areas of concern, but once we do identify that, we have to be poised to move forward in an expeditious manner in collaboration with the Department of Health and Human Services. We do communicate very frequently. We do have the relationships in place to ensure that we march forward in accordance with your desires and in accordance with the expectations of the bill. But this tool and secured funding, I think, are very important and are critical at this juncture in our ability to move expeditiously.

Mr. SWEENEY. Mr. Tolbert, I thank you for that very clear answer and directive, and appreciate it. Per your testimony, I have a question as to how it relates to FEMA and EPR and CDC both—in your testimony, you state that you both assume responsibility for maintaining and deploying the national stockpiles, the Strategic National Stockpile. CDC keeps it; EPR makes the plans to distribute it is my understanding, correct? If not, could you enlighten me as to how that exactly works?

Mr. TOLBERT. Sir, currently the Department of Health and Human Services retains the responsibility for the formulary for the contents of the stockpile. So they determine the contents. We are

the budget authority, we manage the budget. We own the stockpile, its contents, and we issue the orders for deployment.

We work collaboratively with the Department of Health and Human Services to ensure that there are adequate plans, training, and exercises on the receiving end, at the State and community end, to properly receive, break down the stockpile, and to properly distribute it within impacted communities. So that is a shared effort, but we own it.

Mr. SWEENEY. My understanding is that certainly with details being worked out, that the authorization and then the appropriate funding tied to this particular act will allow you to expeditiously move that forward even further, correct?

Mr. TOLBERT. Yes, sir; that is correct.

Mr. SWEENEY. Who currently—this is a question for both of you. Who currently decides what is stockpiled? Mr. Redmond, I think that is kind of a key question and relates to what is the core of a great deal of concern on both sides of the aisle here; and that is, as you develop this system of intelligence analysis, how in practical terms are you going to be able to employ it? This was one of those areas—

Mr. REDMOND. I would think over the longer term we would be able to make judgments about which pathogens, and delivered by which terrorist organizations, were the most likely to be used. That would be a judgment call, and therefore that would contribute to the judgments of what kind of a stockpile and how much.

Mr. SWEENEY. Who makes the call today? How is that done?

Mr. REDMOND. I don't know.

Mr. SWEENEY. In terms of what you are stockpiling and what you are not.

Mr. SHADEGG. The time of the gentleman has long since expired. I call on the gentlelady from Missouri, Ms. McCarthy.

Ms. MCCARTHY. Thank you, Mr. Chairman, I appreciate that.

Mr. Redmond, you shared with us that you have one scientist from—let's see—Lawrence Livermore, and also a biologist. I wondered if you would share with us how many scientists and biologists and others you will have dedicated specifically to analyzing the threat of bioterrorism and when those people might be in place, if they are not in place now?

Mr. REDMOND. We have Ms. Allen in place now. And her job will be to take on the issue in DHS, and, at least for the time being, use her contacts back in the labs and academia, at Fort Detrick, to examine the problem and use their expertise. I am not—I can't answer the question of how many more people we will actually have assigned there over the longer term. We will have some more.

Ms. MCCARTHY. Do you have a sense of when those people might be in place?

Mr. REDMOND. That will depend on us getting larger quarters and things like that. There is no point in getting people assigned there until we get a little bit more room so we can fit them in.

Ms. MCCARTHY. Is that likely to happen in the next few weeks or months?

Mr. REDMOND. I think probably in the next few months, from what I understand.

Ms. MCCARTHY. Both Eric and Paul, how would you assess the quality of our intelligence right now on the threat of bioterrorism? I am asking this as sort of a follow-up to us having our homeland security folks in place. I wonder how good our sources are and, you know, what kind of biological threat we think might be posed, and also your degree of confidence in the threat assessment we have now in bioterrorism.

You know, there are troubling stories in the press, most recently the L.A. times, where an Iraqi weapons expert says, The search is futile and these weapons have been gone for years. It was in yesterday's L.A. times. That person insists that the combined blitz of allied bombing and intense U.N. inspections in the nineties effectively destroyed Hussein's chemical, biological, and nuclear program. The public is getting various views and opinions from many, many sources. So I wondered if you would just share with us what your view is of the quality of the intelligence on this threat of bioterrorism, and your degree of confidence in the threat assessment that is we are now getting.

Mr. REDMOND. I can't address the issues of what has been or hasn't been found in Iraq. I would say—and in this unclassified arena, there are plenty of gaps in what we know about what various terrorist organizations are actually doing. The problem is we don't know what we don't know. I can't say that we can be completely confident that we have a full picture.

Ms. MCCARTHY. I thank you.

Mr. Tolbert, Director Tolbert.

Mr. TOLBERT. My primary utilization of intelligence is through derived products. I can say that from my own perspective, the products that I receive are adequate to fulfill my obligations and my responsibilities in strategically and tactically moving personnel equipment and supplies in order to meet current operational demands. So the products are quite adequate for my purposes.

Ms. MCCARTHY. Which terrorist groups have intent and capabilities for bioterrorism, and what agents are they working on?

Mr. REDMOND. There is information—let's take anthrax to start—that Aum Shinrikyo, the Japanese terrorist organization produced and attempted to disseminate anthrax. Al Qaeda—on the subject of al Qaeda, there are documents found at a place called Tarnak Farms in Afghanistan that include detailed notes on anthrax production. And apparently al Qaeda was in the process of building a laboratory near Kandahar in Afghanistan for the production of biological agents. Those all, of course, been found and gotten at.

What the residuals from that are, as far as I know, are not known. As far as botulism, botulinium toxin, Aum Shinrikyo again was studying, and probably the judgment is they probably produced a small amount. Again, al Qaeda and another organization associated with al Qaeda, called Ansar al Islam, probably produced some botulinium toxin in a compound in northern Iraq.

Ms. MCCARTHY. Are they capable—how many of these groups are capable of using these methods in an attack right now, currently?

Mr. REDMOND. I can't make a definitive judgment about that.

Ms. MCCARTHY. I recognize that my time is up. I thank you for the courtesy. We will hopefully have another round of pursuit. Thank you very much.

Mr. SHADEGG. The chair calls on the gentlelady from Washington.

The gentleman from California, the chairman of the full committee.

Mr. COX. Thank you, Mr. Chairman.

I would like again to welcome our witnesses and introduce you to your authorizing committee. We are here to help you, and I might say that we are not getting very far very fast today. I hope we can do better work.

We are about to mark up legislation that will add significant new responsibilities to the Department of Homeland Security and, specifically, new responsibilities for the Secretary. The purpose of today's hearing is to make sure that the Department has all of the tools that it needs to accomplish this mission.

Now, the mission that we are giving the Department that it doesn't already have, although it's complementary to missions that the Department was given recently in the statute, is to take global responsibility; to look over the whole planet for all manner of biological weapons agents for chemical weaponry as well as radiological threats, and then to assess which of these threats is most material, which I take it implies knowing something about the capacities of our potential enemies and also the consequences of the use and the manner of the use of these agents and which of these threats is most material to the population of the United States. That is an enormous job.

Now, you have introduced to us one person who is a microbiologist who works for the directorate. And I am sure that this is not accurate, but the impression that you have left is that it is the two of you working with the outside world. The question that that raises for me is whether or not we shouldn't be putting this responsibility somewhere besides DHS if you are going to have to look outside to get it anyway. I put that question to Mr. Redmond.

Mr. REDMOND. Mr. Cox, we are just getting started and I think having the one person in DHS and information analysis who can get back to these various areas of expertise will get us started. Therefore, I think as we start this program we have enough resources.

Mr. COX. And, specifically, the resources are yourself and Susan Allen—and what else?

Mr. REDMOND. Well, we have at the moment in the Information Analysis part of IAIP somewhere in the neighborhood of about 26 analysts. It is a mixed group.

Mr. COX. Are those analysts focused on biothreats?

Mr. REDMOND. No, sir. They are focused on everything from regular threats—they are from the military, they are from the Bureau, they are from various parts of Homeland Security. Also there are some other people from the labs. It is a rather eclectic group. We are hoping, as soon as we get a little more space, we are going to hire another 20 or 30 analysts, some of whom will be specialists in this area, others of whom will be specialists in other kinds of terrorist threats.

Mr. COX. If I may, of those 20 or 30, which will include additional support for yourself and Ms. Allen—or Dr. Allen, I imagine—how many might be focused on the biotthreat?

Mr. REDMOND. I would guess—and this is just an estimate—two or three more.

Mr. COX. Then my question will be whether the five of you are be able to discharge the statutory responsibilities that the Secretary will inherit if we enact this legislation, if we mark it up next week as it is written.

Mr. REDMOND. I believe we will, on the assumption, Mr. Cox, that we will be able to leverage, if I may use that term, reachback to various other—all the other institutions and laboratories throughout the country, without establishing another large—where the expertise resides is rather esoteric—without establishing another large organization in Washington.

Mr. COX. The statute permits the Secretary to put requirements on the Intelligence Community. It also states that in the absence of requirements placed by the Secretary on the Intelligence Community and/or cooperative agreements between the Secretary and other agencies of the government, the community is required to send to the Secretary information, including raw, unanalyzed intelligence that relates to his responsibilities, of which this will be one.

Will you have the capacity to analyze the scientific raw data that is going to come to you about biotthreats with the five people including yourself that you are talking about?

Mr. REDMOND. We would have that capacity using, again, the reach-back capability to the various centers of expertise, whether they are academic, Ft. Dietrich or the other labs. I do not think we would have across-the-board expertise within DHS/IA itself.

Mr. COX. Would you be looking to Fort Dietrich to perform the analysis and produce a finished report?

Mr. REDMOND. I think we would reach back to them for their contribution to our analysis that would end up in a report that would be given to the Secretary for his contribution to this decision-making.

Mr. COX. Well, my main question—I will reserve questions to a second round. Thank you.

Mr. SHADEGG. The time of the gentleman has expired. The Chair would note that we have a series of votes, one 15-minute vote and two 5-minute votes. We have roughly 10 minutes left in the first 15-minute vote.

It would be the Chair's intention to call on the ranking member of the full committee, Mr. Turner, for his questioning, and then to take a break for approximately 25 minutes, returning here as close to 3:35 as possible. The gentleman from Texas.

Mr. TURNER. Thank you, Mr. Chairman.

I know we had a full committee hearing on May 15th; and, Mr. Redmond, you were invited to come to that hearing and were unable to do so. And Mr. Tolbert was supposed to come as your replacement, and then Mr. Tolbert was unable to come.

But the hearing on that date, over 2 weeks ago, almost 3 now, the subject of it was BioShield—Countering the Bioterrorist Threat. As you know, our purpose in having that full hearing was to gain the information that I referred to in my opening remarks,

that is, to give this committee the opportunity to know what the nature of the threat is. You acknowledged in your opening remarks that you are not prepared to share that with us today, even if we were to go into closed session.

So I guess my question for you is, when could you be prepared, recognizing that we have an obligation on this committee to mark this bill up next week because it has been designated as a priority item? And how long would it take you to assemble the necessary expertise to brief this committee in a classified session so that we could have some understanding about what the nature of the biological threat is to this country?

I will have to admit that, in light of all of the recent news reports about the failure to find chemical, biological or nuclear weapons in Iraq, which was an issue critical to many of us when we cast our vote on that very important issue on the floor of the House, I think it is just a little bit more on the minds of many of us that we better hear straight from the horse's mouth the nature of the threat that we are facing and be sure that when we pass legislation it relates to a threat, number one, that is real; and, number two, if it is as serious as some would suggest, I may, as one member of this committee, like to do more than I currently see in Project BioShield.

So I would really appreciate it if you could think about it and if you could tell me today when we could expect the opportunity to hear that information. I think many on this committee would appreciate that, and in fact I think it is essential that we do so.

Mr. REDMOND. Well, Mr. Turner, I would have to take the question, get back to DHS, look at what we could put together in a hurry, probably based on some assessments done before DHS—done by the intelligence community, done before DHS came into existence, and then get back to you and give you an idea of how quickly we could come back here for a classified session.

Mr. TURNER. Well, I wish you would do that. Because I think many of us would like to have that opportunity.

The other issue that Chairman Cox raised, I also share the same concerns. That is, when you share with us that you and Susan Allen and two or three others are going to carry out the responsibilities given to you under this proposed legislation, it causes me to have grave concern that we are not doing the job in the way that the legislation envisions it.

Because, under the legislation, you are given the responsibility to make the assessment and to make the recommendation to the Secretary, who would then make the recommendation to the President. You know, you have shared with us, in another setting a few weeks ago, basically how you are working with TTIC. It just strikes me that most of the expertise that we are talking about and most of the analysis capability is now accumulating in TTIC. I really think that there is a strong feeling on the part of many on this committee that the Department has the responsibility under Section 202 of the bill to be the place that accumulates the intelligence information and where the analysis takes place, not in this other entity that apparently belongs to nobody, that nobody can provide this committee with any presidential directive or executive order creating it.

We are basically in a posture where this Congress passed a bill mandating that your Department carry out this task, and now we know that it is being done, apparently, at TTIC. I don't know if you agree with that or disagree with that, but I think the capability that needs to exist in your Department is now accumulating elsewhere.

Mr. REDMOND. Perhaps I gave the wrong impression, Mr. Turner. I didn't mean to imply that it was just myself, Ms. Allen, and a few other people. She is there as a specialist in this area as we get started to be a point of contact and an expert so she can reach back and leverage to all of the other institutions in this country, again as we get started, for expertise so we can do this analysis.

As I alluded to earlier, we will expand our inherent capability with more people in this area, but that will take time.

As far as TTIC and the expertise that has accumulated there, I assume, although I am not an expert on this, that the intelligence community has had expertise in this area, some of which is gravitating to TTIC. Analysis was done about—in this field for years in the intelligence community.

We have a representative there. We are assigning people to TTIC. We view ourselves as a player in TTIC, fully cognizant of what is going on, and we would take full—make full use of what is being done in TTIC and apply it to our independent analysis, which is purely domestically oriented.

Mr. SHADEGG. The time of the gentleman has expired.

I understand there are less than 4 minutes remaining in this vote, so we will recess at this time and resume in 25 minutes, approximately 35 minutes after the hour.

[Recess.]

Mr. SHADEGG. I would like to call the joint committee back to order.

It is my intention to try to proceed with questioning during the next series of votes so that all of the Members will have time to get their questioning in. I guess we are having some trouble with the microphones, so these questioning will have to speak up quite loudly.

The gentlelady from Washington, Ms. Dunn.

Ms. DUNN. Thank you very much, Mr. Chairman. Gentlemen, could you tell me what currently resides in the stockpile—what vaccines or antibiotics or other agents are in the stockpile?

Mr. TOLBERT. I did not bring the current inventory with me. It is a compilation of both pharmaceuticals, and the smallpox vaccination program is also part of the current stockpile. It includes not only pharmaceuticals but specific acute medical equipment and supplies that are required to take care of mass casualties in a post-impact environment. So it is both prevention, prophylactic medications, smallpox vaccines, as well as equipment and material.

Ms. DUNN. Anything on anthrax?

Mr. TOLBERT. There are prophylactic as well as treatment pharmaceuticals, yes.

Ms. DUNN. Let me just tell you what one of my concerns is right now. I know that two committees have already passed the Bio-Shield program, and we are look at marking it up next Thursday afternoon. But when you read through the legislation, you run into

things like the fact that there is huge discretionary judgment that is left up to the Secretary of HHS and the Secretary of DHS.

For example, Section 4 of the Act waives the premarket approval clearance and licensure provisions of the Federal Food Drug and Cosmetic Act, and it allows the Secretary of Health and Human Services to authorize the emergency use of an unapproved product during times of military, national and public health emergencies.

That is a huge amount of jurisdictional and judgmental decision-making that is made as a result of something that your agency, Mr. Redmond, will be deciding. That is, what type of things should we have in the stockpile? What sort of drug or antibiotic or agent or prophylactic should we approve?

And, step two, of course, it doesn't have to be approved by FDA, so you can go around all sorts of regulations.

In addition to that, we are costing the taxpayers a lot of money in this bill. \$5.6 billion have been allocated over the next 10 years to this program. So I think it is very important that we walk away from this hearing today with the utmost credibility in your ability to put together a program that is going to allow you to analyze which types of antibiotics, drugs and so forth are going to be used in this program. And I am having a problem with that right now. I think with the very best of acts you can still have problems if the management is not in place.

You have been there for 3 months, and I know that that is a short period of time. But we are talking about—what—five analysts? I know there are something like 13,000 analysts available for this sort of information around the United States, and I am wondering why we are not getting into this more quickly. Because this Act is going to take effect as soon as the appropriators appropriate this money.

But what is going to happen processwise? Let's say today—when you leave the hearing today, what are you going to be doing to make sure that we have in place the right analytical ability to take a look at what the threats are going to be and then what the countermeasures are going to be and which winners and which losers we are going to be picking out of the pharmaceutical industry for one, who will have their products stockpiled and purchased by the government?

Mr. REDMOND. Well, I can't talk to the issue of which pharmaceutical companies would be involved. I would say that we would go back from here today and build on the analysis that was done in the past with Ms. Allen, who is here, reach back, as I alluded to earlier to the literally hundreds of experts out there in the short term, quickly, as we start out—as we continue to start our organization, to make these judgments.

Over the longer term and as we assume this larger responsibility if this legislation is passed, we will clearly have to hire many more biochemists or microbiologists to be an integral part of our organization, but that is over the longer term.

Mr. TOLBERT. If I can address that. The primary intelligence role of the Department is to identify new and emerging threats, based on the intelligence coming in from an array of sources. I don't know that the intent was ever to create the Department of Homeland Security as the premiere intelligence agency. We have become a fu-

sion point, collecting the intelligence and comparing that intelligence against current capabilities.

So as it relates to the stockpile and Project BioShield and the development of new vaccinees, it will always—regardless of where it resides, it will always be a collaborative effort where we identify a new or emerging threat, we compare that against current capabilities or countermeasures to deal with that emerging or possible threat and, from that, work with the pharmaceutical companies as well as the medical professionals through the Department of Health and Human Services to develop new vaccinizes, new pharmaceuticals, new countermeasures to deal with this new or emerging threat.

So I think, regardless of where we build the capability, it is always going to be the role of the Department to be a fusion point to identify those new trends and conditions that warrant new countermeasures.

Ms. DUNN. Except the Department of Homeland Security will be the decisionmaker.

Mr. REDMOND. And we would gather information, analyze it, and make the final judgment on the advice given to the Secretary, to work with the Secretary of HHS, I guess, to make the recommendation to the President. We would have the final responsibility to making the analytical judgment.

Ms. DUNN. Are you aware of all of the agents that we had concerns about over in Iraq, and in that area? I mean, those are the ones we are worried about being disseminated to other nations and other terrorist groups. Are we on top of which types of nuclear, biological and so forth weapons of mass destruction we need to be concerned about being disseminated so that you are well along in your ability to choose the best antibiotic, so that if there were a terrorist attack to happen within the few months we would be prepared for that?

Mr. REDMOND. We are not well along in this analytical effort at all. We are just beginning.

Ms. DUNN. Did you glean anything in terms of—well, did you glean anything from the TOPOFF projects in Chicago and Seattle in terms of information that would enable you better to respond to something like the dirty bomb, for example, that was part of the exercise in Seattle? Have you received the results of those exercises yet?

Mr. REDMOND. No, ma'am. As I understand it, the performance and all of the issues are still under review; and we haven't received that review.

Mr. TOLBERT. There have been a serious of hot washes where the agencies involved at various operations centers were involved in sharing information and developing response strategies and tactics. There were a number of hot washes.

There were—to the best of my knowledge, there were no real serious deficiencies identified, at least from our perspective in the consequence management arena. The hot washes so far have not identified any major deficiencies.

The key will be as we come together now with local government, State government and the Federal agencies that responded to com-

pare each others notes on how we jointly responded. We will look forward to that process. It is defined.

Ms. DUNN. Thank you.

Mr. SHADEGG. The time of the gentlelady has expired. It had been my intention to try to roll through this series of votes. But, as I understand it, we have a back-to-back vote. There are about 6 minutes or less left in this current vote, then there is a 5-minute vote, so we will have no choice but to recess. We will recess and return at 4 o'clock or 4:05 and resume the hearing at that time.

We stand in recess.

[Recess.]

Mr. SHADEGG. At this time I would like to call the hearing back to order and call on the gentlelady from the Virgin Islands, Mrs. Christensen.

Mrs. CHRISTENSEN. Thank you, Mr. Chairman; and welcome to our panelists. My first question goes to really both of you.

The IOM, the Institute of Medicine, has been asked to evaluate Project BioShield as it was submitted. Their report is due later this year. So I am wondering, what is the rush to have us authorize and fund this before the National Academy of Medicine does the report, in the beginning DOD, and then Congress asked them to complete?

Many of the questions that we have have not been answered adequately, I don't think, in three hearings. It seems like it takes a long time to develop vaccines. In one of the hearings, we heard that it takes longer than 5 years. We know that basic research is being done now.

Would we really lose that much if we waited until we had this very informed assessment of what is required to best prepare us to protect our country to prevent and respond to bioterrorism? I don't think this is something that we should rush into. As I said, the questions haven't been answered. It seems like we rushed into the Transportation Security Agency, and that is a mess. Why not wait until this report that we have asked for comes out, gives us a very informed, detailed assessment and then move ahead?

Mr. TOLBERT. I am not aware of the study under way by the National Academy of Sciences, so I can't adequately address that. All I can say is that we in the government—we in the Department of Homeland Security really don't set the operational tempo.

Mrs. CHRISTENSEN. Would we lose that much time if we waited until the end of the year for this report to come out? My understanding, again, in asking a question in a previous hearing, we are talking about a 5-year period of time for development of this countermeasure. But many of the pharmaceutical companies here says it takes a lot longer than that to develop a vaccine. So would we lose anything by not rushing to this—without having adequate answers to many of the questions that have been asked in three hearings? And shouldn't we just—would we lose much time if we waited until this report came out and we were better informed?

Mr. REDMOND. I can't answer that question. I guess I would say only that perhaps the more quickly we get started, the more quickly we would be prepared.

Mrs. CHRISTENSEN. Is there no research going on right now?

Mr. REDMOND. I am not qualified to answer the questions of what research is being done.

Mrs. CHRISTENSEN. You know, what the pharmaceutical companies are supposed to do is take the basic research that has been started, heading in a particular direction that looks promising, and that is when Project BioShield kicks in. So I would assume that at this point there is some basic research being done leading us in certain directions to get us to that point where the pharmaceutical companies would kick in and take it on to a completed project.

Mr. TOLBERT. Well, the research is based on real-time intelligence; and the intelligence has to establish, again, a new emerging threat. An emerging threat or a new threat can be caused by new development, new enemies. It can be a new method of distribution that now makes it a feasible weapon that did not previously occur.

The only response I can offer is that the program itself—the existence of the program in itself serves as one more deterrent that we have available to us; and it removes the obstacles that currently exist, which is primarily the lack of funding to commit to the industry for the development of new pharmaceuticals and vaccines so that we are not losing any more time working with the industry in establishing the relationship. So there is no intent to spend the money without a specific threat.

Mrs. CHRISTENSEN. Let me ask this other question, because there was a briefing on the Hill, I believe it was earlier this week or late last week, with the Institute of Medicine, some of the members of Pharma; and one of the things that was said in this briefing was that measuring the success of a bioterror or countermeasure research strategy is if it met the following standards. This is one of the standards. I just want to hear how—if you agree with this and how does BioShield help us get there.

One of the standards: If the agenda focuses on the development of powerful research tools that will enable us to respond quickly to a new unforeseen terror agent and not just to develop countermeasures for terror agents we know about today.

Because you will hear from a lot of the questions, and if you have listened to any of these hearings before, we are all concerned that we don't know what we are developing the countermeasures against. We didn't know about SARS back in the early part of this year. We can spend a lot of time creating all of these wonderful countermeasures and come up with something that we never saw or heard of before.

So wouldn't it be better for us to focus on the development of these powerful research tools? If it is—this is what the pharmaceutical companies felt, does BioShield help us get there?

Mr. TOLBERT. I think you are getting—your question is beginning to touch on the economic incentives that are provided by the existence of the program, which is what is missing from today's formula. Even with SARS, even with any emerging threat that we have today, without the committed funding and the appropriated funding so that we can move forward in good faith with industry to encourage the research and development—and we don't necessarily finance the research and development through this program, but the industry is assured that there is a pot of money that is going to allow us to acquire the products as they are—as they reach their final form. So it is an incentive program as much as anything.

I think it is important that we move forward and remove the obstacles that currently exist in the research and development arena; and one of these, the major one, is the economic disincentive as it currently exists for the industry to engage in the development—research and development.

Mrs. CHRISTENSEN. But, in addition, we have concerns about this permanent mandatory stream of funding as well.

But before my time is up, let me ask this one last question.

The success in protecting our citizens and residents really hinges on the quality and adequacy—I am going to ask this of Dr. Redman—of the intelligence that we gather and analyze. We have the Terrorism Threat Interrogation Center, and it is really outside of this Directorate, the information analysis and infrastructure. Can you explain why we need these two—tell us if they work. And as we look at how we may amend the Homeland Security Act, wouldn't it be better for us to amend it in such a way that the two processes came together so that we don't have confusion over who is doing what and things fall between the cracks? We cannot afford to have that happen.

Mr. REDMOND. Well, the Information Analysis and the Infrastructure Protection part of Homeland Security is unique in that it is—unlike TTIC, it is focused on the threat to the homeland. Whether the threat originates overseas or not, our optic is to view the threat to the homeland.

Secondly, the other very important part is the information analysis interface with the infrastructure protection, to take analysis of the threats and apply it to the infrastructure so protective measures can be tailored in the most economic way best to protect that infrastructure.

Thirdly, unlike TTIC, our job is to interface with State, local governments and law enforcement agencies, to some degree with the Bureau. We will establish, over time, a large analytical capability independent of TTIC. We will have a representation in TTIC to know what they are doing, because they will be pulling the data collected overseas, some of it collected domestically, probably some of it collected by—gathered by DHS itself, and we will take advantage of it.

But our job will be independent of TTIC to analyze all of that and apply it to the homeland.

Mr. SHADEGG. The time of the gentlelady has expired. The Chair would call on the gentleman from Connecticut, Mr. Shays, for 8 minutes.

Mr. SHAYS. Thank you for conducting this hearing, Mr. Chairman.

I was interested to come to the hearing to understand what kind of cooperation we would receive from the Department of Homeland Security, how seriously both of you gentlemen would treat this hearing, how seriously you treat your jobs as it related to coming before this committee. And I just want to understand something. The statement says, Statement of Paul Redmond and Eric Tolbert. But I am to understand, Mr. Redmond, this is not your statement?

Mr. REDMOND. I am sorry, Mr. Shays. I am rather new to this process. I misspoke. It is my statement jointly.

Mr. SHAYS. Well, I hope you don't say that. Tell me what you wrote in it.

Mr. REDMOND. I didn't see it until I got down here.

Mr. SHAYS. Well, there is nothing in this statement that deals with your area, is there?

Mr. REDMOND. No.

Mr. SHAYS. So it is not your statement, is it?

Mr. REDMOND. Correct.

Mr. SHAYS. It is not your statement. And you told us you didn't have a statement. You didn't misspeak. You didn't have a statement. This is Mr. Tolbert's statement, not yours, and it only deals with his side of the equation. We have information analysis—let me back up.

I chair the National Security Subcommittee. We have jurisdiction of Defense, State Department, now Homeland Security; and we have always had the intelligence committees.

We were going to have a hearing on the intelligence committees and how well they communicated, and they had a permission slip from our Intelligence Committee saying they didn't have to show up. They didn't have to show up because the Intelligence Committee said they didn't have to come before our committee. I am used to that on my committee; I am not used to the lack of cooperation from people from the Intelligence on this committee.

But, Mr. Chairman, I just want to say to you, it has a bad feeling to it. In my committee and in other committees we had three commissions come before us—the Bremer Commission, the Hart-Rudman Commission, and the Gilmore Commission. All three said there is a terrorist threat, we need a strategy; and the only thing they disagreed with was the reorganization of the government.

So now we have two parts in the reorganization of government. We have information analysis—and, Mr. Redmond, that is your job, correct?

Mr. REDMOND. Yes, sir.

Mr. SHAYS. Okay. You have no statement.

We have science and technology. We didn't ask anyone. We have border and transportation security. Then we have emergency preparedness and response. That is you, Mr. Tolbert; and this is your statement, correct?

Mr. TOLBERT. Yes, sir.

Mr. SHAYS. Okay. When we established the Department of Homeland Security, there was a gigantic debate about whether we wanted the intelligence community in there or whether we wanted an intelligence community outside, and experts to then basically take what we got from the outside. In other words, keep our intelligence community pretty much the way it is. And I basically bought into that.

Why should I feel comfortable today, Mr. Redmond, with your lack of a testimony—you are now saying maybe you did write it and now not writing it—and the fact that you have not addressed any of the issues that we are concerned with? Why should I feel that we made a good decision having this the way we did and having you there? Tell me why I should feel good that you are there?

Mr. REDMOND. Well, I am trying to establish, based on my experience in the intelligence communities as an intelligence officer, a

good analytical capability, a large analytical capability. Mr. Shays, I can tell you I am trying to do my best at this point.

Mr. SHAYS. Anything else?

Mr. REDMOND. No, sir.

Mr. SHAYS. That is your complete answer? Tell me what it means that you are trying to have a good analytical ability.

Mr. REDMOND. What I am trying to do, Mr. Shays, is build a cadre, ultimately, of a little over a hundred analysts from a wide variety of experiences and expertise to address the threats to the homeland—whether these people would be law enforcement people, whether they would be from NSA, whether they would have CIA experience; put together a variety of people who can jointly, independently of the TTIC or the intelligence community, to assess the threats based upon the data, some of which we will produce ourselves from the various parts of DHS, such as TSA and BICE, for instance, based on intelligence data which would come through TTIC where it would be gathered together, and ultimately from the Bureau, whether it is directly from the Bureau or via TTIC. Ultimately, put that all together and make judgments about the various threats.

Mr. SHAYS. Of the hundred that you hope to staff, how many do you have to date?

Mr. REDMOND. I believe we have 25 or 26.

Mr. SHAYS. Was it your testimony that you didn't hire more because you didn't have space?

Mr. REDMOND. Yes, sir. Let me correct that. We have in the pipeline today, I think, roughly 21 people who we have picked and we are already hiring people and putting them where we can put them.

Mr. SHAYS. That is really not what I asked. I asked, did you state before I came or while I was here that you did not hire some people because you don't have the space? I want to know if you said that. I was told that you said it.

Mr. REDMOND. We have not hired them. We have not brought them aboard because we do not have the space for them.

Mr. SHAYS. Do you feel that, given the incredible importance of your office, that that is a pretty surprising statement to make before this committee?

Mr. REDMOND. It was a difficult statement to make. And the management of DHS is trying—as quickly as possible—to get more space for us.

Mr. SHAYS. When will you have enough space to hire the people you need to do your job?

Mr. REDMOND. I don't know the answer to that, Mr. Shays.

Mr. SHAYS. Should I be concerned that you don't know the answer to that question? Should I be concerned that you don't have enough space, or should I just accept it as the way it is?

Mr. REDMOND. I wouldn't accept it the way it is. I would accept, I would hope, my statement that the management of DHS is working very hard to find more space for us.

Mr. SHAYS. Is it a problem that they are giving less priority to your area? Is it your statement that they are giving less priority to your area? You are one of the four pillars of this Department, and you are one of four pillars. We have over 160,000 employees,

but you are one of the four pillars, and you basically need 100 employees, and they have enough space for thousands, and you are telling me that they don't have enough space for a hundred?

Mr. REDMOND. I don't know why we don't have it except this is the last part of homeland security to come into being, as I understand it. So we are catching up and getting space, as I understand it.

Mr. SHAYS. The Department went into effect on March 1st, correct?

Mr. REDMOND. I believe so.

Mr. SHAYS. But when did the legislation pass?

Mr. REDMOND. I don't know the answer.

Mr. SHAYS. When were you hired?

Mr. REDMOND. I came to work I think on the 17th of March, Mr. Shays.

Mr. SHAYS. Did you have a predecessor?

Mr. REDMOND. No, I did not.

Mr. SHAYS. Mr. Chairman, I have other questions. But I will make it in the second round.

Mr. SHADEGG. The time of the gentleman has expired.

The Chair would call on the gentleman from Massachusetts, Mr. Markey, for 8 minutes.

Mr. MARKEY. Thank you, Mr. Chairman.

Mr. Redmond, your division of the Department of Homeland Security is the warning system, the radar system. You are part of this homeland security protection system that we are building in America which is going to give us the kinds of warnings that we did not get before September 11th. That is your job.

Knowing that, let me ask you this question. Right now, on passenger jets going all across America, at this time air cargo is being put under the passengers which has not been screened. The passengers' bags are screened. We have to take off our shoes, turn over our belts, but the air cargo is not screened.

Given your vast knowledge in the intelligence field, Mr. Redmond, do you think it is advisable for the United States to screen the cargo that we put under the passengers who have had to take their shoes off in order to ensure that no bomb, no explosive is placed upon an American airplane?

Mr. REDMOND. I certainly would agree with the statement, with the judgment that, of course, the cargo should be screened as quickly as a system can be put in place to do that.

Mr. MARKEY. So, right now, the Department of Homeland Security has made no decision, almost 2 years after September 11, 2001, as to whether or not that cargo should be screened on passenger jets? Your recommendation to your Department would be that it should be screened.

Mr. REDMOND. That it would be. But I would add that I never addressed the issue before. I wasn't aware of its existence. But my judgment would be it should be.

Mr. MARKEY. Well, I agree with you, Mr. Redmond. I agree with you because, amongst other things, it was unscreened passenger bags that led to the explosion on the Lockerbie plane. And we are definitely in an era right now where decisions can't be made on the basis of whether or not we have enough money. The money has to

be spent. It is completely counterproductive for the Department of Homeland Security, the Bush Administration to allow this to go much longer, exposing civilian passengers to that kind of a risk.

My next question. Under Project BioShield, there will be a use of Federal money to develop drugs, to develop materials which can be used domestically, but they also potentially have some commercial value as well overseas, selling them to other countries in the world. Do you think it makes any sense for our country to sell any of the materials which we do develop under Project BioShield to countries who are not allies of the United States?

Mr. REDMOND. Well, first of all, our job is to assess the threat in the biological arena. We are not in the business of advising on or taking part in the research and development of the antidotes.

Mr. MARKEY. I am saying, given your intelligence—you are the top intelligence person here—does it make sense for us to give the antidotes, to sell antidotes to countries who are not our allies?

For example, one of our great fears, as you know, in Iraq was that Saddam might inoculate his soldiers against Sarin gas or against other toxins and then deploy them against American soldiers. Does it make sense for us, after we develop the antidotes, to sell them to countries who are not our allies?

Mr. REDMOND. My judgment would be that it would be a mistake to sell them to countries that were known to be our enemies.

Mr. MARKEY. Thank you, Mr. Redmond.

My next question is on the question of FDA approval of any of the drugs, any of the antidotes. The position which your testimony—or Mr. Tolbert's testimony takes is that Project BioShield will, quote, enable the FDA, the Federal Drug Administration, to make promising treatments available in emergency situations and that this authority is not intended to alter FDA's thorough review before licensing a product.

Would you be supportive of language which ensured that while this material—these new drugs and antidotes may be used in emergency situations, that they could never be used in regular interstate commerce, just sold over the counter to ordinary Americans unless and until they had completed the entire Federal Drug Administration clearance of the drug so that we know that there would not be harm that could befall families of our country because they were not properly vetted to ensure that they would not harm individuals in our country?

Mr. Tolbert.

Mr. TOLBERT. I would agree, sir, that these are intended for emergency purposes; and until full testing is accomplished it would only be our intent to use them in an emergency lifesaving purpose.

Mr. MARKEY. One final question. Would you support legislative language that requires the Department of Homeland Security to review all exports of countermeasures or the intellectual property that enables the development of countermeasures created under Project BioShield to ensure that the export wouldn't pose a security risk? Either of you.

Mr. TOLBERT. I don't feel qualified to answer the question, sir. That is beyond my purview.

Mr. MARKEY. Do you agree with that statement?

Mr. REDMOND. Mr. Markey, I would just add, in general, that I would not want to give any one of our enemies any kind of advantage.

Mr. MARKEY. So you would want each one of these products, services, drugs, screened for their potential counter—

Mr. REDMOND. Potential use by an avowed enemy of ours or recognized enemy.

Mr. MARKEY. Thank you, Mr. Redmond. Thank you, Mr. Tolbert.

I will say, editorially, that you guys have tough jobs, very tough jobs; and you are not given the resources. We are in a tight budget era. We are passing huge tax cuts for the upper 3 to 5 percentile, but we have got to fight a war of terrorism which is going to be, as President Kennedy used to say about our war against Communism, a long twilight struggle. It will go on for a generation at least, and I do not believe that this administration is properly factoring in the full costs. I believe that the testimony of you two gentlemen today reflects the fact that the administration has not factored that in yet.

You should have more space, Mr. Redmond. There should already be the screening of this cargo on planes. I am afraid that, unfortunately, there has been a shortchanging of our ability to be able to, up front, ensure that these protections are put in place for the American people.

Two years is too long to wait for cargo put on passenger planes to be screened. It is unacceptable.

Mr. SHADEGG. The time of the gentleman has expired.

Mr. Redmond, in response to a question by Mr. Markey regarding the issue of cargo placed in civilian aircraft, you said that you were not aware of the existence—and I am confused—the existence of that. I would like you to be able to have a chance to explain what you meant by that statement.

Mr. REDMOND. I hadn't focused on that issue.

Mr. SHADEGG. The issue of?

Mr. REDMOND. Of cargo screening.

Mr. SHADEGG. Not being screened.

The Chair would call on the gentleman from North Carolina, Mr. Etheridge, for 8 minutes.

Mr. ETHERIDGE. Thank you, Mr. Chairman; and thank you for calling this important meeting.

Let me echo what Mr. Markey said to both of you. Congress moved to create Homeland Security and pull this agency together; and, working together, we recognize you have a tough job. But it is an important job that we can't fail at because it is every single person in this country who is depending upon you.

We are here to help you, so please understand we aren't your adversaries. We will only be your adversaries if you don't give us information to help you. Okay? Because we are asking questions to get information so we can make good decisions. If we don't make good decisions, the American people pay a heavy price; and I would not want that to happen.

Mr. Tolbert, let me say to you, welcome. For those of you who don't know, he headed the emergency operations in North Carolina, did an outstanding job for a number of years before he came to

Washington. So let me ask you a couple of questions first, and then I will quickly go back to Mr. Redmond.

In his testimony before the Homeland Security Committee last month, Secretary Ridge said that, in earlier analysis—and you have touched on this some already. You may have answered it while I was out of the room. The analysis of the TOPOFF II exercise revealed some problems with the public health infrastructure in areas ranging from communications to the reliability of public health volunteers. You are aware of these because you have worked with them over the years.

Can you describe some of the problems very briefly—if you have already described them, don't do it—on how the directorate has responded? But, more importantly, do you believe that legislation is necessary to solve some of the problems and, if so, share them with us. If not, are enough resources there to get the job done? If not, I would certainly like to hear that.

Finally, is the Emergency Preparedness and Response Directorate prepared to coordinate the dissemination of current available countermeasures as well as those that may be developed through Project BioShield?

Mr. TOLBERT. The two issues in Secretary Ridge's testimony involving communications, especially among the public health community, as well as the reliability of volunteers, has been an issue for many years in the past in all hazards emergency management development.

Mr. ETHERIDGE. But the stakes are higher now.

Mr. TOLBERT. Stakes are absolutely higher. It is an additional risk. Death from one cause is as serious as death from another cause; and we take them all seriously, including the tornadoes and hurricanes and earthquakes and other hazards that this Nation faces.

Tremendous progress has been made, especially in the communications arena, of sharing information both vertically and horizontally across governmental boundaries, including intelligence as well as the consequence management arena, our ability to share information on actions done and to coordinate actions.

Mr. ETHERIDGE. Let me interrupt you here. We are talking about sharing information. The problem is, though, if you have a fire or something else and they go—they have got to use a cell phone to communicate, because we don't have a common communication instrument even yet, unless that has been developed in the last few weeks.

Mr. TOLBERT. There are variations around the country, and there are variations from State to State. But I would say that, based on my experience, we are making significant progress in the development of new communications capabilities that are both tactical in nature, at the scene, allowing first responders in various uniforms to communicate, but also strategically to communicate regionally as well as to the State and then to the Federal level.

We are making steady progress in that arena with—one example is a new Web site established by the Department called disasterhelp.gov that is providing a web-based system for sharing information on preparedness.

Your second area was, as mentioned by Secretary Ridge, was the reliability of volunteers. This, too, is an area where I believe we are making significant progress.

The Citizen Corps Initiative that was launched last year is getting very successful results across the country, including our home area. It is energizing volunteer efforts, and we are finding that Americans are stepping forward to receive the training that is necessary and the credentials necessarily to not only help their neighbors, but to help others in trouble.

Another good example is the National Disaster Medical System, which I have responsibility for, which is growing to nearly 13,000 medical professionals across this country who are willing to come at our beck and call to provide medical assistance.

So to answer the bottom line questions, I think we have made significant progress in acquiring the resources necessary to get the job done. I don't think we are there yet. I think we are several years away from having adequate resources nationally to ensure that we have good, reliable, sustainable communications that provide interoperability as well as continuing to develop our personnel through training exercises and acquisition of protective equipment as well as response equipment.

Mr. TOLBERT. So, no, sir, the job is not done. We are several years away from accomplishing that, but we are making very steady progress.

Mr. ETHERIDGE. Mr. Redmond, let me go back to you if I might. Because I think Congressman Markey mentioned that you are a sort of radar system and that is right. As you get the information, certainly the stuff you gather certainly determines whether we go from Code Orange to Code Yellow to whatever codes as it relates to biological and other issues chemical nuclear, et cetera. What do we know about al-Qaida's current biological capabilities? Were they able—or can you share that with us today as it relates to information that is available from issues—we said they were operating in Iraq. Did they gather material there or should we be concerned?

Mr. REDMOND. In an unclassified context, I can say that we know, as I mentioned before, documents found in Afghanistan included details of notes on anthrax production by al-Qaeda. It appeared that al-Qaeda was in the process of building a laboratory near Kandahar for the production of biological agents. That is anthrax. Botulinum toxin, it appears likely that they produced some of it in a terrorist compound in northern Iraq. It is—the issue of ricin, some of which was found in the U.K., and I believe it is not clear whether that is—it is at least not clear to me at that point whether that was directly related to al-Qaeda or not.

Mr. ETHERIDGE. Excuse me. I understand that. I know that is a part of the record and that is in public dissemination. My question is can you share with us information that is public information, if not, whether it be necessary for us to go into a closed session so we can understand what we have to be concerned about as relates to al-Qaida and other organizations.

Mr. REDMOND. Earlier we committed to getting back to the committee to set an early date to come and give a classified—a briefing or a hearing in a classified environment about the bioterrorism

threat which, of course, would include what more we know about al-Qaeda.

Mr. ETHERIDGE. I know my time has expired, Mr. Chairman, I appreciate that. I hope it would be quickly because we will be talking about a markup real soon. It would be in the best interest of this committee and the American people, and I think the Department, if we can get that before we start to mark up. Thank you, Mr. Chairman.

Mr. SHADEGG. I assure the gentleman it is the intention of the chairman to get in a newly scheduled hearing at which we can get more information in the immediate future. I have had at least one member of the subcommittee express a desire to ask an additional question. We have some time, so I am going to allow him to do so. If others who are here would like to ask an additional question, we can do so.

At this time, the Chair will call on the gentleman from Connecticut, Mr. Shays.

Mr. SHAYS. Mr. Redmond, I have a feeling that my disappointment centers around the fact that—with your testimony is that it doesn't exist. I know you have served your country long and hard and I know have you risked your life in the service of your country. And I need to respect that. But I think you understand that I have a job to do. And I have to ask this question because I have to, because I want to. When Mr. Markey talked about the existence of the potential for the luggage in the belly of the aircraft that is not screened having explosives, you said you weren't aware of the existence of the problem.

And to Mr. Shadegg, our chairman, you said you hadn't focused on that. And for me, that is an indication of a bias, maybe I have that. The CIA and the Intelligence Community in general loves it if it is classified, but if it is open source material, they don't pay much attention to it. Let me explain. We debated this issue on the floor of the House. It was in the front page of the newspapers. It is possible for a plane to be blown out of the sky because we don't yet check the baggage on the planes.

The fact that you are not aware of that problem concerns me and I am wondering if I should be concerned. Isn't your job to take both classified and public source, open source information to integrate them together and to understand the potential threats facing the United States?

Mr. REDMOND. It certainly is. And any analysis and assessment we are doing and will do will take into consideration what is open source information.

Mr. SHAYS. So isn't it logical for me to expect that this is something that you should know about, that you should be focused on and that you should be addressing?

Mr. REDMOND. I certainly will address it in the future Mr. Shays.

Mr. SHAYS. I understand that, but I am trying to understand, if you think I should be concerned about this. That it is not a focus. You gave me an honest answer: It is not a focus. But shouldn't I be concerned that it isn't a focus since it is clearly something that has been debated publicly and has been expressed as a concern by the Department of Transportation and others as a potential serious problem for the United States?

Mr. REDMOND. Well, all I can say, Mr. Shays, is in the 2½ months I have been on the job, I did not get to focus on that among the myriad of other issues that I have focused on.

Mr. SHAYS. Thank you. Mr. Chairman, I would say to you I think that is one reason why we reason giving it the attention it deserves in other parts of the Department of Homeland Security, if it is not even a focus of those who have to analyze this. That is the problem.

Mr. SHADEGG. I think this has been a worthwhile oversight hearing in which we revealed a lot of analyses that we thought was going on apparently, at least at the moment that would appear by this testimony is not going on. I think that is grave concern to many members of this committee as has been expressed today. We will conclude with a discussion of how yet we can have another hearing with deeper issues and have a more thorough response from the Department.

Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman. Mr. Redmond, I am certainly hopeful you will do that briefing for us promptly because we are under a lot of time pressure to act on this bill. I think it would be very difficult for us to act on the bill and mark it up without having first having the information that we have requested from you. So I hope you will help us.

I want to say that I know some of our questions have been tough today. But it does not reflect, in my personal view, on your excellent reputation in the intelligence field. I think what I tend to feel after hearing your testimony is that maybe the role that the Congress envisioned for your Department, and particularly for your directorate, may not be getting the emphasis that we expect it to. I don't know if it is because of the creation of TTIC, where there is a great deal of activity currently, that has caused your Department not to receive the emphasis and the boost that I think you need to do the job you are charged with doing. As the oversight committee for the Department, we want to be in the role of being your best friend, to ensure that the resources and the statutory authority that you were granted by this Congress is fully utilized.

Sometimes it reminds me of what Rodney Dangerfield used to say, he said "he can't get no respect." I hope the Department doesn't feel that way. Because you are the new kid on the block. You are in a position where you are dealing with established agencies who are under the Homeland Security Act charged with the responsibility of cooperating with you. And to better understand the degree of that cooperation, I want to ask you about the nature of the intelligence information that you are getting from the other agencies such as the CIA, the DIA, the FBI, the NSA. For example, are you getting both finished products from the CIA as well as information from their cable system?

Mr. REDMOND. At the moment we are receiving at NIA somewhere between 1,000 and 1500 "products" a day which are electronic messages that come in for us to read. They come from all over the intelligence community, CIA, NSA, DIA, et cetera. In addition, we are getting roughly 100 law enforcement messages that come in a day plus open source information plus information from other government agencies.

Mr. TURNER. So does that mean from specifically the CIA, you are getting everything that they put out, including information from their cable system?

Mr. REDMOND. We are not yet getting everything, and that is a function of the fact that we need to expand our own internal—we call computer capabilities to cope with it, expand the number of people who work on it, and then we need to get—finish the process of certifying that we are handling this information according to the terms of the DCIDs. We have been operating under a provisional approval and we are just now getting to the point where we are able to find and hire a specialist in this who can ensure that we are in compliance with the DCIDs. I will sort of take the blame, if necessary, for this having gone a little more slowly than it might have because I wanted to do it right, not cut corners in the interest of doing good government.

And secondly, I want to be seen as doing it perfectly so the Intelligence Community would have no rationalization ultimately for not sending us everything. We are not getting everything yet, but in the very near future, I hope in a matter of weeks, we will be.

Mr. TURNER. Does that apply also to the NSA, are you getting the signals intelligence from them?

Mr. REDMOND. The same situation would apply to the NSA. We are getting a lot of it but we are not getting all of it.

Mr. TURNER. What about the FBI, are they giving you everything?

Mr. REDMOND. I don't believe so. Again the same situation applies.

Mr. TURNER. And so DIA, would that apply to DIA as well?

Mr. REDMOND. I can't really answer. I haven't focused much on what we are getting from DIA. Probably the same situation would apply. We get quite a bit from DIA. Mostly analysis.

Mr. TURNER. Part of the problems with these different agencies is they are not giving you the higher level of classified information yet, is that one of the problems.

Mr. REDMOND. Yes.

Mr. TURNER. It is interesting because we had each of those agencies before our Intelligence and Counterterrorism Subcommittee this morning, which is sharing the responsibility for this hearing, and in that hearing, the FBI, the DIA, and the NSA told us that they were giving you everything that they thought they needed to give you. Now, I don't want you to take my word for it, we will go back and read the record and see if I am accurate on that. But the distinct impression I was given when I asked the same series of questions was that they were giving you everything that they needed to give you. NSA, for example, said they were giving you all their products and they were trying to get the wiring done to give TTIC everything they had. So we may have a little bit of a problem here with some of these other agencies. The statute, as you know, is very clear, the statute creating the Department of Homeland Security in section 202 gives Secretary of Homeland Security whatever access the Secretary considers necessary, including all reports, assessments, analysis and unevaluated intelligence.

It also says in section 202, that regardless of whether the Secretary has made any request or entered into any cooperative agree-

ment, arrangement, pursuant to paragraph 1, all agencies of the Federal Government shall promptly provide to the Secretary all reports, including information reports containing intelligence which has not been fully evaluated, assessments and analytical information relating to threats of terrorism against the United States and to other areas of responsibility assigned by the Secretary. And so those of us who have a vested interest in being sure that the law is carried out want to be sure that these other agencies are providing you with everything that this statute requires. And if that is not occurring, we want to be sure you let us know about it and be sure that that occurs.

Mr. SHADEGG. The Chair has tried to be very indulgent allowing one additional question for each questioner. I think some excellent ones have been brought out. Mrs. Christensen, did you have an additional question?

Mrs. CHRISTENSEN. I don't have an additional question, Mr. Chairman, but I think it might be valuable for the committee or subcommittee to hear from the Institute of Medicine, since they have been charged with reviewing the Project BioShield and evaluating it. They have issued some interim reports, although there is still time left before they do a final report. I am also concerned that in response—I understand where some questions just cannot be answered in an unclassified setting. But in response to many questions along the line of do you have what you need is the structure that the bill created for you working, the answers are yes, it is working, yes we have what we need.

And I am trying—I have difficulty reconciling that with the slowness of our being prepared. And so I would hope that you, Mr. Chairman, and the chairman and ranking member of the full committee, would communicate to the administration that we do have a job to do, we need the information and that it will be forthcoming in the future.

Mr. SHADEGG. The chairman wholeheartedly agrees with your concerns, those expressed by the ranking member of the full committee and those expressed by Mr. Shays. I mean, I think quite frankly some of this testimony has been shocking. And clearly there is a wide gulf between what the committee believes the statute requires you to do and what resources and assets we believe ought to be brought to bear to that task and as contrasted with what you have testified today are being brought to that task.

It is the Chair's absolute intention to conduct another hearing in the immediate future, and if necessary, to go into closed session. We were prepared if necessary today to go into closed session, but we were advised we wouldn't get fully more information than we would in open session. So I share that grave concern. Let me give—Mr. Etheridge expressed a desire to ask an additional question.

Mr. ETHERIDGE. Thank you, Mr. Chairman. I share your great concern as well as others. I do think we have a big job to do. We can't do a job without information. And information thus far has been woefully lacking.

Mr. Redmond, let me ask you one final question among many, but impair it down to one. In addition to, and we have talked a lot today about overseas threats as it relates, I think we have an obligation to do that, are you also monitoring domestic threats? I know

the conversation on the previous question was the FBI information. But are you monitoring domestic threats? Because I think homeland security is charged with that specifically.

Mr. REDMOND. We are not monitoring purely domestic threats such as far right wing organizations, no.

Mr. ETHERIDGE. That was not my question.

Mr. REDMOND. I am sorry. I didn't understand.

Mr. ETHERIDGE. Let me repeat it. In addition to overseas threats, is your organization also monitoring domestic threats?

Mr. REDMOND. We are monitoring threats domestically that originate overseas such as al-Qaeda and other organizations similar to that. We are not monitoring threats that are purely domestic in origin or in operation.

Mr. ETHERIDGE. That would not include cells that are in this country.

Mr. REDMOND. Yes. I am sorry. Yes, we are monitoring the activities in this country, analyzing the activities of terrorist organizations where the organization starts overseas or is inspired overseas and organized overseas. We are not monitoring the activities of purely domestically originated threats, such as, I guess, far right-wing organizations or something.

Mr. SHADEGG. Thank the gentleman. Let me summarize some points. Both the chairman of the full committee, Mr. Cox and the ranking member of the full committee, have expressed their desire for this committee as your authorizing committee to support you. Mr. Cox said we are here, we are your friends, come to us to tell us what resources you need. Mr. Turner just expressed that same desire to help you. And everyone has expressed their sympathy for the fact that you are trying to stand up a massive department in a very short period of time and for your own careers and your professionalism, Mr. Shays stressed that. Notwithstanding those points, I think it is fair to say that everyone who has participated in the hearing has been somewhat shocked.

The statute that you are guided by creates an Under Secretary for Homeland Security for information analysis and infrastructure, it then lists the responsibilities of that Under Secretary, and it is your job to help him perform those as the assistant. There are 19 different responsibilities listed. I must tell you that I wouldn't even think of trying to discharge those 19 responsibilities with the size of staff you have testified to us you have here. I think there is grave concern that for reasons of lack of space or lack of whatever, maybe it is lack of focus, the effort to carry out those 19 responsibilities is not being done. And I think Mr. Shays did an excellent job of pointing out that he had grave concern about whether these responsibilities were being executed, given the certain circumstance.

We are here to help you. We want to help you. In response to Mr. Turner's questioning, you said, well, one of the reasons you may not be getting the information you need from DIA and NSA and the other agencies is that you don't have the facilities to do that. It has been suggested to me that at least in the interim perhaps the best thing to do would be to send your own personnel over to secure facilities where you could get that information. At the end of the day, I made it clear in my opening statement that the de-

fense of the Nation depends, in large measure, on the intelligence we can gather. I personally don't believe that we can protect the Nation by simply being prepared to take care of those who have already been injured.

I think we have to lean forward, I think we have to use our intelligence resources, I think we have to assess these threats and I think we have to stop them before Americans are victimized by another attack. I am deeply concerned about the testimony that has come out here today, whether or not the Department is bringing the forces to bear that need to be brought to bear.

The real issue that brought us here was whether or not we should pass the BioShield Act, which would impose new responsibilities on you. The purpose of the hearing was to look at whether or not the Homeland Security Secretary would be able to assess current and emerging threats of chemical biological, radiological and nuclear agents, determine which present a material threat and then allocate the resources of BioShield to that task. And as Mr. Markey pointed out, those resources are to be allocated. The administration wanted them to be—actually wanted them to be an entitlement. The appropriators have said no, they won't be an entitlement. We will advance appropriate them but then we will subject them to some type of appropriation. I think there is grave concern about whether that Act could be meaningfully enacted at this point in time, given what appears to be a lack of resources dedicated to this task.

I would very much appreciate it if you gentlemen would consult with the Secretary, look at some of the issues that have been raised at this hearing and would get back to us. I would like to see us hold another hearing on this topic some time within the next 2 weeks as we are required to mark up the BioShield Act as soon as possible. And it seems to me we are woefully short of the information we need to do that.

With that, let me announce that the hearing record will remain open for 10 days for additional questions. I want to thank our witnesses for their candid testimony and it is a difficult process, and I do sympathize with the immense challenge of trying to stand up a new Department. I just simply say we also have a responsibility to make sure that the job is getting done. So I appreciate you for your time. The committee stands adjourned.

[Whereupon, at 5:03 p.m., the subcommittee was adjourned.]

