

October 29, 2003

Dr. Charles E. McQueary  
Under Secretary for Science and Technology  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Dr. McQueary:

The U.S. General Accounting Office (GAO) recently released a report of its evaluation of security at the Department's Plum Island Animal Disease Center (PIADC). In your formal response to GAO on August 19, 2003, you noted that the Department of Homeland Security (DHS) agreed with the GAO's conclusion that the facility "still has fundamental problems that leave the facility vulnerable to security breaches." I am writing to request that you provide a detailed explanation of the Department's plans for resolving these security problems. In addition, the GAO's findings suggest that there may be similar problems associated with the security of other government biological pathogen research facilities that warrant a more systematic review by DHS.

The PIADC is located on Long Island Sound approximately 12 miles from New London, Connecticut. It is served by ferry service operated by the PIADC's contractor from Old Saybrook, Connecticut as well as from Orient Point, New York. The facility is a biosafety level 3 agricultural laboratory that studies highly contagious animal diseases as well as diseases, such as West Nile Virus, that can infect both animals and humans. Consequently, it represents a potential target for terrorists seeking to obtain these pathogens and other terrorist acts such as the direct release of pathogens into the environment, the release of laboratory animals, or the incapacitation of the U.S. Government's capability to respond to animal-borne diseases.

The GAO concluded that although some actions have been taken to improve security at the facility since 9/11, significant problems remain. For example, the GAO reports that although physical security upgrades were initiated, the system is "not yet fully operational" and the facility "does not yet have in place all the equipment necessary to detect intruders." Other problems include the lack of clear legal authority and procedures governing the use of armed security guards even though armed guards have already been deployed. In addition, the GAO found that the facility has "too few guards to ensure safety and effectiveness."

In response to these and other findings, the GAO made a series of specific recommendations which you addressed in general terms in your formal August 19 response to GAO. Because of the importance of resolving these outstanding recommendations, I am

requesting that you respond to the following issues:

1) With regard to GAO Recommendation #1 concerning the need to correct physical security deficiencies, you stated in your response to GAO that DHS conducted a detailed assessment of the facility operations and infrastructure and that the "next steps are to develop a step-by-step corrective action report with timelines and actionable items."

- a) When will the timeline and action items be completed for correcting the physical security system deficiencies, and when will those deficiencies actually be corrected?
- b) In the interim, what compensatory security measures are being taken to address the security risk created by these deficiencies?

2) With regard to GAO Recommendation #2 concerning the need to limit access to pathogens, you stated in your response to GAO that DHS has undertaken a detailed study of all existing security-related policies and procedures, "specifically those that relate to the restriction of access to the biocontainment areas." You also stated that DHS plans to develop a "limited use policy to identify access control requirements for all personnel to enter the biocontainment facility." Given the myriad of problems GAO identified concerning limiting access - ranging from open physical architecture and layout of the biocontainment facility to the lack of clear guidelines and adherence to security clearance and escort protocols - it is not apparent that this problem can be adequately addressed by the course of action you propose.

- a) When will the limited use policy you describe be complete?
- b) When will the accompanying access control requirements be in place?
- c) How will these ensure that the problems identified by GAO concerning access to pathogens at the facility are fully addressed?

3) With regard to GAO Recommendation #3 concerning the need to consult with other laboratories to mitigate the inherent difficulty of securing pathogens, your response states that DHS is working with the Energy Department's National Nuclear Security Administration (NNSA) laboratories, the U.S. Army Medical Research Institute of Infectious Diseases and the National Institutes of Health. It is not clear from your response how, exactly, DHS is consulting with these other government entities to address the problem of securing access to pathogens either at PIADC or generally. It is also not clear that the other agencies being consulted have adequate controls upon which to base such efforts. For instance, last December the Energy Department Inspector General issued a report critical of the access given to foreign nationals to two Energy Department laboratories, including one managed by NNSA1

How is DHS coordinating with other Federal agencies to ensure that access to pathogens is controlled not only at PIADC, but across the Federal complex?

4) With regard to GAO Recommendation #4 concerning the need to enhance incident response capability at Plum Island, your response states that DHS is working with the Federal Protective Service (FPS) to "develop a task for specific assistance to the island." Your response also states that funds have been requested to increase the guard force beginning in FY2004. You also

stated that the DHS assessment of the facility identified the lack of an incident response plan and that the corrective action plan would, in turn, "identify in detail the path forward in developing this plan." You did not, however, indicate when such a plan would be completed.

- a) When will the incident response plan be completed?
- b) Your response did not explain how or when DHS would resolve the issue of the lack of legal authority and policies and procedures for the security force to carry firearms, to make arrests, or to use force. When will these legal and policy issues be resolved?
- c) When will additional guards actually be in place and how will DHS determine the number of additional guards necessary to secure the facility?
- d) What actions are being taken in the interim to ensure adequate security in prior to these new measures being put in place?

5) With regard to GAO Recommendation #5 that DHS reconsider the security risks at PIADC, your response indicates that DHS is conducting a review of the "entire security posture of the island again [sic] like facilities" and will issue a revised threat assessment early next year. Measuring PIADC against other similar facilities may not provide an adequate baseline for protection, since we have no assurance, in the aftermath of the September 11 attacks, that these other facilities have adequate levels of security.

Please describe how DHS will evaluate the threat against Plum Island and similar biosafety level 3 and 4 facilities?

6) With regard to GAO Recommendation #6 that DHS consult with appropriate state and local law enforcement and intelligence agencies to revisit the threats specific to PIADC, your response states that you will work with local and national law enforcement in developing a complete set of possible threats for the island. Your response did not include the intelligence agencies.

- a) Is DHS consulting with the intelligence agencies with regard to its evaluation of risks specific to Plum Island?
- b) Is DHS consulting with these agencies with regard to any threats against other similar biosafety level 3 and 4 facilities?

7) With regard to GAO Recommendation #7 that DHS revise the security and incident response plans to reflect redefined risks, threats, and assets, your response states that DHS has been reviewing these issues and that DHS "will continue to work with other research facilities in developing the islands' threat statement and the security posture required." In response to recommendation #5, you stated that the revised threat assessment would be issued early next year.

What is the timetable for revising the security and incident response plans to respond to this revised threat assessment?

The PIADC was operated by the U.S. Department of Agriculture (USDA) until DHS was given responsibility for it by the Homeland Security Act of 2002. Consequently, I recognize that

DHS has had administrative responsibility over the facility for only a short period of time. Nonetheless, I hope you would agree that it is imperative that the risks associated with this facility be defined and addressed as soon as possible. I look forward to your prompt response to this inquiry.

If your or your staff have any questions regarding this matter, please have your staff contact David Berick of the Governmental Affairs Committee minority staff at 202-224-2627.

Sincerely,

Joseph I. Lieberman  
Ranking Member

cc: The Honorable Susan Collins  
Chair