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AFFAIRS COMMITTEE**

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Chairman Lieberman, Senator Collins and Members of the Senate Homeland Security and Government Affairs Committee; it is both a privilege and opportunity to appear before you today. As one of three individuals who served as Special Assistant to the President for Biodefense Policy under former President George W. Bush, the opportunity to convey some insights, lessons learned and opportunities for improvement on the occasion of 10th anniversary of the anthrax letter attacks is one I welcome and appreciate.

Since the fateful events of the Fall of 2001, much has been done and progress has been made in our preparation for potential deliberate biological attacks and natural pandemics. This is credit to three consecutive administrations beginning with President Bill Clinton, President George W Bush and continuing with President Barak Obama and important contributions made by legislative branch.

It is important to underscore the role of Congress in setting and enabling policies by passing biodefense related legislation beginning with the Public Health Preparedness Act in 1998. Congress has appropriated approximately \$65 B in the last 10 years creating and sustaining state and local emergency service and public health preparedness capabilities, funding research, development and procurement of medical countermeasures, improving hospital and first responder preparedness.

Progress has been made though it has suffered through fits and starts. While much has been done, we are far from being adequately prepared.

Senators Bob Graham and Jim Talent of the WMD Center released their "Bio-response Report Card" last week. Your former colleagues made an invaluable contribution to this subject by providing a timely assessment of the progress, shortcomings and persistent vulnerabilities posed by a range of potential biological risks. Specifically, they noted that while the U.S. could potentially handle small-scale event like that experienced in 2001; we are not prepared to deal with a large scale event that Al Qaeda has reportedly intended to conduct.

I also note the recent testimony and public statements by the former National Counterterrorism Center Director Michael Leiter indicating his concern about the risk from chemical and biological terrorism. As he said in during the Aspen Security Forum in July 2011: "The potential threat from al-Qaida in the Arabian Peninsula is very real. The most likely...are simple forms of chemical or biological weapons (rather than a nuclear attack). Is it going to kill many people? No. Is it going to scare people? Yes."

The difficulty in discriminating between a "small" event and a "large event" is relative. As the current Food and Drug Administrator, Dr. Margaret Hamburg stated in 2006 had the perpetrator of the 2001 anthrax letter attacks released the contents of one anthrax laden envelope in the ventilation system of the World Trade Center more people could have died than from the airplane attacks. Doing the same in the air shaft of the New York Subway system where several million people ride daily may only kill a relatively few but scare millions to seek preventive antibiotic treatment and contaminate a vital major transportation hub.

The grades issued by the WMD Center indicate that there are a number of preparedness areas where the US Government has improved, and others which have faltered and in some cases failed to make substantive progress. While their assessment is a snapshot in time, it highlights a number of preparedness areas that have chronically lagged:

- Rapidly detecting environmental releases of biological agents and diagnosing pre-symptomatic and early clinical disease from the top biological threats such as anthrax.
- Developing and procuring medical countermeasures such as preventive vaccines and therapeutic drugs against the top threats.
- Rapidly dispensing the antibiotics and vaccines that we already have in the Strategic National Stockpile.
- Rapidly assessing and decontaminating areas where anthrax has been released.

These are just a few critical areas where progress has been little, slow or halting. These are obvious areas where it is vital to make improvements.

Issuing grades are illustrative and helpful to assess where we stand. But, they are frankly abstract to the grim reality they represent. Failing grades are a surrogate for the potential consequence that Americans may die, in large numbers, unnecessarily in the event of an attack. An “F” is a simple way of saying that the Government is derelict in its duty to adequately organize, train or equip responders nor enabled the public to prepare themselves for this kind of risk.

There are two major obstacles to overcome in our efforts to be better prepared for this risk. The first is our understanding of the true nature of bioterrorism and biowarfare. One of the major

current misconceptions is to conflate natural threats like pandemics and deliberate threats from terrorism or acts of war by nation states. I do not challenge the notion that Mother Nature can inflict significant loss of life, economic and social disruption through natural evolution of emerging diseases. The 1918 Spanish Flu and more recently SARs are two vivid examples. Such a scenario is the subject of the popular current movie "Contagion" that depicts the challenges and potential consequences of an emerging highly infectious and virulent Nipah virus. Some equate the natural threat to what a terrorist or nation state is capable of doing deliberately.

I strongly reject this notion and wish to point out the fallacy of this thinking. We do the nation a great disservice if we perpetuate the assumption that the deliberate biological threat from potential adversaries is a lesser included case of influenza for example.

Mother Nature is not a thinking enemy who intends to inflict grievous harm to our country, to kill our citizens, undermined our government and destroy our way of life. The risk of conflating natural and deliberate biological events is failing to appreciate the relevance of Clausewitz and the principles of biowarfare that include:

- Developing highly virulent organisms that are likely resistant to our current stockpiles of antibiotics;
- Disseminating very high doses of infectious agents that may be a combination of more than one agent that result in more rapid onset and more virulent than seen in nature;
- If disseminated effectively, result in lethal equivalence to nuclear weapons
- Targeting not necessarily our military forces but our civilian population which represents our willingness to protect our national interests.

These principles are not new but were learned and noted in 1969 as a result of the cumulative experience of our former offensive biological weapons program. Simply preparing for deliberate threats as a subset of or equivalent to natural events is not only wrong but dangerous.

The second is the special and extraordinary role of the Federal Government in confronting the risk from deliberate biological threats. One of explicit and implicit assumptions of homeland security has been “All disasters are local.” This is reasonable and appropriate in other disaster scenarios. The practical manifestation of this assumption has been focusing Federal investments and efforts in improving State and local preparedness. As all disasters start locally, the responses begin locally. But deliberate biological events should be viewed as attacks on the nation. The Constitution indicates that our Federal Government has the principle responsibility for the common defense.

It may be impossible to immediately determine the perpetrator as a nation state, terrorist group, deranged individual or Mother Nature but the consequences can be profound socially, economically and politically. Though an attack may be local, its consequences will be felt nationally and internationally.

There is a growing appreciation that there is an increased role for the Federal Government to directly assist State and local authorities in the event of a biological attack. President Obama signed an Executive Order in December 2009 specifying a greater role for Federal Departments and Agencies such as the US Postal Service and the Department of Defense to dispense medical countermeasures for example.

But the Federal Government has yet been fully mobilized to this task and has yet to determine and commit the other capabilities needed to respond to a large scale attack. It is not only unfair but foolhardy to expect that State and local authorities could effectively respond without significant Federal public health, medical, security, transportation and recovery and remediation support.

An analogy of the current situation may prove helpful. Following 9-11, the Federal Government placed the majority of the burden on State and local authorities, particularly public health, to deal with the deliberate biological threat. As you appreciate, it is a complex national security threat. It would be somewhat similar to telling Mayor Bloomberg after the 2001 World Trade Center airplane attacks that he would bear the responsible for detecting and defending against similar attacks in the future. New York does not have the wherewithal to do so. Similarly, they and other major cities do not have the means to respond to a large scale biological attack.

While I identified a number of areas of critical deficiencies and near term opportunities for improvement, I am going to focus one particular area highlighted by the Graham Talent Report Card—leadership. They identify it as the first of their three strategic priorities. I firmly believe that leadership is currently the critical missing ingredient and is the “secret sauce” to progress and future success.

Without strong leadership that emanates from the White House that is propagated through the Federal Departments to the state and local authorities, no amount of money will make us sufficiently prepared.

This Administration has demonstrated such leadership on the threat from nuclear proliferation. The President has been front

and center and has made the cause of nuclear non-proliferation and nuclear arms reduction a centerpiece of his policies. He has rallied the Executive Branch, Congress and the International Community to the threat from nuclear weapons. It is troubling to see the lack of similar commitment to this issue. And without the President's visible concern or commitment, the best efforts of some in his administration will be ineffective. White House involvement is essential to ensure that certain departments and agencies live up to their interagency obligations under the national response framework and the Emergency Support Functions particularly the Departments of Homeland Security, Health and Human Services, Defense, Veterans Affairs, Justice and the Environmental Protection Agency. Each agency has explicit responsibilities and critical capabilities to bring to bear. Ensuring the effective coordination of preparedness activities and execution of response efforts is critical to ensure that American lives won't be lost needlessly.

Visible leadership is not only a requisite for the Executive Branch. Congress too has a vital leadership role. In lieu of concerted efforts by the Administration, Congress can effectively advance preparedness. There is homeland security legislation currently being considered in the Senate within this Committee and within the Health Education Labor and Pension Committee reauthorizing the Pandemic All-Hazards Act. There are bills in the House Homeland Security and Government Affairs and Energy and Commerce Committees. Hopefully, Congress will act to pass one or ideally both bills before the end of this session.

In addition to specific legislative initiatives, the power of oversight being demonstrated here today is an important adjunct to ensure that responsible Federal authorities are meeting their obligations. In these difficult fiscal times, it is hard to ask necessarily for more money but it is vital to preserve what funding has been allocated to this risk.

To provide some basis of comparison, the U.S Government spends close to \$15 B annually on nuclear defense and 17 \$B on cyber-warfare defense and nearly \$7 B on biodefense. An analysis by the Council of Economic Advisors during the Bush Administration calculated the short term economic impact of a single large scale anthrax attack that could kill several hundred thousand people in a major metropolitan area at approximately \$1.5 Trillion dollars. Small targeted increases in funding to sustain State and Local emergency services and public health and improve medical countermeasure advanced development and dispensing would be two worthy candidates for consideration.

I thank you Chairman Lieberman and Senator Collins for this opportunity and look forward to your questions.