

Statement of

# **The Honorable Orrin Hatch**

United States Senator  
Utah  
June 9, 2004

"DHS Oversight: Terrorism and Other Topics"

We are here today to hold our eighth hearing since last fall to oversee our government's attempts to protect against and respond to acts of terrorism. We heard from Attorney General Ashcroft yesterday.

Today we are pleased to have Secretary Tom Ridge, the leader of the Department of Homeland Security.

In the aftermath of September 11th, the new Department of Homeland Security was created. This was a massive undertaking the likes of which this country has not seen since 1947, when President Truman reorganized our defense and security agencies.

I personally want to thank Secretary Ridge and his colleagues at DHS for your efforts to improve our nation's security.

You are to be commended for your leadership and the initiatives that you have implemented--initiatives to increase our nation's ability to respond to emergencies, to enhance the security of our borders, to increase our ability to defend against bioterrorism, to improve our intelligence-gathering and information-sharing, and to integrate our local communities within our nation's homeland defense efforts.

Despite the daunting nature of your charge, in just over a year your department has:

- successfully merged 22 agencies and 180,000 employees into a single department;
- developed and implemented aviation security procedures--including explosives detection systems;
- issued new security directives requiring enhanced rail operator protocols;
- tailored the student visit program to ensure that students who pose no threat to our country are permitted entry;

-streamlined the information sharing process;

-established a homeland security operations center aimed at coordinating the efforts of federal, state, and local authorities;

-enhanced port security;

-And, provided substantial assistance to those on the frontlines, our nation's first responders.

By no means is this a comprehensive list of your accomplishments. And, all would agree, there is much more to be done in order to ensure the security of our homeland.

Most recently, however, you have proven that you are a leader willing to take the constructive criticism and recommendations of others when it comes to safeguarding this country. By way of example, the Office of Inspector General recently issued a report recommending a number of changes to the Visa Waiver Program.

In response, the Department of Homeland Security announced that by the end of September this year, it will extend US-VISIT requirements to travelers who visit the United States from Visa Waiver Countries.

We have had 93 million visitors from these countries over the past five years, so this will not be an easy task. I commend you for taking this bold step forward to improve our visa waiver system, and for working to secure this country against the threat of terrorists.

I do want to take a few moments to challenge the Administration in an area in which I think we can do much better: bioterrorism.

First off, let me recognize that our country is in many ways much better off to respond to a bioterrorism attacks than we were in the Fall of 2001.

Our first responders are much better equipped.

There is much better coordination among the federal, state, and local governments - we in Utah saw this first hand during the Winter Olympics.

I want to commend the Administration and my colleagues in Congress for the work on the Bioshield legislation.

Senators Gregg, Frist and Kennedy have consistently moved the ball forward on this issue.

Vice President Cheney and Secretary Thompson have provided leadership in this area. Dr. Tony Fauci at NIH is coordinating government, academic, and private sector scientists and, as always, is pushing the envelope of scientific knowledge forward.

Unfortunately, the results to date are simply inadequate.

We know that there is a list of some 57 known bioterrorism threat agents. It is my understanding that there are only two FDA-approved countermeasures to these known threats. That is correct - just two of the 57 threats have responses.

And the truth of the matter is that the r&d pipeline is less than robust.

That is one reason why Senator Lieberman and I have proposed bi-partisan legislation whose goal is to provide a variety of incentives designed to stimulate private sector biotechnology firms to develop new research tools, diagnostics, therapeutics and vaccines.

Our legislation includes tax incentives, intellectual property incentives such as patent term restoration and extension of current marketing exclusivity periods, and up-front liability negotiations.

We must not let any politically expedient anti-drug company antipathy with the attempt of the Lieberman-Hatch bill to unleash the creative genius of the private sector because that is where treatments and cures will come from.

In short, we need to create a well-capitalized bio-defense industry that will respond to our needs as this threat evolves. That is the goal of the Lieberman-Hatch bill.

I commend my partner, Senator Lieberman, for his vision in this critically important area.

Although the year is moving along, I hope in the weeks ahead to hold a hearing on some of the novel IP and liability provisions of the Lieberman-Hatch bioterrorism bill.

Mr. Secretary, I hope that the Administration will carefully review our bill and provide experts to participate in this hearing.

Let me close by saying that I know that everyone on this Committee shares the common goal of protecting our country from additional terrorist attacks. And I believe we are all committed to achieving that goal with complete respect for the fundamental freedoms of the American people.

This Committee has a historical tradition of examining, debating, and resolving some of the most important legal and policy issues that have been presented to Congress. We are once again faced with an important task that will have a profound impact on our country's security and liberty. I am confident we are up to the task.