

*Fighting for the U.S. Cattle Producer!*



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April 27, 2011

The Honorable Janet Napolitano  
Secretary  
U.S. Department of Homeland Security  
Washington, D.C. 20528

**Sent Via Facsimile (202-282-8401); Original Via U.S. Mail**

**Re: Reports of Possible Corruption in Entity that Provided Primary Support and Assistance to the Task Force Charged with Assisting the Department of Homeland Security in Locating the NBAF in Manhattan, Kansas**

Dear Secretary Napolitano:

We have written you twice during the past two years to express our grave concerns regarding your proposal to locate the National Bio and Agro-Defense Facility (NBAF) in Manhattan, Kansas, where research on such dangerous live viruses as the foot-and-mouth disease virus (FMDv) would be conducted.

Even in the face of your own Department of Homeland Security's (Department's) findings that there is a 70 percent chance FMD would be released from the NBAF and would result in infection outside the laboratory with an economic impact of \$9 billion to \$50 billion;<sup>1</sup> and the independent, scientific findings by the National Academy of Sciences that your Department's conclusion that the risk of FMD-infection at the Manhattan, Kansas, site is 'extremely low' relative to the risk of infection introduced from external source is invalid,<sup>2</sup> twice you have summarily rejected our concerns.

Instead, your Department has written us twice to assert that the Manhattan, Kansas, site for NBAF fosters collaboration that is critical to the development of vaccines and countermeasures and that your Department is committed to building a safe, secure and mission-focused facility.

Recent evidence exposed by Kansas newspapers *The Capitol-Journal* and *The Wichita Eagle*, however, demonstrates that the collaboration fostered by the Manhattan, Kansas, site likely is not collaboration at all, but rather, more likely it is unadulterated corruption that has been facilitated by your Department's effort to expose the U.S. livestock industry to an

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<sup>1</sup> See Evaluation of a Site-Specific Risk Assessment for the Department of Homeland Security's Planned National Bio- and Agro-Defense Facility in Manhattan, Kansas, National Academy of Sciences, National Research Council, at 2.

<sup>2</sup> Ibid.

unnecessary and avoidable risk that would threaten the safety and security of our nation's meat supply.

On April 9, 2011, *The Capitol-Journal* reported that the Johnson County, Kansas, District Attorney's Office launched a criminal investigation of the Kansas Bioscience Authority (KBA).<sup>3</sup> The KBA was created as an independent entity of the state of Kansas in 2004 to, *inter alia*, attract additional federal support and build world-class research capacity.<sup>4</sup> Among only five outcomes listed by KBA as resulting from KBA's efforts since 2004 is the federal government's choice of Kansas for the new \$650 million NBAF.<sup>5</sup>

By executive order issued by the Governor of Kansas, the KBA is responsible for providing *primary* support to the Kansas National Bio and Agro-Defense Facility Task Force (Task Force). The Task Force, in turn, is responsible for "develop[ing] a compelling case for siting NBAF at one of two sites the Department of Homeland Security is evaluating in Kansas" and "assist[ing] the Department of Homeland Security *throughout* the National Environmental Policy Act process to conduct an Environmental Impact Statement on the proposed sites in Kansas."<sup>6</sup> In layman's terms, the KBA's Web Site link to the Task Force describes the Task Force's purpose as working to ensure the NBAF is built in Kansas and providing "seamless support to the federal government throughout the NBAF process."<sup>7</sup>

Thus, the KBA – now under criminal investigation – was intimately involved in many, if not all, aspects of your Department's decision-making process for selecting Kansas as the site for the NBAF. The CEO of KBA has resigned amidst charges of wrongdoing.<sup>8</sup> *The Wichita Eagle* recently reported that the reason for the criminal investigation of KBA has not been made public, but a legislative investigation by the Kansas Commerce Committee was ongoing,<sup>9</sup> replete with allegations of conflicts of interest and improper fiscal management.<sup>10</sup>

Although we agree the media reports expose allegations that now need to be more fully investigated to ascertain actual facts, we also are absolutely certain there is no justification whatsoever for your Department to knowingly expose our U.S. livestock industry to the

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<sup>3</sup> See Economic Development Agency Target of Conservatives, Tim Carpenter, *The Capitol-Journal*, April 9, 2011, available at <http://cjonline.com/legislature/2011-04-09/economic-development-agency-target-conservatives>.

<sup>4</sup> See About KBA, Kansas Bioscience Web Site, available at [http://www.kansasbioauthority.org/about\\_the\\_kba/](http://www.kansasbioauthority.org/about_the_kba/).

<sup>5</sup> See Remarkable Outcomes, Kansas Bioscience Authority Web Site, available at <http://www.kansasbioauthority.org/outcomes/>.

<sup>6</sup> See Executive Order, Kansas Bioscience Authority Web Site, available at [http://www.nbafinkansas.org/task\\_force/ExecutiveOrder.aspx](http://www.nbafinkansas.org/task_force/ExecutiveOrder.aspx).

<sup>7</sup> See NBAF in Kansas Task Force, Kansas Bioscience Authority Web Site, available at [http://www.nbafinkansas.org/task\\_force/](http://www.nbafinkansas.org/task_force/)

<sup>8</sup> See Bioscience CEO Quits; Scrutiny Continues, Dion Lefler, *The Wichita Eagle*, April 16, 2011, available at <http://www.kansas.com/2011/04/16/1810297/bioscience-ceo-quits-scrutiny.html>.

<sup>9</sup> See Bioscience CEO Quits; Scrutiny Continues, Dion Lefler, *The Wichita Eagle*, April 16, 2011, available at <http://www.kansas.com/2011/04/16/1810297/bioscience-ceo-quits-scrutiny.html>.

<sup>10</sup> See Thornton Needs to Go, *The Wichita Eagle* Editorial Board, Phillip Brownlee, *The Wichita Eagle*, April 17, 2011, available at <http://www.kansas.com/2011/04/17/1811501/thornton-needed-to-go.html>.

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significant risk of a FMDv release by locating the NBAF in Kansas – a significant risk that your own Department has scientifically determined. Therefore, we have definitively concluded that your decision to locate the NBAF in Kansas is unjustified, and the allegations of corruption within the entity that was intimately involved in your Department’s site selection process now provide a basis to demonstrate the unjustified nature of your decision.

We were promised a change by your Administration – a change to do what is right for America and the people of this nation. But, we have instead received more of the same. Your decision to locate NBAF in Manhattan, Kansas, and to knowingly expose our U.S. livestock industry to a heightened, though completely unnecessary and avoidable risk of FMDv release exemplifies how politics, greed and corruption are undermining our nation’s food safety and food security.

We implore you, again, to immediately reverse your inexplicable decision to conduct FMDv research on the U.S. mainland at Manhattan, Kansas.

Sincerely,

A handwritten signature in blue ink, appearing to read "Bill Bullard". The signature is fluid and cursive, with a large loop at the end.

Bill Bullard, CEO

Cc: Dr. Tara O’Toole, Under Secretary for the Science and Technology for the Science and Technology Directorate, U.S. Department of Homeland Security  
The Honorable Tom Vilsack, U.S. Secretary of Agriculture  
The Honorable Mary Landrieu, Chair, Homeland Security Subcommittee of the Appropriations Committee  
The Honorable Jon Tester, U.S. Senate