

Testimony of

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and

Cybersecurity, Infrastructure Protection, and Security Technologies

On

“Weapons of Mass Destruction: Bolstering DHS to Combat Persistent Threats to America”

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Chairmen McSally and Ratcliffe, Ranking Members Payne and Richmond; and distinguished members of the Subcommittees on Emergency Preparedness, Response and Communications; and Cybersecurity, Infrastructure Protection, and Security Technologies, thank you for inviting us to speak with you today. We appreciate the opportunity to testify on the Department of Homeland Security’s (DHS) work to strengthen departmental unity of effort with regard to chemical, biological, radiological, nuclear, and explosive (CBRNE) threats to our nation. As the leaders of three of the organizations involved in the consolidation of CBRNE functions into one office within DHS, we appreciate your interest in this matter. We also appreciate the attention Secretary Johnson and Deputy Secretary Mayorkas have given to the issue of aligning the CBRNE mission within their vision of a streamlined Department, and we have worked closely with them to put forward a proposal that enhances coordination and unity of effort.

Background

The Senate Explanatory Statement accompanying the FY 2013 DHS Appropriations Act directed that DHS review its chemical, biological, radiological, and nuclear (CBRN) programs and

functions. The Secretary of DHS at the time, Janet Napolitano, directed the DHS Office of Policy (PLCY) to lead a review team in conducting an impartial, collaborative assessment of potential alignment options. The review team identified realignment criteria and desired outcomes, conducted an independent analysis, and consulted with the Domestic Nuclear Detection Office (DNDO), Office of Health Affairs (OHA), Science and Technology Directorate (S&T), leadership of other DHS Components and select interagency partners.

The review team analyzed organizational models ranging from informal coordination to mission integration and identified several alignment options for DHS leadership to consider, each with its own benefits and drawbacks. The then-existing organizational structure was deemed by review participants to be insufficiently robust to achieve future goals and outcomes in the CBRN area. The results of the review, including the recommendation to establish a consolidated mission support organization, were presented to Secretary Napolitano in August 2013. No decision was implemented at that time due to the limited remaining duration of Secretary Napolitano's tenure.

Unity of Effort

On April 22, 2014, Secretary Johnson directed the "Strengthening Departmental Unity of Effort Initiative" to improve the planning, programming, budgeting, and execution processes and the DHS joint operational planning and joint operations through strengthened departmental structures, increased capability, and smart DHS Headquarters realignment. As part of the initiative, DHS established a new DHS Joint Requirements Council and strengthened the existing DHS budget and acquisition processes.

In addition, the Department indicated, in briefings to select DHS appropriations and authorizing committee staff, the Secretary's intent to realign DHS PLCY and the Office of Operations Coordination and Planning (OPS) based on their core functions and consolidate certain DHS Headquarters external affairs functions. These changes are intended to focus Headquarters offices on the principal objectives of the Unity of Effort initiative, including to integrate the broad and complex DHS mission space and empower DHS Components to effectively execute their operations. The Department's commitment to the Secretary's Unity of Effort initiative drove the Department to re-visit the recommendations from the 2013 CBRN review.

Proposed Structure of CBRNE Organization

The "DHS Chemical, Biological, Radiological and Nuclear Functions Review Report" was signed by Deputy Secretary Mayorkas on June 17, 2015, pursuant to the Joint Explanatory Statement accompanying the FY 2013 DHS Appropriations. The report is based on the initial 2013 review, and is further informed by the Secretary's Unity of Effort initiative and DHS's recent review of the National Protection and Programs Directorate (NPPD). If agreed to by Congress, the recommended structure for a CBRNE Office is as follows:

- 1) The DHS CBRNE Office would be led at the Assistant Secretary level, as a direct report to the Secretary. The Assistant Secretary position (A/S CBRNE) would be empowered to coalesce and elevate CBRNE issues to the Secretary in support of the DHS Operating Components and represent DHS on these matters within the Federal interagency as well as with external stakeholders at the state and local levels and with private sector partners. The A/S CBRNE would be the Department-wide lead representative at appropriate internal, interagency and international venues related to DHS CBRNE strategy, policy,

planning, programming, budgeting, investment, and joint operational planning and joint operational matters. The DHS CBRNE Office shall not conflict with other DHS component legislative mandates to conduct appropriate internal, interagency and international engagements related to CBRNE.

- 2) The A/S CBRNE would be responsible for coordinating and maintaining Department-wide CBRNE-related strategy, policy, situational awareness, threat and risk assessments, contingency planning, operational requirements, acquisition formulation and oversight, and preparedness across all elements of Presidential Policy Directive 8, “National Preparedness” (i.e., prevention, protection, mitigation, response and recovery), consistent with relevant statutory authorities and extant Presidential directives, including but not limited to Presidential Policy Directive 2 and Homeland Security Presidential Directives 10, 18, 21 and 22. This work will complement the capability-building and sustainment efforts managed by the Federal Emergency Management Agency (FEMA).
- 3) The new office would be primarily comprised of the consolidation of DNDO and OHA, including the BioWatch Program. The Director of DNDO and the DHS Chief Medical Officer (CMO), as well as other relevant supervisory positions depending on the final organizational construct, would report to the A/S CBRNE on chemical, biological, radiological, nuclear, explosives and emerging infectious diseases and workforce health issues within their cognizance. Under this reorganization, the Director of DNDO and the CMO would have necessary access to the Secretary and Deputy Secretary as representatives in DHS Senior Leader Forums, when their leadership and technical expertise on CBRNE or other workforce health issues are needed. However, these leaders would no longer be formal direct reports to the Secretary.
- 4) Specialty CBRNE personnel from DHS PLCY and DHS OPS would permanently transfer along with the DHS policy and operations support functions they perform, to the CBRNE Office to further strengthen the center of gravity of the new office.
- 5) Chemical, biological, and integrated risk assessment, functional responsibilities from S&T would be permanently transferred to the CBRNE Office.
- 6) NPPD’s Office for Bombing Prevention (OBP), which builds capabilities to counter the use of explosives in the homeland, would also be permanently transferred.

Under the recommended structure, DHS is creating a coherent nexus for DHS CBRNE functions within the DHS HQ. The structure will foster greater harmony of effort for priority CBRNE issues and greater awareness by external and internal organizations regarding the appropriate CBRNE DHS focal point for most CBRNE issues. In addition to better aligned support programs and activities, the new structure will strengthen DHS CBRNE-related operational activities in DHS’s operating Components. FEMA specifically has indicated the establishment of the A/S CBRNE role will support their efforts to leverage CBRNE analytic and technical capabilities to enhance component operations related to CBRNE. Additional benefits will likely be realized as the Department matures its planning, programming, budgeting and execution system, joint operational planning, and joint operations over time.

Anticipated Impacts

The new Departmental structure will have demonstrable impacts across the CBRNE spectrum of activities for prevention, protection, mitigation, response and recovery. This will be accomplished in two ways: (1) the inclusion of CBRNE policy and operational support

personnel within the CBRNE Office, and (2) establishing strong linkages between the CBRNE Office and the new DHS Joint Requirements and Joint Operational Plans processes. DHS OHA, DNDO, S&T, and the Office for Bombing Prevention will be realigned in sum or part to ensure the CBRNE Office has all tools available for a cohesive, competent, and functional organization.

OHA: The CBRNE Office will subsume OHA in total, and will expand beyond the historic OHA purview to additionally encompass the broader impact of chemical and biological threats. Under the current structure, OHA's experts advise and support DHS leadership, its workforce, and public and medical health officials nationwide to prepare for, respond to and recover from threats to the nation's health security. This role will continue in the CBRNE Office. In addition, the CMO will be able to add the capability to leverage existing highly-skilled experts that had previously been in other parts of DHS to further the Department's end-to-end planning for CBRNE threats. Existing health and medical expertise will be leveraged to build connections between current and emerging health and medical issues and contribute to CBRNE decision analysis. Further, OHA's current mission of medical advice and support, workforce health protection, support for the first responder community, medical quality management, and interagency coordination on health/medical issues will be further enhanced as the medical expertise will be better informed of CBRNE-related policy decisions, planning and programs that may impact the Department's – and nation's – medical needs.

DNDO: The CBRNE Office will subsume DNDO in total with all current functions remaining intact. DNDO was chartered, in law and presidential directive, using an interagency construct to coordinate efforts across the U.S. Government (USG) to detect and protect against radiological and nuclear threats. Similarly, the National Technical Nuclear Forensics Center was established within DNDO to provide centralized stewardship, planning, assessment, exercises, improvement, and integration for all federal technical nuclear forensics activities. The U.S. interagency and DHS operational Components detail staff to DNDO to ensure priorities of their home agencies are accounted for and their activities are integrated in all aspects (architecture, risk analysis, research and development (R&D), acquisition, training, exercises, etc.) to improve coordination across the USG. DNDO conducts a holistic program of end-to-end efforts in nuclear detection and nuclear forensics, including planning, research and technology development, technology acquisition, and support for federal, State, and local operators.

OBP: The CBRNE Office will subsume OBP in total with all current functions remaining intact. OBP accomplishes its mission to protect life and critical infrastructure by coordinating counter-improvised explosive device efforts, performing capabilities analysis, planning and decision support, and providing training and awareness. Moving the bombing prevention activities into the office will allow better coordination with state and local outreach without disrupting the capabilities the Department provides to critical infrastructure owners and operators and the private sector across the CBRNE space.

S&T: S&T will transfer to the CBRNE Office the chemical, biological and integrated risk assessment and material threat functions. This will allow appropriate consolidation between risk determination and strategy and policy development, enhancing cohesion between these functions. The chemical and biological R&D functions within S&T and the facilities at which the work is conducted will not transfer to the CBRNE Office. However, as the center of gravity

for the Department on matters related to CBRNE, robust and consistent coordination between DHS S&T and the CBRNE Office will be required to ensure accountability and transparency of R&D efforts in alignment with the Secretarial strategic guidance to achieve operational results, a principal tenet of Departmental Unity of Effort.

Conclusion

The Department's proposed CBRNE reorganization will foster Unity of Effort across the Department by integrating and strengthening DHS CBRNE coordination, roles, and responsibilities for improving outcomes and accomplishing goals. We look forward to working with Congress in turning the Department's intent into reality. Thank you for your time and interest in this issue. We look forward to answering your questions.