

Warren Stern

**Testimony Before the House Committee on Homeland Security's
Subcommittee on Cybersecurity, Infrastructure Protection, and Subcommittee on
Emergency Preparedness, Response and Communications**

June 14th, 2015

Good afternoon Chairman Ratcliffe, Chairman McSally, Ranking Member Richmond, Ranking Member Payne and distinguished Members of the subcommittee. I am pleased to testify today about the Department of Homeland Security's plan to establish a central headquarters office responsible for chemical, biological, radiological, nuclear, and explosives (CBRNE) threats.

I am currently senior advisor and R&D manager at Brookhaven National Laboratory. However, I am not here today as a Brookhaven employee or representative of Brookhaven or the Department of Energy. Rather, I am here as an individual, to provide testimony based on my experience in this field. The views I express today are my own. Furthermore, I am not being reimbursed by my employer for the time or expense incurred by this testimony.

From 2010 through 2012, I was the Director DHS's Domestic Nuclear Detection Office. This is the office that would comprise the largest part of the new CBRNE office being considered by the subcommittees. I have worked in other related US government positions over a 25 year career and have been part of several government reorganizations. I draw my insights from these experiences.

At the outset, I would like to be clear that, in general, I favor the creation of a strong WMD organization within DHS. DHS focuses its efforts on threats that manifest themselves frequently. WMD threats, which are exceedingly infrequent, can easily be forgotten in the day-to-day work of government agencies. A strong organization focused on the work necessary to prevent and respond to events of very low frequency but very high consequence is necessary to prevent a terrorist attack using WMD.

I believe that a reorganization of the scale and scope being considered by the subcommittees would be significantly disruptive to the work of those involved. This is not unique to DHS. It is simply what happens during any large scale reorganization. There are winners and losers; civil servants and others will spend time wondering what will happen to them and debating the details of the new structure. A reorganization such as this will set the organization back for a time as the new structure transitions.

This does not mean that reorganizations should not be pursued; it simply means that such reorganizations should only be pursued if the benefits outweigh the costs, if there is a clear objective, and if Congress and the Administration have the willingness and ability to devote the resources needed to ensure the objective will be met.

DNDO and OHA are two of the smallest components in DHS, and some have argued that the two should be consolidated to make a more streamlined structure at DHS. In my opinion, the Secretary's office does have too many direct reports. However, because of the costs involved in reorganization, reorganization should not be pursued simply to make a cleaner organization chart.

Some assert that reorganization should be pursued to reduce costs. However, while DNDO and OHA work cooperatively when there is a common issue, the missions of DNDO and OHA are very different. Nuclear detection and monitoring and response to biological threats are distinct disciplines. While there may be small administrative savings in combining the two, it is hard for me to imagine that the benefits would be significant enough to justify the costs of reorganization. If reorganization is going to be done, it should be done well and done for the right reason: to make a substantially stronger organization.

DNDO is a unique interagency organization, as it is focused on two main areas of nuclear terrorism prevention: nuclear detection and nuclear forensics. DNDO works with federal, state, local, tribal, territorial, international, and private sector partners to fulfill its mission. It works in coordination with partners from across the U.S. government (USG), including DHS components, the Departments of Energy (DOE), State (DOS), Defense (DOD), Justice (DOJ), the Intelligence Community, and the Nuclear Regulatory Commission.

DNDO develops the Global Nuclear Detection Architecture (GNDA) and implements the domestic component of the architecture. DNDO also works with its partners to coordinate interagency efforts to develop technical nuclear detection capabilities, measure detector system performance, ensure effective response to detection alarms, integrate USG nuclear forensics efforts, and conduct transformational research and development for advanced detection and forensics technologies. DNDO is charged with being the primary government entity to develop, acquire, and support the deployment of an enhanced domestic system to detect and report on attempts to import, possess, store, transport, or use a nuclear explosive device or unauthorized radiological material in the United States.

While DNDO has had difficult periods in its relationship with Congress, primarily surrounding the work related to the Advanced Spectroscopic Portal (ASP) and its lack of a strategic plan, I believe that when I left DNDO, Congress was generally pleased with and supportive of its work. I also believe that, under its current leadership, this is still true. As such, as Congress considers any reorganization plan, it should consider what specific problem with respect to DNDO it is trying to fix, as DNDO will be the largest part of the new CBRNE unit.

Within the context of the above cautions, I would like to highlight three specific issues on the reorganization plan presented in the "DHS Chemical, Biological, Radiological and Nuclear Functions Report."

The first is the bureaucratic level of the CBRNE office and its units. The proposed structure would place each of the functional units (nuclear, chemical, biological) below an Assistant Secretary who would be responsible for all of the units and overall CBRNE policy. This would

mean that the head of all nuclear functions would no longer have a direct link to the Secretary and Deputy Secretary and would become the equivalent of a Deputy Assistant Secretary. Presumably, managers below the new nuclear head would become the equivalent of office directors or team leaders.

This structure has the potential to diminish rather than strengthen the function of DNDO. Interagency relationships are at the heart of DNDO's work. Stepping down the level of the Director and those below her could impact the effectiveness and efficiency of DNDO.

For example, when I started at DNDO, one of the main Congressional criticisms of DNDO was that the organization had not been able to create a government wide strategic plan for the GNDA, despite a strong recommendation from Congress to do so. I agreed with Congress that such a plan was necessary and was determined to create such a plan. Creating any plan across the five or six relevant Departments with overlapping responsibilities is an extremely complex task, and my first step was to appeal to my counterparts in the other Agencies to personally ask for their help in creating this strategic plan. I asked each of my counterparts at the Assistant Secretary to show flexibility and consider overriding obstruction by lower level officials in their organizations if necessary. My next step was to explain to the Secretary and Deputy Secretary that I needed their help managing the interagency and, more importantly, in managing the larger components within DHS.

Within three months, we were able to create the first GNDA strategic plan and deliver it to Congress with concurrence and input from the White House and all relevant agencies. To be clear, the plan reflected the hard work, insights, dedication and diplomatic skills of DNDO's many talented employees. However, it is also clear to me that this could not have been done if I had not been able to reach directly out to my interagency counterparts at the Assistant Secretary level to resolve problems and directly leverage the Secretary's office.

My second specific comment relates to the function of the new office. As I mentioned earlier, DNDO has a narrowly defined function - - nuclear detection and forensics - - and that limitedness has both positive and negative elements. On the positive side, it allows the office to do what it does well. There are several places in the government that work on nuclear detection, but no other Agency or Department covers the detection field so comprehensively or competently, from R&D and testing to acquisition and architecture.

On the other hand, detection and forensics is only a slice of US efforts to prevent a nuclear or radiological terrorism. The DHS plan suggests that the new structure offers the opportunity for the nuclear office to more robustly address the span of nuclear topics, to include prevention, protection, response, mitigation or recovery. The subcommittee should recognize this relatively small part of DHS's plan could have a fundamental and transformative effect on the work of DNDO.

My final point is related to the change in scope. The DHS plan notes that the expansion in DNDO's mission would be accomplished in two ways: by inclusion of CBRNE policy and operational support personnel within the new CBRNE office and by establishing strong linkages between the CBRNE office and a new DHS Joint Requirements Joint Operational Plans Process.

To me, this seems wholly inadequate given the potential scope of the new organization. The shift in personnel into the new nuclear organization appears quite small, perhaps a few people, and it in no way reflects the fundamental shift in scope of the organization.

Indeed, even with the shift, important elements of the CBRNE mission will remain in other parts of DHS. For example, the Federal Emergency Management Agency (FEMA) and National Protection and Programs Directorate (NPPD) will retain key nuclear missions and personnel that appear to be within the new scope of the nuclear part of the new CBRNE office. I urge that the actual scope of the new office be clear, carefully considered, and related to manpower needs for each of the new areas to be included in DNDO's new mandate, which could be substantial.

In conclusion, I would once again like to thank the subcommittees for the opportunity to testify today and to emphasize that if a CBRN organization is going to be created in DHS, it should be created in a way that makes its constituents—in particular DNDO—stronger than they are today. I appreciate your careful consideration of this issue and am happy to answer any questions.