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***“Examining the Department of Homeland Security’s Efforts to
Counter Weapons of Mass Destruction”***

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Chairman Donovan, Ranking Member Payne, and distinguished members of the Subcommittee on Emergency Preparedness, Response, and Communications, thank you for inviting us to speak with you today. We appreciate the opportunity to discuss the Department of Homeland Security’s (DHS) work to bolster efforts to counter the threat of terrorist actors using weapons of mass destruction (WMD) against the Homeland. As the leaders of the organizations involved in the reorganization of WMD functions into one office within DHS, we appreciate your interest in this matter. We also appreciate the support from former Secretary John Kelly and Acting Secretary Elaine Duke in pursuing a Countering Weapons of Mass Destruction (CWMD) Office aimed at elevating and streamlining DHS’s role in the WMD mission and further unifying associated activities under one office.

I. Background

As Acting Secretary Elaine Duke stated in her September 27, 2017 testimony to the Senate, our intelligence professionals have seen a renewed terrorist interest in WMD. The United States faces a significant danger from threat actors who could use chemical, biological, radiological, and nuclear (CBRN) agents to harm Americans or U.S. interests. Certain WMD, once viewed as out-of-reach for all but nation states, are now closer to being attained by non-state actors. Terrorist groups are already using chemical weapons, using battlefield environments to test them, and may consider using such weapons in external operations. A WMD terrorist attack against the United States would have a profound and potentially catastrophic impact on our Nation,

increasing our need to *invigorate* efforts to stop them and improve our own capabilities to defend, deter, and detect.

Since the creation of the Department more than 15 years ago, DHS has lacked a focal point in the WMD threat space. Through presidential directives and legislation, various WMD-related programs and projects were established within the Department and across multiple components. In some cases, components were established through presidential directives and delegations of authority, but lacked full legislative authorization to carry out such vested responsibilities. This resulted in fragmented missions and uncoordinated activities across the Department, ultimately leading to a lack of strategic direction in this critical mission. Further, the current structure of CBRN functions within the Department resulted in a lack of visibility for the mission space, weak internal coordination, and disjointed interagency cooperation.

DHS believes it is imperative to streamline and elevate its counter-WMD efforts. Multiple reviews in the last decade—both internal and external to the Department—have highlighted the Department’s shortcomings in this space, as well as the need for a focal point on CBRN matters. For instance, five years ago, Congress required the Department of Homeland Security to study the issue, to rationalize its WMD defense efforts, and to report on whether a reorganization was needed. The previous Administration conducted such a study and made an affirmative determination to pursue changes¹ that resulted in the House passing the *Department of Homeland Security CBRNE Defense Act of 2015*.²

This year, the Department again reexamined previous reviews, shortcomings in the mission space, and whether a re-organization would remedy such issues. As the new leadership team explored these issues, they took into consideration challenges associated with advancements in chemical and biological detection capabilities. Due to challenges in the chemical and biological defense space, and in light of the current threat environment, DHS determined that steps needed to be taken expeditiously to improve the effectiveness of our WMD defense functions. DHS leadership, including former Secretary John Kelly and Acting Secretary Elaine Duke, decided to establish a CWMD Office to elevate, streamline, and bolster an internal “unity of command” for CWMD capabilities.

II. Current CWMD Office

As an initial step, the Department established the CWMD Office that unified the management structure and consolidated the following components and elements within the Department into one office: the Domestic Nuclear Detection Office (DNDO), the majority of the Office of Health Affairs (OHA), select elements of the Science & Technology Directorate (S&T), and select DHS

¹ In the June 2015 “DHS Chemical, Biological, Radiological, and Nuclear Functions Review Report” to House and Senate Appropriations Subcommittees, the Department reviewed its CBRN programs’ organization, operations, and communications pursuant to Congressional direction in the Joint Explanatory Statement (JES) and House Report accompanying the Fiscal Year 2013 Department of Homeland Security Appropriations Act (Pub. Law No. 113-6). In the JES, Congress identified the need to “elevate and streamline the Department’s focus on efforts to address [CBRN] threats and deter and counter weapons of mass destruction.”

² H.R. 3875, Department of Homeland Security CBRNE Defense Act of 2015, sec. 2 (Passed House amended (12/10/2015)). H.R. 3875 was referred to the Senate.

Office of Strategy, Policy, and Plans (SPP) and DHS Office of Operations Coordination (OPS) functions and personnel.

The Domestic Nuclear Detection Office

The CWMD Office subsumed DNDO in total with all current functions remaining intact. DNDO was chartered, in law and presidential directive, using an interagency construct to coordinate technical efforts across the U.S. Government to technically detect and protect against radiological and nuclear threats. DNDO conducts a holistic program of end-to-end efforts in technical nuclear detection and nuclear forensics, including planning, research and technology development, technology acquisition, and support for federal, state, local, tribal, and territorial operators in the field.

The Office of Health Affairs

The CWMD Office also includes the majority of OHA, retaining biological and chemical defense functions, external coordination of Department medical preparedness and response activities, health incident surveillance, and health security intelligence and information sharing functions. The CWMD Office is exploring enhancements to current biodetection technologies with the goal of identifying new technology that can reduce capability gaps in biological detection. Through non-reimbursable details, DHS transferred internal DHS workforce health and medical support functions from OHA to the DHS Management Directorate. By elevating the mission and unifying Departmental CWMD efforts, the CWMD Office is optimizing existing DHS resources to better protect the Nation against WMD threats.

The CWMD Office, through the Chief Medical Officer, is continuing to provide advice and support to DHS leadership and public and medical health officials nationwide to prepare for, respond to, and recover from threats to the Nation's health security. Ensuring the first-responder community receives health-related expertise in a CBRN incident is vital. The CWMD Office is continuing to provide support for emerging health and medical issues of national significance and support for external-facing medical first responder coordination.

The Science & Technology Directorate

The Department reassigned certain non-R&D functions from S&T to the CWMD Office, specifically the non R&D functions performed by S&T related to chemical, biological, and integrated terrorism risk assessments and material threat assessments as required by presidential directive and the Project BioShield Act of 2004.³ This will harmonize terrorism risk assessment efforts across the WMD spectrum within one organization, and result in a rigorous requirements development process. We expect this realignment to improve risk-informed strategy and policy development and further enhance our nation's ability to protect against WMD terror threats.

³ Pub. Law No. 108-276

The Office of Strategy, Policy, and Plans (SPP) and the Office of Operations (OPS) Coordination

Lastly, the Department is executing non-reimbursable details to assign a limited number of SPP and OPS personnel with WMD defense expertise to the CWMD Office. These details will allow the CWMD Office to leverage existing subject matter experts that had previously been in other parts of DHS to support effective planning and policy for WMD threats.

III. Proposed CWMD Organization

To fully integrate these capabilities, we are requesting this Congress' support for this effort, and we fully intend to work collaboratively with Congress to formalize this office, and ensure it is postured appropriately to confront the threat. The proposed CWMD Office would be responsible for advancing CWMD capabilities by taking a comprehensive approach to the spectrum of threats.

During the reorganizational review of WMD-related support functions and activities, the Department found that components shared a number of related lines of effort that could be leveraged. For example, both DNDO and the Office of Health Affairs have acquisition activities that could be mutually leveraged. Conversely, the Department also found it lacked critical acquisition and requirements functions in its chemical and biological missions. For example, DNDO coordinates with the interagency on planning and analysis activities related to the Global Nuclear Detection Architecture. Utilizing DNDO's analysis and requirements generation capabilities for the chemical and biological detection mission across the US government is an opportunity to better accomplish this mission.

The proposed CWMD Office would leverage best practices from across the Department to fill gaps in the chemical and biological defense functions by coordinating similar functions prescribed in law for DNDO. In particular, the CWMD Office will seek to approach chemical and biological defense activities much as is currently done for radiological and nuclear threats—from gap and requirement identification to operational deployment and support.

With regard to the leadership structure of the proposed CWMD Office, the Office would be optimally organized by having a presidentially appointed Assistant Secretary to lead the organization and who would report directly to the Secretary. This leadership structure would empower the Assistant Secretary to coalesce and elevate CWMD matters to the Secretary in support of the DHS Operating Components and act as a DHS representative on relevant matters within the Federal interagency, as well as with external stakeholders at the state level, local level, and with private sector partners. The Assistant Secretary would be supported by a Principal Deputy Assistant Secretary to serve as the deputy and an advisor on WMD issues.

Another important part of the CWMD reorganization is the role of the Chief Medical Officer within DHS. Congress authorized a Chief Medical Officer within DHS in the Post-Katrina Emergency Management Reform Act of 2006 (Pub. Law 109-295) ("PKEMRA").⁴ Congress vested the Chief Medical Officer with primary responsibility within DHS for medical issues

⁴ Section 516 of the HSA, codified at 6 U.S.C. § 321e.

related to natural disasters, acts of terrorism, and other man-made disasters, including serving as the principal advisor to the DHS Secretary and the Federal Emergency Management Agency (FEMA) Administrator on medical and public health issues, and coordinating DHS biodefense activities.⁵ Shortly thereafter, DHS reorganized to implement the various changes in PKEMRA as well as additional organizational improvements.⁶ Under the 2007 reorganization, the Department established the Office of Health Affairs, to be led by the Chief Medical Officer. Since then, the Office of Health Affairs has been responsible for non-R&D chemical and biological defense activities, medical readiness, and component services functions.

After re-evaluating the Department's WMD activities, leadership determined that the Chief Medical Officer would be most effective in the CWMD Office supporting the Assistant Secretary. The Chief Medical Officer will continue to serve as an independent medical advisor to the Secretary and other senior DHS officials, including the FEMA Administrator. A permanent re-alignment would ensure the Chief Medical Officer's expertise is regularly leveraged not only on chemical and biological issues, as is largely the case today, but also on radiological and nuclear matters. Moreover, this permanent relocation of the Chief Medical Officer to the CWMD Office would ensure expertise is utilized on the full range of critical CWMD matters involving emerging WMD threats of national significance. Lastly the re-organization will ensure the Nation's front-line responders are able to prepare for and respond to all threats, for which the Chief Medical Officer will provide advice, as appropriate.

Reorganizational Benefits

The Department anticipates the proposed CWMD Office will offer the following improvements:

- 1. Enhanced U.S. defenses against CBRN threats.** Integration of CBRN elements will elevate and streamline DHS efforts to prevent terrorists and other national security threat actors from using chemical, biological, radiological, and nuclear agents to harm Americans and U.S. interests. The Department has long sought to bring unity of effort to this space, and in doing so, it will be able to confront these challenges more decisively. This includes providing better support to DHS front-line components, which are responsible for keeping such dangerous agents from entering the United States.
- 2. Improved strategic direction.** The CWMD Office will help advance the Department's strategic direction related to CBRN threats. In particular, U.S. strategies on chemical and biological defense have lagged behind the threat landscape. The CWMD Office will help close this gap by better equipping DHS to put in place effective chemical and biological defenses and ensuring the Department is able to more effectively drive forward planned strategies being developed in the interagency.

⁵ Id.

⁶ Notice of Implementation of the Post-Katrina Emergency Management Reform Act of 2006 and of Additional Changes Pursuant to § 872 of the Homeland Security Act of 2002 from Secretary Michael Chertoff to Senator Michael B. Enzi (Jan. 18, 2007).

3. **Reform through sharing of best practices.** The CWMD Office will better leverage related lines of effort, functional activities, and administrative structures within the Department. This new construct will allow for seamless sharing of best practices and create new opportunities for reform. In particular, DNDO's successful business model will help inform improvements to the chemical and biological defense mission space.
4. **A clear focal point for CWMD within DHS.** The Department's previous approach to CWMD created policy coordination challenges, both internally and externally. With the changes the Department plans to undertake, stakeholders in the interagency, industry, and at the state and local level will be able to better engage with DHS to deal with CBRN defense and detection matters. For example, the CWMD Office will collaborate closely with interagency partners such as the Federal Bureau of Investigation's (FBI) Weapons of Mass Destruction Directorate, which is the focal point for WMD-related matters within the FBI.
5. **Reduced overlap and duplication.** In the past, the Department has been forced to reevaluate and terminate major CWMD-related programs and acquisitions due to under-performance, cost overruns, or ineffectiveness. In some cases, these failures could have been avoided with better oversight, leadership, and strategic planning. The CWMD Office will leverage best practices and lessons learned to prevent such mistakes from occurring in the future. Moreover, the reorganization offers potential efficiencies, such as eliminating duplication of effort in cross-cutting functions such as operational support programs, and interagency and intergovernmental coordination.

IV. Change Management

Recognizing that the success of this reorganization is imperative, the Department has heeded GAO's prior recommendation to use, where appropriate, the key mergers and organizational practices identified in past reports and audits.⁷ Prior to and following the Department's decision to establish a CWMD Office, the Department actively engaged internally among DHS components and with external stakeholders.

DHS has undertaken a number of activities to ensure compliance with GAO-identified best practices in organizational changes. First, an Implementation Team was created with a specific task to engage an independent and objective party to monitor and examine the Department's reorganization and consolidation. Second, a methodology was developed, independent of management, to gather documentation and conduct interviews across Departmental components. Following the decision to pursue a re-organization, the independent party started interviewing employees at the Department to ensure a smooth transition and bolster employee engagement. The Department intends to continue to use GAO-identified best practices as benchmarks by which we can measure progress for the current CWMD Office and the proposed Office.

⁷ GAO Report to the Ranking Member, Committee on Homeland Security, House of Representatives, *Homeland Security – DHS's Chemical, Biological, Radiological, Nuclear and Explosives Program Consolidation Proposal Could Better Consider Benefits and Limitations*, GAO-16-603 (Aug. 2016), p. 18.

While we are excited to elevate the Department's CWMD mission, we have not forgotten about the men and women of DHS who work every day to ensure our Nation is secure. Departmental reorganizations require engagement among senior management as well as with staff at the working level. On numerous occasions, top leadership in the Department have hosted stakeholder meetings, joint employee town hall events, and developed internal and external communications strategies to create shared expectations with all relevant entities.

V. Conclusion

Chairman Donovan, Ranking Member Payne, and distinguished Members of this subcommittee, thank you again for your attention to this important mission and for the opportunity to discuss proposed efforts to enhance support capabilities across the CBRN spectrum. We look forward to further working with Congress and this subcommittee on fully integrating WMD capabilities to secure the Homeland from WMD terrorism. With your help, we have full confidence that our Department can improve our strategic direction in this threat space and ensure our Nation is safer than ever before. We look forward to answering your questions.