



JULY 14, 2015

JOINT HEARING: WEAPONS OF MASS DESTRUCTION: BOLSTERING DHS TO COMBAT PERSISTENT THREATS TO AMERICA

UNITED STATES HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY
CYBERSECURITY, INFRASTRUCTURE PROTECTION, AND SECURITY TECHNOLOGIES SUBCOMMITTEE,
EMERGENCY PREPAREDNESS, RESPONSE, AND COMMUNICATIONS SUBCOMMITTEE, WEAPONS OF
MASS DESTRUCTION

ONE HUNDRED AND FOURTEENTH CONGRESS, FIRST SESSION

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Committee on
HOMELAND SECURITY
Chairman Michael McCaul

Opening Statement

July 14, 2015

Media Contact: Susan Phalen
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**Statement of Subcommittee Chairman John Ratcliffe (R-TX)
Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies**

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

Remarks as Prepared

During the Cold War years, the threat of nuclear annihilation was universally recognized. Today, there is an equally terrifying and persistent WMD threat, but the forms such weapons could take and the bad actors seeking to obtain them have vastly expanded. Today’s threat comes from Iran’s pursuit of a nuclear weapon, as well as the rise of ISIS and other terrorist organizations that are seeking to acquire chemicals, biological agents, radiological or nuclear material to use it to set off a weapon in one of our major cities. While such an attack may not result in total annihilation, it would be a major public health and safety catastrophe, as well as an economic and psychological blow to the entire country.

Today’s threat is illustrated by several evolving situations unfolding across the globe. The current nuclear deal being negotiated with Iran could increase the amount of nuclear material throughout the volatile Middle East if Iran is allowed to retain a certain amount of enriched uranium. Separately, Russia has recently announced it is pulling out of a decades-old Reagan Administration INF treaty, which limited the number of nuclear weapons between the two countries. Russia has since moved to modernize and increase its stockpile, thereby making the availability of nuclear and radiological material that much greater. Simultaneously, Middle Eastern countries like Saudi Arabia are building 16 new nuclear plants even as they struggle to battle radical Islamists within their own borders.

While these are greater geopolitical issues, the implications for the WMD threat to the U.S. homeland are immense. Since the collapse of the Soviet Union, Russia has struggled to keep tabs on its radiological and nuclear material across Eastern Europe. The current nuclear negotiations deal with Iran and the proliferation of nuclear material across the Middle East raises similar concerns of operational control of these sensitive materials.

This is all happening at a time when ISIS is propagating a call for terrorist plots in the United States and taking control of large pieces of territory across Iraq, Syria and North Africa. Terrorists and militant

groups have long had an interest in using a WMD to attack U.S interests, especially those including chemical, biological, radiological, or nuclear materials. ISIS has made its ambition known that it wishes to obtain WMD material and use it in an attack. Underscoring the real possibility of this threat, Australian Intelligence officials have publicly stated their belief that ISIS has already seized enough material from government facilities, hospitals and universities in Iraq and Syria to build a dirty bomb.

Currently, the Department of Homeland Security is organized to address the WMD threat through several different offices and directorates, the Office of Health Affairs (OHA), the Domestic Nuclear Detection Office (DNDO) and elements of the Science and Technology (S&T) Directorate. This fragmentation is in contrast to other Departments and Federal Agencies across the U.S. government that have centralized WMD defense programs and have clear focal points for interagency collaboration. One of the major concerns we have heard with the current structure is that DHS does not have the stature and voice that it should among all of the agencies working to address all of these threats.

In September of 2013, DHS was directed by Congress to undertake an in-depth review of its WMD programs. The review also required recommendations to improve its organizational structure to be more effective. Unfortunately, the Committee only received this report less than a month prior to this hearing, meaning that it's nearly 2 years late.

I've had the opportunity to sit down with Dr. Gowadia, Director of DNDO numerous times during my short tenure as Chairman as part of my oversight responsibilities to learn how DNDO operates and works with its stakeholders, both domestically and internationally. One thing that I have concluded, and have heard repeatedly from others, is that the current DNDO model works; something which unfortunately can't be said about every DHS office. In support of the opinion that DNDO is one of the most effective offices within the Department, the most recent 2014 edition of the Best Places to Work in the Federal Government ranked DNDO 11th out of 314 Agency subcomponents. This success is built on leadership, a clear mission, and a well-functioning organizational structure. And while DNDO hasn't always been a benchmark of success, the organization has certainly matured into a model that I think should be replicated throughout the Department.

Chairman McSally and I convened our Subcommittees here today to examine whether the DHS proposal to reorganize will support the shared opinion of most that the Department of Homeland Security should be doing more to guard against WMD threats. While the proposal to Congress lays out several different options and a proposed recommendation for how the Department should reorganize, we hope to hear more today about how this proposed reorganization will address gaps and strengthen the Departments posture towards WMD threats and we hope to hear some specifics. I thank Chairman McSally for joining me in this effort, and I thank the witnesses for being here today.

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Committee on
HOMELAND SECURITY
Chairman Michael McCaul

Opening Statement

July 14, 2015

Media Contact: Susan Phalen
(202) 226-8477

**Statement of Subcommittee Chairman Martha McSally (R-Ariz.)
Subcommittee on Emergency Preparedness, Response, and Communications**

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

Remarks as Prepared

We know that terrorist groups have long strived to employ chemical, biological, radiological, and nuclear, or CBRN, materials in their attacks. The Director of National Intelligence testified in February that weapons of mass destruction continue to be a major threat to the security of the U.S. He noted that biological and chemical materials and technologies, as well as personnel with the expertise to use and design them, move easily in the economy. The DNI also stated that infectious disease continues to threaten our security and that a more crowded and interconnected world is increasing the opportunities for human and animal diseases to emerge and spread globally.

Experts suggest that terrorist interest in utilizing chemical agents has increased. In fact, reports indicate that ISIS may currently be conducting attacks using chemical agents in Syria and Iraq. Last summer, a laptop reportedly retrieved from an ISIS hideout in Syria contained plans for weaponizing bubonic plague and a document discussing the advantages of using biological weapons.

Earlier this year, the Emergency Preparedness Subcommittee held hearings on chemical and biological threats. In addition to the severity of the threat, these hearings highlighted a number of crosscutting themes. Witnesses testified about the need for robust information sharing among all levels of government, and I have introduced a bill to address this aimed at enhancing CBRN intelligence and information sharing, which recently passed the House. We also repeatedly heard about the importance of strong, coordinated leadership on these threats.

Which brings us to the purpose of our hearing today: DHS must play a leading role in defending our homeland from CBRNE threats. In my first six months in office, I’ve gained an appreciation of the work of the Office of Health Affairs (OHA) in this space.

As the coordinator for chemical defense at DHS, OHA works with Federal, state, and local partners to enhance preparedness and response capabilities for an attack or incident involving chemical agents, as we recently saw in a chemical defense pilot with the City of Baltimore mass transit system.

In addition to managing biological surveillance and detection systems for the nation, OHA coordinates the Department's efforts related to biological threats, such as anthrax and Ebola.

OHA also recently completed an interagency effort to develop guidance for emergency response providers to increase survivability of victims as well as safety of responders after an attack using an improvised explosive device.

Despite this good work, the Department's chemical and biological efforts have not been without their challenges.

These are serious threats and I look forward to hearing from our DHS witnesses on how the Department is addressing them. I am also interested to hear from both panels how the proposed reorganization will elevate the CBRNE mission and provide strong leadership to ensure the Department is able to meet these threats.

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Testimony of

**Reginald Brothers, PhD
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Before the U.S. House of Representatives Committee on Homeland Security

Subcommittees on

Emergency Preparedness, Response and Communications

and

Cybersecurity, Infrastructure Protection, and Security Technologies

On

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

July 14, 2015

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.

**U.S. House of Representatives, Committee on Homeland Security,
Subcommittee on Emergency Preparedness, Response, and Communications and
Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies**

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

**Testimony of Alan D. Cohn, Of Counsel, Steptoe & Johnson LLP and
Non-Resident Senior Fellow, Brent Scowcroft Center for International Security,
The Atlantic Council**

July 14, 2015

Chairs McSally and Ratcliffe, Ranking Members Payne and Richmond, distinguished members, thank you very much for the opportunity to present testimony today regarding how the Department of Homeland Security can best organize itself to meet the challenge of weapons of mass destruction.

I commend these subcommittees for ensuring continued focus on the question of the best approach to defending against weapons of mass destruction. As a former first responder and official at the Department of Homeland Security, I know the challenges we face as a Nation in confronting this threat. While organizational change is rarely the first solution to a problem, in this case, the Department is rightfully examining the effectiveness of its organization with respect to this challenge. The Department’s headquarters needs to be consolidated in many aspects, ensuring consolidation of similar headquarters functions and integration by the headquarters with respect to the Department’s national responsibilities, while ensuring that the Department’s operational components and its external operational partners—rather than the Department’s headquarters—are entrusted with operations. To that end, I support the consolidation of DHS’s headquarters weapons of mass destruction functions into a single office reporting to the Secretary of Homeland Security. A fuller explanation of these points follows.

While cyber threats, geopolitical conflicts, and instability and terrorism overseas have rightfully captured the interest and imagination of the American public and the media at this time, this Committee has correctly ensured that we remain focused on the range of security challenges facing the United States. As stated in the report on the 2014 quadrennial homeland security review, biological threats and hazards, the use of an improvised nuclear device, and the terrorist use of explosives against transportation targets and mass gatherings remain among threats, hazards, and persistent challenges that pose the most strategically significant risks to the Nation. In addition, chemical weapons and accidents involving chemical facilities and chemicals in transit, and radiological dispersal devices or “RDDs,” are risks that must continually be assessed and addressed.

I am currently of counsel with Steptoe & Johnson, LLP, the principal of my own consulting firm, and a non-resident senior fellow with the Brent Scowcroft Center for International Security at

the Atlantic Council, focusing on issues at the intersection of security, technology, innovation, and government. I am proud to have served with the dedicated men and women of the Department of Homeland Security in the Department's Office of Policy for nine years, from 2006 to 2015, seven of those as the head of strategy and strategic planning, the last three as Assistant Secretary for Strategy, Planning, Analysis & Risk, and the last year dual-hatted as the deputy head of policy for the Department. Before that, I practiced law, was a member of the Fairfax County Urban Search & Rescue Task Force and a Disaster Assistance Employee for the Federal Emergency Management Agency's urban search and rescue program, and served as an emergency medical technician for the 911 emergency ambulance system in New York City. I recognize the deep need for Congress and the Department to get its job done efficiently and effectively. This is important for the Nation, but also for the first responders across the country who rely on the Department for effective risk assessment, national strategy and policy, grants and grant guidance, scientific information, and protection, detection, and response and recovery equipment to supplement their own efforts and that of their departments and jurisdictions.

As noted above, organizational changes are rarely the first solution to any problem. However, in this case, the Department of Homeland Security does not lack for leadership, expertise, or dedicated personnel and resources focused on these challenges. Rather, the Department is faced with the problem of dispersing that leadership, expertise, and personnel and resources across numerous organizations just in its headquarters, let alone its operational components. That dispersal has resulted, as this Committee has rightfully recognized, in unclear assignment of responsibilities and suboptimal engagement with federal interagency partners and external stakeholders on weapons of mass destruction issues, and has contributed to less than effective oversight and execution of major acquisitions involving programs aimed at combatting weapons of mass destruction. This is not unique to weapons of mass destruction; the Department's headquarters is in need of overall consolidation, and an overall sharpening of roles and lines of authority.

For that reason, Congress should be commended for directing, and the Department should be commended for conducting, a study of the Department's organization with respect to its weapons of mass destruction functions, and for making difficult decisions that will require organizational transition and consolidation within the Department. During my time as an Assistant Secretary at the Department, I led portions of this review process, and helped facilitate discussions that resulted in the report that was provided to Congress by the Department. However, the views expressed today are my own, and are not intended to represent the Department of Homeland Security or the organizations with which I am currently associated.

I believe that there are three principles that should guide any organizational changes at the Department of Homeland Security, given the Department's structure as a multi-divisional organization, a corporate form of organization in which semi-autonomous component entities perform interconnected functions and responsibilities, and where a headquarters exists to support the organization's senior leadership in effectively integrate and optimize cross-

Departmental activities and decision-making in order to best meet the organizations overall goals and responsibilities.

1. Consolidation: There should be a **single center of gravity within the Department's headquarters for any major function**, whether in an integrated policy, management, or other directorate, or in a specialized office, recognizing that most if not all of the Department's operating components will likely have a role in carrying out that function.
2. Integration: **Headquarters entities should perform the integrating functions necessary for a multi-divisional organization to be effective**: conducting risk assessments and associated analysis, leading to the development of integrated strategy and policy, against which research and development, programmatic activity, major acquisitions, joint operational planning, and joint operations can be conducted.
3. Operations: **Operating entities should carry out operational responsibilities**, whether the Department's own operating components or the myriad state, local, territorial, tribal, private-sector, non-governmental, and other partners with operational roles.

It goes without saying that any entity's organization should be as lean as possible, with clearly delineated mission responsibility and authority, a clear leadership structure, effective recruiting, training, and retention programs, progressive opportunities for advancement into either leadership or senior technical positions, and a robust interchange of personnel and information between headquarters entities, the Department's operating components, and the Department's external stakeholders. This testimony assumes those steps will follow any reorganization of the Department's weapons of mass destruction functions.

With those elements as the backdrop, I believe that the time has come for the Department to undertake a reorganization of its weapons of mass destruction activities, with Congress's direction and authorization, to best serve its constituents and help safeguard the Nation. Specifically:

- Congress should authorize the consolidation of the functions currently performed by the Domestic Nuclear Detection Office, the Office of Health Affairs, and certain functions performed by the Science & Technology Directorate, the Office of Policy, the Office of Operations Coordination, and the National Protection and Programs Directorate to create a single office in the Department's headquarters, headed by an Assistant Secretary and reporting directly to the Secretary of Homeland Security, to best support the Department's responsibilities to combat chemical, biological, radiological, nuclear, and explosive (CBRNE) threats and hazards.
- Congress should ensure that this new office is clearly authorized and empowered to perform the range of headquarters functions associated with the Department's CBRNE responsibilities, to include effectively assessing CBRNE risk, formulating and communicating consistent and integrated Departmental CBRNE strategy and policy, ensuring effective oversight and execution of major CBRNE-related programs and acquisitions, communicating effectively with the Department's partners and

stakeholders concerning CBRNE risks and the most effective ways to manage those risks, and enabling the Department's operational components to effectively carry out their CBRNE-related responsibilities.

- Congress should direct the Department to study, and should also direct an independent study, to determine the best model for integration of CBRNE-related research and development functions conducted by the Science & Technology Directorate with the functions to be performed by the new CBRNE office, and should revisit that issue once those studies have been completed.

The Department has now proposed many of these steps to Congress, so I will elaborate on two points: (1) the integration of CBRNE functions within a new CBRNE headquarters office; and (2) the process for determining the best model for integration of CBRNE-related research and development functions within the Department's headquarters.

First, the Department must go beyond placing the Domestic Nuclear Detection Office, the Office of Health Affairs, and the Office of Bombing Prevention into the same organization, and must fully integrate the functions to be transferred into the new office. Both the Domestic Nuclear Detection Office and the Office of Health Affairs perform certain functions well, but both could benefit from taking the best practices of each and adopting them across CBRNE functions. Moreover, the functions to be transferred from the Office of Policy and the Office of Operations Coordination, as well as the Office of Bombing Prevention, should be integrated in full into the new organization. Congress should set the overall responsibilities and authorities of the new CBRNE office, and empower the Secretary to integrate the functions to be incorporated into the new office to achieve the best effect across CBRNE functions, and not simply place the offices whole into what might be nothing more than a new shell organization.

Second, Congress must ensure that the Department effectively assesses its current models for CBRNE research and development, and determines the best manner in which to pursue CBRNE programs and major acquisitions. Currently, the Domestic Nuclear Detection Office uses a "systems command" approach, similar to Naval Sea Systems Command, performing "end-to-end" systems development including research and development. The Office of Health Affairs uses a model that separates research and development from programmatic execution and acquisition, with research and development functions performed by the Science & Technology Directorate. Both models have achieved successes, and both models have resulted in the failure and termination of major acquisitions. It is difficult to say with certainty which of these models, or a third model, is best suited to ensuring effective mission execution and guarding against the failure of major systems acquisitions. However, there is an answer to this question, and Congress and the Department should actively seek that answer.

For that reason, Congress should mandate that the Department assess the effectiveness of each of these models under the new organizational structure, perhaps on a yearly basis, until a specific date in the future, say three years from the creation of the office. In addition, Congress should mandate that an independent study be conducted by an organization with familiarity

with the different research and development models currently in use by the Domestic Nuclear Detection Office and the Office of Health Affairs, as well as those of other federal departments and agencies and corporate entities, and make a recommendation to Congress and the Secretary as to the best model for the new CBRNE organization to employ. Congress can then revisit this last CBRNE-related organizational piece once both the Department and an independent organization have completed their review.

DHS has been traumatized in its short lifespan by a series of reorganizations. However, this does not mean that the Department cannot benefit from thoroughly-examined, well-considered reorganizations and consolidations, particularly of its headquarters functions. In this case, the time has come for Congress and the Department to reorganize and consolidate its CBRNE headquarters functions to better effectuate the Department's CBRNE responsibilities.

Thank you again for the opportunity to provide this testimony.



Statement before the House Committee on Homeland Security

Subcommittees on Emergency Preparedness, Response, and Communications and Cybersecurity, Infrastructure Protection, and Security Technologies.

“REDUCING THE RISK TO AMERICA: INTEGRATING THE DEPARTMENT OF HOMELAND SECURITY’S CBRN EFFORTS”

A Statement by

Rick “Ozzie” Nelson

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July 14, 2015

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Good afternoon Chairmen McSally and Ratcliff, Ranking Members Richmond and Payne, and distinguished members of the subcommittees. Thank you for the opportunity to testify today. I will be discussing how the Department of Homeland Security can be better organized to defend the United States against chemical, biological, radiological, or nuclear (CBRN) weapons. I am here today under my CSIS affiliation however I am also employed by Crossmatch Technologies, an identity management company, as well as Georgetown University where I teach classes on Homeland Security and Counterterrorism as part of the the Biohazardous Threat Agents and Emerging Infectious Disease Program within the Microbiology and Immunology Department.

The Threat

In the midst of a seemingly perpetual terrorism threat and a time of constrained fiscal resources, the United States government faces difficult questions regarding how to best prepare for national security threats that may be viewed as relatively unlikely or low probability yet could have potentially devastating consequences, specifically the use CBRN weapons on American soil. Though they may require comparatively more time and skill to build or acquire than conventional weapons, the proportional effects of CBRN weapons are significantly greater. The “Amerithrax” attacks of 2001, for example, involved only a small amount of anthrax yet succeeded in paralyzing portions of the U.S. government. And the consequences of a terrorist group detonating a low yield nuclear weapon in a major U.S. city would change America forever. Although the probability of terrorists using simpler means—such as mass shootings—to strike the United States appears much higher, the impact of a successful CBRN attack demands that the nation prioritize and resource this threat.

Terrorist groups continue to pursue CBRN weapons, despite the challenges they face developing these capabilities, at least in part because they can provide these terrorists with a disproportionate level of power, and even prestige, relative to their actual capabilities or standing. For almost twenty years, we have seen Al Qaeda and its affiliates pursue unconventional weapons. Osama bin Laden in 1998 declared that acquiring and using a weapon of mass destruction (WMD)¹ was his Islamic duty. More recently we have seen reports of the Islamic State of Iraq and the Levant (ISIL) seizing chemical weapons facilities and radioactive material in Iraq. Deterrence strategies have no effect against these enemies – If they acquire a WMD then we should expect them to use it.

These types of weapons are game changers for a terrorist group, and we should expect such groups to pursue these capabilities with continued vigor. While thirty years ago, state-level WMD programs were far and away our primary concern, the rapid spread of technology and increasing availability of information on the internet has made the development of such weapons simpler for terrorist groups by further lowering the barriers to development of CBRN capabilities. Further, instability in nations that possess CBRN weapons, such as Syria and Pakistan, raises the risk of existing stockpiles falling into dangerous hands. Faced with these

¹ For the purposes of this testimony CBRN and WMD are used interchangeably.

threats, the United States has little choice but to work to defend itself against CBRN weapons.

The Challenge

Since 9/11 the United States has developed a robust series of measures intended to counter CBRN weapons at multiple points before they reach U.S. shores. Yet these efforts continue to fall short. The Bipartisan WMD Terrorism Research Center in its 2011 Bio Response Report Card gave the federal government failing grades in its assessment of the nation's ability to respond to a large scale bioterrorism event. This report is only one of many that indicates the federal government writ large has failed to posture itself to adequately detect and disrupt CBRN threats or incidents. And ultimately, regardless of governmental efforts at any level, the possibility always will remain that a device or agent could evade detection or even be manufactured within the United States itself. As such domestic efforts designed to detect and respond to a CBRN incident are a critical component of the nation's security, representing the last and perhaps most vital line of defense against these weapons.

No department has a greater role in this effort than the Department of Homeland Security. While the Department has succeeded in building a number of individual offices, programs, and capabilities designed to detect and respond to CBRN events, its effectiveness continues to be hampered by a variety of challenges. First among these is simple but critical – the fragmented organization and approach through which the department executes its CBRN efforts. Currently responsibility for various elements of CBRN detection and response within the department is spread across no fewer than six separate offices including the Domestic Nuclear Detection Office (DNDO), the Office of Health Affairs (OHA), the Office of Policy, the Office of Operations Coordination, the Science and Technology Directorate, and the National Protection and Programs Directorate (NPPD). This fragmented architecture demands unachievable levels of coordination and cooperation, and makes the implementation of common, department-wide policy and activities unwieldy and difficult. Moreover it runs contrary to the department's program to improve department-wide unity of effort.

While organizational dynamics may seem trivial they are critically important when countering such complex threats as terrorism and CBRN. The National Commission on Terrorist Attacks Upon the United States – the 9/11 Commission – presents a scathing critique of US Government inter-departmental coordination. More recently the 2008 Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, cited inefficient government organization as a serious problem—with dozens of overlapping offices and officials responsible for addressing CBRN issues.

The challenge of coordinating CBRN detection and response is significant. Not only must federal agencies coordinate across the government but also with state and local governments, who likely will be the first responders in such an event, and with industry and academia, who provide valuable research and development (R&D) and other technical support. Such coordination requires that department and agencies be unified and well-coordinated internally. Without effective internal coordination, departments and agencies cannot expect to succeed with external

coordination.

Most departments and agencies, with the exception of DHS, have a streamlined approach to CBRN with a central office that oversees WMD policy and programs. These entities, among others, include the Department of Defense's Assistant Secretary of Defense for Nuclear, Chemical, and Biological Defense Programs, the Department of State's Assistant Secretary of State for International Security and Nonproliferation, and the Federal Bureau of Investigation's Weapons of Mass Destruction Directorate. The unity and strength of these elements with their clear assignment of responsibilities and clean lines of communication has enabled these organizations to effectively coordinate internally within their agencies and external with the interagency.

Not only does DHS continue to be the outlier with its fractured approach to CBRN but it also, for unknown reasons, has resisted—or just simply failed to prioritize—efforts to correct the issue. In the Fiscal Year 2013 Homeland Security Appropriations Act the Secretary of Homeland Security was tasked by the Congress to review the department's WMD coordinating mechanisms and provide recommendations by September 1, 2013. Yet the department failed to respond to this request until June 2015—almost two years later.

The benefits to the department for maintaining its current structure seem elusive. DNDO was created in 2005 as a separate, standalone entity to focus government and DHS efforts on the nuclear threat. While the office has succeeded in remaining focused it has struggled to develop strategic guidance and direction and to manage large acquisition programs. The Global Nuclear Detection Architecture -- a framework for detecting, analyzing, and reporting on nuclear and other radioactive materials -- has floundered, and hundreds of millions of dollars have been wasted on radiation detection programs that have fallen well short of expectations, such as the Advanced Spectroscopic Portal (ASP) and the Cargo Advanced Automated Radiography Systems (CAARS).

Recently under the leadership of Director Huban Gowadia DNDO has seen significant improvement. Efforts such as the Securing the Cities initiative – a program to assist States in establishing capabilities to detect radiological and nuclear materials in major cities -- have flourished, and the organization's morale is the highest in the department.² However, issues still remain, many of which are beyond the control of the director. For example the Directorate of Science and Technology, with a lackluster record of coordinating effectively within the department, maintains its own portfolio of nuclear and radiological R&D programs that arguably should fall under the purview of DNDO. Additionally key nuclear/radiological policy and operations elements reside within other DHS directorates detached from DNDO. While Dr. Gowadia's strong leadership and vision have improved DNDO, the organization's efficacy cannot be dependent upon personality or leadership alone. It must be strong enough not only to stand on its own merit but also to execute its charter both inside and outside of the department.

² <http://bestplacestowork.org/BPTW/rankings/overall/sub>

The other primary CBRN entity within DHS, the Office of Health Affairs (OHA), probably has suffered most from DHS' fragmented approach. The department's chemical and biological defense programs are tucked into the office whose primary responsibility is "health and medical expertise." The relationship between chemical and biological threats and public health is clear—but they are by no means the same. Having chemical and biological programs as a subset of public health fails to recognize the nature of the threat and the organizational efforts required to address it, which can be seen in OHA's execution of its programs.

The office's flagship program, BioWatch, which aims to detect the presence of high-risk biological agents, has been shrouded in controversy since its inception. In 2011 the National Academy of Sciences questioned the effectiveness of the currently deployed Generation Two (Gen-2) system. Last year the department cancelled the acquisition of the next generation biosurveillance technology (Gen-3), which was to replace the fielded Gen-2 systems. The program was moved from OHA back to S&T for further development. The Government Accountability Office (GAO) identified a number of deficiencies with the department's management of the Gen-3 program noting that the department failed to conduct sound mission needs analysis and to follow good acquisition processes. In total, the department has spent over one billion dollars on BioWatch and has at best provided questionable results. Over \$150 million was spent on the Gen-3 technology alone before it was cancelled.

The department's chemical defense efforts are similarly lackluster. They are severely fragmented and generally ineffective at least in part because the issue is worked in various, small offices spread throughout the department. While OHA retains the overarching responsibility, these other offices own key aspects of the chemical defense portfolio. The Chemical Facility Anti-Terrorism Standards program, which regulates high-risk chemical facilities, is managed by NPPD. And the Chemical Security Analysis Center (CSAC), which assesses chemical threats and vulnerabilities, is led by the S&T office. With a variety of disparate chemical programs spread throughout component agencies, OHA's chemical defense charter is seemingly unmanageable.

DHS' fractured approach to CBRN has resulted in inefficient operations, insufficient accountability, and wasted taxpayer dollars, ultimately increasing the risk to the American homeland. Fortunately, many of these shortcomings can be addressed simply by reorganizing and elevating the department's CBRN efforts into single, consolidated entity. Such an approach will make it possible for the department to have a focused CBRN detection and response capability with clear roles and responsibilities in order to improve reaction times and accountability, and eliminate redundancy and inefficiencies.

The Solution

The department and Congress must act now to address these shortcomings by unifying and elevating DHS' CBRN capabilities into one departmental entity. Specifically DNDO and OHA should be merged along with the CBRN policy and operations capabilities and the NPPD Office

of Bombing Prevention. The new office should be headed by an Assistant Secretary who reports directly to the Secretary of Homeland Security. The department also should align R&D programs under this new office. Given that CBRN detection and response is inherently a technology-intensive venture, there are numerous challenges associated developing and acquiring the needed technologies. The decentralized nature of CBRN efforts within DHS has led to an equally decentralized system to develop associated technologies, which has contributed to many of the deficiencies in DHS CBRN R&D and acquisition programs. To increase both the tactical and strategic integration of the CBRN detection and response, the new consolidated enterprise must focus on both policy and technology. As such, CBRN R&D efforts within DHS also should be unified under this centralized office.

The consolidated office also would be able to provide a holistic approach to the department's WMD programs and eliminate duplication of efforts. With responsibility and visibility into the department's entire range of CBRN efforts from policy to technology to operations the merged entity would ensure continuity and effective prioritization of this highly complex threat. Moreover the experiences of the department's entire WMD expertise could be leverage on a routine and daily basis. The new entity would have the clear charter for establishing and articulating the department's CBRN priorities and strategies to both internal and external audiences. Perhaps most importantly the Assistant Secretary would be solely responsible and accountable for all CBRN acquisition programs allowing for a more streamlined and agile approach that is directly connected to both policy-makers and operators.

In addition to raising the profile and priority of CBRN in the department, and consolidating capabilities and eliminating overlap, the new entity would enhance external coordination by providing a primary entry point for outside agencies and entities seeking to coordinate on CBRN issues with DHS. In today's security environment there are very few single agency threats and there are even fewer single agency solutions. This is especially true with CBRN where coordination between federal, state/local, academia, and the private sector is an absolute necessity. Under the current DHS structure it is uncertain as to who in the department has the lead for CBRN efforts and at what moment in the process.

Interagency or inter-departmental coordination is critical when dealing with complex transnational threats such as CBRN. In interagency meetings, including at the National Security Council level, each department normally gets a single seat at the table. Individuals that are knowledgeable in a broad range of topics, yet still technically conversant, often prove to be the most effective participants in these policy discussions. Regarding CBRN, departments must have a cadre of individuals who can speak with one voice on the whole of the issues. With DHS' expertise currently stove-piped into disparate parts of the organization, they lack a robust group of individuals that has the responsibility and authority to speak to the whole of their efforts against CBRN threats.

The consolidated entity also would serve as the home base for all DHS CBRN personnel allowing them to benefit from each other's background and experience not only in technology

but also in management and acquisition programs. A larger, consolidated cadre of talent also would provide DHS CBRN professionals with greater career opportunities and positions for growth. By raising the profile of CBRN within the department and the interagency, and leveraging the recent leadership efforts in DNDO that have resulted in such high morale, DHS CBRN could become one of the most sought after places to work for WMD professionals. Instead of internal components competing against one another for prioritization and resources they could be working together for mutual and greater benefit.

Conclusion

DNDO and OHA have struggled with effectively communicating and facilitating a common understanding of the department's CBRN efforts and have ineffectively managed major CBRN acquisitions. The idea of consolidating DHS WMD efforts has long been discussed, and now is the time for action. We as a nation have no excuse for not making this change as it will only improve the department's ability to defend against the WMD threat while eliminating redundancies and inefficiencies. The current model is also inconsistent with the department's unity of effort initiatives. There is simply no reason to maintain the current structure. Ultimately, there is no consolidated, single architecture that would perfectly address the multitude of challenges associated with CBRN detection and response. However, the various offices, programs, and capabilities currently spread across the department can and should be integrated. Through integration, there exists an opportunity to forge a more efficient and effective CBRN detection and response enterprise and strengthen our nation's security against these devastating weapons.

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.