

EXAMINING THE DEPARTMENT OF HOMELAND
SECURITY'S EFFORTS TO COUNTER WEAPONS
OF MASS DESTRUCTION

HEARING
BEFORE THE
SUBCOMMITTEE ON
EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS
OF THE
COMMITTEE ON HOMELAND SECURITY
HOUSE OF REPRESENTATIVES
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EXAMINING THE DEPARTMENT OF HOMELAND SECURITY'S EFFORTS TO COUNTER WEAPONS OF MASS DESTRUCTION

Thursday, December 7, 2017

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EMERGENCY PREPAREDNESS,
RESPONSE, AND COMMUNICATIONS,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:08 a.m., in room HVC-210, Capitol Visitor Center, Hon. Daniel M. Donovan, Jr. (Chairman of the subcommittee) presiding.

Present: Representatives Donovan, Payne, and Watson Coleman.

Mr. DONOVAN. The Subcommittee on Emergency Preparedness, Response, and Communications will come to order. The subcommittee is meeting today to receive testimony on the Department of Homeland Security's organization to counter weapons of mass destruction. I now recognize myself for an opening statement.

Before I do, I would just like to recognize that today is a day that President Roosevelt said would go down in infamy. This is the anniversary of the attack of our country at Pearl Harbor in 1941. I would like us to all keep in mind the memory of those brave Americans who died that day.

The Department of Homeland Security was created in response to the September 11 terrorist attacks and the threats to the homeland posed by al-Qaeda and other terrorist groups. Since that time, the scope of the threat has changed dramatically. It has become much more diverse and diffuse.

We know that terrorist groups have long strived to employ chemical, biological, radiological, and nuclear materials in their attacks. There have been documented reports of ISIS using mustard gas in Syria as well as Sarin and chlorine gas used by the Syrian government itself. A plot to release hydrogen sulfide via an improvised chemical dispersion device was uncovered by Australian police.

Kim Jung-un had his own step-brother assassinated using VX nerve agent. A laptop reportedly retrieved from an ISIS hideout in Syria in 2014 contained plans for weaponizing bubonic plague and a document discussing the advantages of using biological weapons. The rapid evolution of new biological techniques, such as CRISPR CAS-9, pose potential threats, as the new techniques can be used for both good and evil.

North Korea, a state sponsor of terrorism, continues its nuclear tests and has expanded its missile program to such an extent that

General Mattis has indicated that now they have the range to reach the United States. The North Korean Central News Agency stated that the ICBM can carry a “super-large heavy warhead, which is capable of striking the whole mainland of the U.S.”

This is the context under which we meet today. As the world of threats becomes more complex, it is incumbent upon the Department of Homeland Security to assess whether or not it is optimally organized to best confront the variety of threats it is expected to counter. Acting Secretary Duke determined that the Department is, in fact, not currently organized to best address these threats.

As a result, on October 6, she notified the committee of her intent to use her 872 reorganization authority to establish a Countering Weapons of Mass Destruction, or CWMD office, headed by an assistant secretary for CWMD. This reorganization took effect earlier this week, and I am pleased that we are joined today by the assistant secretary and principal deputy assistant secretary for CWMD, along with the acting under secretary for Science and Technology, to discuss this new office.

I will note that Acting Secretary Duke realized that her use of 872 authority will only take her so far and legislative changes are necessary to fully integrate the CWMD Office. This committee stands ready to work with the Department on this authorization, as we worked with the Obama administration on their proposal to establish a similar office.

Last Congress, the House passed the Department of Homeland Security CBRNE Defense Act, authored by Chairman McCaul. Based on the Obama administration’s proposal, the structure of the office created by the CBRNE Defense Act differs from the CWMD Office envisioned in the Department’s current proposal.

I look forward to hearing from our witnesses on how the current threat stream informed their proposal and how the organizational structure envisioned in the proposal will set DHS up for success in meeting its vital mission.

[The statement of Chairman Donovan follows:]

STATEMENT OF CHAIRMAN DANIEL M. DONOVAN, JR.

DECEMBER 7, 2017

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I look forward to hearing from our witnesses how the current threat stream informed their proposal and how the organizational structure envisioned in the proposal will set DHS up for success in meeting its vital mission.

Mr. DONOVAN. The Chair now recognizes my friend, the gentleman from New Jersey, the Ranking Member of this committee, Mr. Payne, for an opening statement that he may have.

Mr. PAYNE. Thank you. Good morning.

I apologize for my tardiness. But it looks like I got here right on time.

Mr. DONOVAN. You did.

Mr. PAYNE. OK. Well, I want to first thank the Chairman for holding today's hearing to assess the Department's latest efforts to establish a Countering Weapons of Mass Destruction office, CWMD. Great, another acronym. We needed one more.

At the outset, I would like to express my disappointment that the Department chose to circumvent Congress and unilaterally organize its activities related to chemical, biological, radiological, and nuclear CBRNE defense pursuits to section 872 of the Homeland Security Act of 2002. I appreciate the Congressional authorization process takes time, but it also adds value.

This committee has proven itself to be willing to partner when DHS has wanted to reorganize. In 2015, for example, the full committee, Ranking Member, and I supported legislation to consolidate the CBRNE activities despite warranted reservations, because DHS insisted its proposed realignment would improve mission capability.

Earlier this year, this committee worked with DHS to draft important legislation to overhaul the National Protection and Programs Directorate, NPPD. To be clear, working with the administration to make DHS operate better is a bipartisan priority. Fortunately, this committee has passed legislation to repeal Section 872, so the Department's window of opportunity to use the Homeland Security Act to avoid Congress appears to be closing. Nevertheless, I urge you to work with the committee more collaboratively in the future.

I would also like to express my concern that the reorganization was announced when DHS and impacted components lacked per-

manent leadership. I hope the witnesses here today will help me understand why the Department rushed to reorganize without Congressional authorization at a time when permanent leaders were in place in only one of the impacted offices.

Finally, I look forward to learning more about how the proposal to reorganize CBRNE activities has evolved since 2015. Two years ago, I was disappointed when prior DHS leadership could not point to concrete benefits it anticipated as a result of consolidating its WMD defenses activities. Instead of articulating novel plans to leverage capabilities across the WMD mission space, DHS officials spoke in generalities about how reorganization advanced the then-Secretary's Unity of Effort initiative and created a central point of contact for stakeholders.

Such vague explanations are little justification for setting a disruptive organization in motion. Additionally, I would be interested to learn how DHS engaged with internal and external stakeholders and whether such engagement informed its reorganization scheme. I look forward to working with the Department to ensure the successes of its activities in the WMD space.

With that, I would like to thank the witnesses for being here today and look forward to their testimony. With that, Mr. Chairman, I yield back.

[The statement of Ranking Member Payne follows:]

STATEMENT OF RANKING MEMBER DONALD M. PAYNE, JR.

DECEMBER 7, 2017

I would like to express my disappointment that the Department chose to circumvent Congress and unilaterally reorganized its activities related to chemical, biological, radiological, and nuclear (CBRN) defense pursuant to Section 872 of the Homeland Security Act of 2002.

I appreciate that the Congressional authorization process takes time, but it also adds value. And this committee has proven itself to be a willing partner when DHS has wanted to reorganize.

In 2015, for example, the full committee Ranking Member and I supported legislation to consolidate certain CBRN activities—despite warranted reservations—because DHS insisted its proposed realignment would improve mission capability.

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Finally, I look forward to learning more about how the proposal to reorganize CBRN activities has evolved since the 2015 proposal. Two years ago, I was disappointed when prior DHS leadership could not point to concrete benefits it anticipated as the result of consolidating its WMD defense activities.

Instead of articulating novel plans to leverage capabilities across the WMD mission space, DHS officials spoke in generalities about how the reorganization advanced the then-Secretary's Unity of Effort initiative and created a central point of contact for stakeholders. Such vague explanations are little justification for setting a disruptive reorganization in motion.

Additionally, I will be interested to learn how DHS engaged with internal and external stakeholders and whether such engagement informed its reorganization

scheme. I look forward to working with the Department to ensure the success of its activities in the WMD mission space.

Mr. DONOVAN. The gentleman yields. Other Members of the subcommittee are reminded that opening statements may be submitted for the record.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

DECEMBER 7, 2017

On October 6, 2017, then-Acting Homeland Security Secretary Elaine Duke notified the committee that DHS was utilizing its authority under Section 872 of the Homeland Security Act of 2002 to establish the Office of Countering Weapons of Mass Destruction (CWMD). The Office was officially stood up earlier this week.

This is not the first time the Department has used its Section 872 authority to execute a reorganization without seeking Congressional authorization, nor is it the first time that the Department has sought to consolidate its activities related to countering chemical, biological, radiological, and nuclear (CBRN) threats—but I have concerns about both.

Since its inception, DHS has undergone several disruptive reorganizations—many without Congressional authorization and some with mixed results. In July 2005, for example, Secretary Chertoff announced sweeping plans to realign DHS to improve mission performance.

Part of Secretary Chertoff's proposal shifted preparedness functions from the Federal Emergency Management Agency (FEMA) to DHS headquarters with such disastrous consequences that Congress eventually restored them to FEMA. I raise this cautionary tale as a reminder that even the most well-intentioned reorganizations can have unintended consequences.

In my experience, the rigorous vetting inherent in the authorization process can help Congress understand the resources and authorities the Department needs from the outset and root out or mitigate potential challenges associated with reorganizations.

The authorization process can also clarify what problems a reorganization aims to resolve and how a realignment can improve mission capability.

Toward that end, when this committee assessed DHS's proposal to establish a Chemical, Biological, Nuclear, Radiological, and Explosives (CBRNE) Defense Office last Congress, I never got a satisfying answer to two fundamental questions I asked: What problems will this reorganization solve? How will the proposed reorganization solve the problems?

Without answers to these questions, it is impossible for the agency to justify potential disruptions to the workforce, direct resources appropriately, or measure results.

I hope the witnesses here today have better answers for me, particularly since DHS acted unilaterally and the reorganization has already begun. The Department of Homeland Security plays an important role in the CBRNE defense space, and we cannot afford for a misguided, poorly-executed reorganization to undermine its ability to carry out its mission.

Last Congress, I asked the Government Accountability Office to review the CBRNE reorganization proposal the Department submitted to Congress in 2015.

Although we are here today to review a reorganization that is already under way, there are recommendations and best practices GAO identified in its 2016 report that remain relevant.

Moreover, I will be interested to understand why the Department executed its section 872 authority prior to fully addressing all of the recommendations GAO made.

Moving forward, committee Democrats are committed to ensuring that DHS effectively carries out its mission related to weapons of mass destruction threats, and that any Departmental reorganization focuses on capability building and preserving a talented workforce.

Mr. DONOVAN. We are pleased to have a distinguished panel before us today on this important topic. Mr. Jim McDonnell serves as the assistant secretary for Countering Weapons of Mass Destruction and the director of the Domestic Nuclear Detection Office. Thank you for joining us, sir.

Mr. William Bryan serves as the deputy under secretary for Science and Technology and is the senior official performing the duties of the under secretary for Science and Technology. Thank you for joining us, sir.

Mr. Chris Currie serves as the director of emergency management, National preparedness, and critical infrastructure protection issues at the Government Accountability Office. Mr. Currie, thank you for joining us.

We were supposed to be joined today also by Mr. Larry Fluty, the principal deputy assistant secretary for CWMD, but unfortunately an illness has prevented him from being here this morning. We hope he is on the road to recovery and will submit questions for him for the record.

The witnesses' full written statements will appear in the record, and the Chair now recognizes Mr. McDonnell for a 5-minute statement.

STATEMENT OF JAMES F. McDONNELL, ASSISTANT SECRETARY FOR COUNTERING WEAPONS OF MASS DESTRUCTION, DIRECTOR OF THE DOMESTIC NUCLEAR DETECTION OFFICE, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. McDONNELL. Good morning, Mr. Chairman, Ranking Member Payne, distinguished Members of the subcommittee. It is an honor to be here today to discuss Department of Homeland Security's work to counter the threat of terrorists using weapons of mass destruction, otherwise known as WMD. I shortened the acronym just a bit.

Today as we discuss the creation of a new organization in DHS, it is on the anniversary of one of the two most catastrophic attacks in U.S. history, the surprise attack on Pearl Harbor, an attack that caused the United States to enter in a global war that would preserve the freedoms of our democracy. Like Pearl Harbor, 9/11 also began a war to preserve our way of life, a war against terrorism, which continues today.

The purpose of the Countering WMD office will be to work every day to prevent another catastrophic attack, one using weapons or materials that have the potential to kill our citizens in numbers that dwarf previous attacks. In the last year, we have observed a credible increase in terrorist interest in using WMD against the United States. These threats come from all fronts—chemical, biological, radiological, and nuclear weapons. Certain WMDs once thought to be impossible for non-state actors, non-state groups to acquire are now closer to getting in the hands of terrorists.

Today, as you heard in the committee's recent threats hearing, we know that non-state actors have information and technology at their disposal that make the threat much more dynamic, requiring more flexible and aggressive response.

The CWMD office is an operational support office. Our mission is to assist the Department's front-line operating components, first responders and interagency partners. We will draw on the WMD expertise within the Department and across inter-agency to integrate expertise and operational support.

In planning for the establishment of the CWMD office, Mr. Fluty and I reached out to each of the DHS operating components, inter-

agency partners, and State and local officials to understand their needs and requirements. We are tailoring the CWMD organization to provide the best unified efforts and operational support possible. We are working closely with FEMA to ensure that actions taken by CWMD in support of first responders are coordinated and complementary. Another example of early integration and unity of effort into the larger Department is a recent move by OHA and DNDO to embed a core team of WMD expertise in the CBP National Targeting Center.

DNDO and OHA leadership have been working closely with DOD as it transitions the CWMD mission from STRATCOM to SOCOM. We are in near daily contact with the Department of Defense and believe this partnership will benefit us in threat awareness and the adoption of new technologies and capabilities that can be developed into homeland capabilities.

We are planning against smuggling pathway. Rather than limiting our detection of mission to a defense at the 1-yard-line strategy, we plan to work through the DHS joint task forces and others to push out capability into known smuggling pathways. We want to deploy into the environment where we know bad guys are operating, be less predictable, and find the threat before it reaches our borders.

The CWMD core leadership team brings decades of operational and executive leadership experience. I personally led the development of the WMD capability in United States Special Operations Command, and Dave Fluty has 23 years as a CBP officer, which includes a detail into the DNDO office when it was stood up.

The entire CWMD team has a clear objective to safeguard America and understands their contribution to the DHS mission. The clarity of purpose and contribution to the homeland security mission addresses the feedback from our staffs, meetings, and survey results.

I take seriously the feedback from Congressional oversight bodies, the GAO, and the DHS inspector general. These provide guidelines and roadmaps to improvement. I continue to meet with the GAO regularly. I support the findings of the blue ribbon panel on biodefense and a number of their recommendations, for example, the recommendation to replace BioWatch. I agree with this recommendation. We intend to develop and deploy a system that will be innovative and leverage business practices and the best practices already resident within DNDO.

DNDO's solutions development process focuses on gap identification and the development of tangible operational requirements to drive R&D and expeditious deployment of operational capabilities which will close the gaps and reduce direct threats. This approach has been successful in the deployment of a nuclear detection architecture and will be utilized for a biodetection system that uses the latest technology and shares the information communications backbone that we are already deploying for the nuclear mission.

We will optimize the integration of the DNDO's solution development process with the expertise that resides in the Office of Health Affairs. This will be done with our existing resources.

WMD terrorism remains a pressing issue for our National security. It is with your support that we may build a world-class orga-

nization within DHS focused solely on countering the threat of WMD terrorism. I look forward to working with you further on this matter, and I am happy to answer any questions you may have. Thank you.

[The joint prepared statement of Mr. McDonnell, Mr. Fluty and Mr. Bryan follows:]

JOINT PREPARED STATEMENT OF JAMES F. McDONNELL, LARRY D. FLUTY, AND
WILLIAM BRYAN

DECEMBER 7, 2017

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.

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, 5 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

¹In 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."

²H.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.

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 defense 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 within the Department.

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 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 inter-agency 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.

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

Last, 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.

³Pub. Law No. 108–276.

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 in DHS 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 defense mission across the U.S. 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 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. Last 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:

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

⁵Id.

⁶Notice 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).

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.

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.

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.

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

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.

town hall events, and developed internal and external communications strategies to create shared expectations with all relevant entities.

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.

Mr. DONOVAN. Thank you, Mr. McDonnell.

The Chair now recognizes Mr. Bryan for a 5-minute statement.

STATEMENT OF WILLIAM BRYAN, ACTING UNDER SECRETARY, SCIENCE AND TECHNOLOGY DIRECTORATE, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. BRYAN. Good morning, Chairman Donovan, Ranking Member Payne, and the distinguished Members of the Subcommittee on Emergency Preparedness, Response, and Communications. Thank you for the opportunity to speak to you today.

As you know, the Science and Technology Directorate is the research and development arm of the Department of Homeland Security. S&T's mission is to be an enabler. We enable effective, efficient, and secure operations across all homeland security missions by applying timely, scientific, and innovative engineering solutions through research, development, test and evaluation, and acquisition support.

Since I came to S&T in May of this year, we have been doubling our efforts on satisfying the R&D needs and the requirements of our components. We are working hard to ensure a coordinated and robust program is in place to meet the needs of the DHS operator, as well as the first responders.

Ever since S&T's inception, we have had a threat-based, varied, and intricate research portfolio in chemical and biological defense. One example is our portable vehicle decontamination system. The system deploys from the back of a pickup truck. It can clean and disinfect vehicles up to 80 feet long, including the undercarriages and even inside of the animal transport compartments. We transitioned this product to USDA, which is testing the wash tunnel and the autonomous robots. This project will have a major impact on helping contain the spread of diseases from vehicles moving from farm to farm during an outbreak.

We also developed the first-ever licensed and approved foot-and-mouth disease vaccine for livestock and the companion diagnostic kit, now available for the National Veterinarian Stockpile and available for sale internationally. This diagnostic assay product is faster, more sensitive, and greatly enhances the preparedness by decreasing the response times to a foot-and-mouth disease incursion.

Our bio-threat characterization program studies a range of biological agents that can be used against us now and in the future. The knowledge gained from this program feeds into the terrorism risk assessments, the TRAs, which we will be talking about more

today, and the material threat assessments, the MTAs. It has improved DHS's estimates of consequence and risks.

Currently, all chemical and biological R&D, including people and resources, will stay with S&T. Historically, the TRAs and the MTAs that are required by Presidential directive and the Project BioShield Act of 2004, were previously conducted by S&T. The non-R&D elements of these assessments such as the coordination with DHS's Office of Intelligence and Analysis for the threat awareness and the threat prioritization have now been transferred to the CWMD office, while the R&D elements will remain with S&T per the Secretary's guidance.

S&T is already working with representatives from the CWMD office to identify the chemical and biological R&D requirements for validation and execution. S&T is committed to ensuring that R&D spending is driven by our components and the customers and that we maintain homeland-focused, while being more agile and responsive. We will leverage existing technologies when appropriate and clearly define a path for transfer and commercialization of those capabilities.

Working together with CWMD, we will apply our science and engineering excellence to counter the threat of weapons of mass destruction against the homeland. That concludes my remarks, and thank you very much once again for having this opportunity.

Mr. DONOVAN. Thank you very much, Mr. Bryan. The Chair now recognizes Mr. Currie for an opening statement of 5 minutes.

STATEMENT OF CHRIS P. CURRIE, DIRECTOR, EMERGENCY MANAGEMENT, NATIONAL PREPAREDNESS, AND CRITICAL INFRASTRUCTURE PROTECTION, HOMELAND SECURITY AND JUSTICE TEAM, U.S. GOVERNMENT ACCOUNTABILITY OFFICE

Mr. CURRIE. All right, thank you, Chairman Donovan, Mr. Payne, Mrs. Watson Coleman. Appreciate the opportunity to be here today.

The question of how DHS should be organized to combat weapons of mass destruction has come up numerous times since the Department's creation 15 years ago. We at GAO are not for or against the proposed reorganization. Those are decisions for DHS and for you as the Congress to make. Our work is focused more on the why and the how of the question.

Our 2016 report evaluated DHS's own assessment of the benefits and tradeoffs of the reorganization, and maybe more important for today's hearing, how to implement it successfully. This committee understands well the need to fully assess such a change. You require that DHS better assess it in your recent DHS reauthorization bill you passed this year. We know at GAO from looking at decades of reorganizations and transformations in Government—some good, some bad—that agencies often learn the hard way how difficult these can be.

Many of these lessons were learned from the creation and transformation of DHS itself over the last 15 years. The bottom line is that threat and mission need are clearly the most critical factors for this reorganization. However, if there is not an honest recogni-

tion of the organizational and administrative challenges and a plan to address it, it will be way more difficult than it needs to be.

In our report last year, we looked into DHS's assessment and decision making that led to the reorganization proposal. What we found is that there was little actual assessment done. For example, DHS didn't fully assess problems that could occur, didn't fully consider the costs versus the benefits, and conducted very limited outreach at that time to external stakeholders.

DHS actually disagreed with our recommendation at the time to go back and do these things. Their position then was a decision had been made and to go back and further assess it was not necessary. Frankly, this concerned us and didn't sound like a recipe for success.

But I would like to shift from the past to the present. While we have not done the same in-depth audit of the current proposal over the last year that we did a year ago, we have reviewed the Secretary's notice and talked with DHS several times to better understand it. Clearly, there are some promising things in this proposal that the previous one lacked.

There seems to be a realistic acceptance of past problems that need to be solved. An example of this is the need for a clear focal point in DHS to strengthen coordination and reduce fragmentation. This is something we have long recommended across numerous complicated National security areas, one of which is biodefense.

Also, this effort looks to be driven from the components themselves as opposed to the top-down approach that was taken before from the Office of Policy. However, and emphasis on however, I am cautiously optimistic. As I alluded to before, the greatest mission need in the world won't overcome the organizational challenges to reorganization. In fact, the hard work begins once the reorganization actually begins. That is why it is so important that DHS apply best practices from prior reorganizations.

Some of these will seem obvious, but the key is in the execution. Here are just some examples. Establishing a coherent mission and strategic goals and time frames to guide the transformation. This will be critical to help DHS meet its broad new goals for chem, bio, rad, and nuke defense and help internal and external stakeholders see that progress, as well.

Establishing an implementation team and communications strategy for the transformation are also key. This will help build trust and make adjustments if they are needed as they go.

The last example is also critical. Involving employees to obtain their ideas and gain their buy-in. DHS wants to improve morale through this reorganization and these components. However, morale doesn't go up just because organizations move around. Employees need to understand the vision, be consulted, and see their feedback incorporated into the change.

The good news is that DHS recognizes the challenges—we have heard that already this morning—and the importance of these actions. But it will be very important for this committee to monitor the actual execution of the reorganization over the next few years. Of course, we are happy to help you with that, as well.

That concludes my statement, and I look forward to your questions.

[The prepared statement of Mr. Currie follows:]

PREPARED STATEMENT OF CHRIS P. CURRIE

DECEMBER 7, 2017

Chairman Donovan, Ranking Member Payne, and Members of the subcommittee: Thank you for the opportunity to discuss the Department of Homeland Security's (DHS) plans to consolidate Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) programs.

Chemical, biological, radiological, nuclear weapons, and explosives also known as weapons of mass destruction (WMD), have the potential to kill thousands of people in a single incident. Over the past 4 years, the United States has faced significant CBRNE threats to its National security. North Korea's weapons of mass destruction program, according to the *Quadrennial Defense Review 2014*, is a growing and direct threat to the United States.¹ Moreover, the use of chemical weapons in Syria in August 2013 and again in April 2017, and the emergence of nontraditional chemical agents highlighted the Nation's potential vulnerability to chemical and biological attacks. Additionally, the spread of scientific knowledge and capabilities by State and non-State actors to produce effective chemical and biological weapons further contributes to the Nation's threats. According to the Department of Homeland Security's (DHS) *2014 Quadrennial Homeland Security Review* report, chemical, biological, radiological, and nuclear threats are enduring areas of concern and the consequences of such attacks are potentially high even though the likelihood of their occurrence is relatively low.²

The organizational structure of DHS's CBRNE functions has been considered and questioned for some time. Specifically, as noted by the House committee report accompanying the fiscal year 2013 DHS appropriations bill, across the U.S. Government, departments and agencies have combined their WMD programs into more centralized offices.³ Consolidations such as the Federal Bureau of Investigation's (FBI) reorganization of its WMD-related activities into a single WMD Directorate within its National Security Branch are intended to unify counterterrorism-related activities.⁴ To this end, Congress directed DHS to review and report on the Department's WMD programs, including potential consolidation of mission functions.⁵ DHS conducted its review, and in June 2015 provided a report of its findings to Congress, including a proposal to consolidate the agency's core CBRNE functions.

This testimony summarizes our August 2016 report, which discusses (1) the extent to which DHS's CBRNE consolidation proposal assessed the benefits and limitations of consolidation and (2) GAO's key practices from past organizational transformations that could benefit a CBRNE consolidation effort. This statement also focuses on recommendation follow-up activities related to the proposed CBRNE reorganization conducted through November 2017.⁶ In addition, we are conducting ongoing work for this committee on DHS's efforts to address chemical terrorism, which may inform DHS's consolidation efforts. That report is expected to be issued early next year.

To perform the work for our previous report on DHS's CBRNE consolidation proposal, among other things, we reviewed DHS's *June 2015 Chemical, Biological, Radiological, and Nuclear Functions Review Report* and supporting documentation such as DHS's Analysis of CBRNE Organizational Alternatives, written testimony from DHS officials on CBRNE threats, DHS's fiscal year 2017 Budget-In-Brief and fiscal year 2017 Congressional Budget Justification. We also examined our prior work on identifying useful practices and lessons learned from major private and

¹DOD, *Quadrennial Defense Review 2014* (Washington, DC: Mar. 4, 2014).

²DHS, *Quadrennial Homeland Security Review Report*, (Washington, DC: June 2014).

³H.R. Rep. No. 112-492, at 12 (2012).

⁴Several different FBI investigative divisions once conducted WMD-related activities. In July 2006, the FBI consolidated its WMD investigation and prevention efforts into a WMD Directorate within its National Security Branch. Comprised primarily of special agents, intelligence analysts, program managers, and policy specialists, the WMD Directorate designs training for employees of the FBI; other Federal agencies; State and local law enforcement organizations; and public health, industry, and academia partners. The WMD Directorate also provides National-level WMD intelligence support to FBI field divisions and to the larger U.S. intelligence community.

⁵See Senate explanatory statement accompanying the Consolidated and Further Continuing Appropriations Act, 2013, Pub. L. No. 113-6, 127 Stat. 198 (2013), 159 Cong. Rec. S1547 (daily ed. Mar. 11, 2013). See also H.R. Rep. No. 112-492, at 13-14 (2012).

⁶GAO, *Homeland Security: DHS's Chemical, Biological, Radiological, Nuclear, and Explosives Program Consolidation Proposal Could Better Consider Benefits and Limitations*, GAO-16-603 (Washington, DC: Aug. 2016).

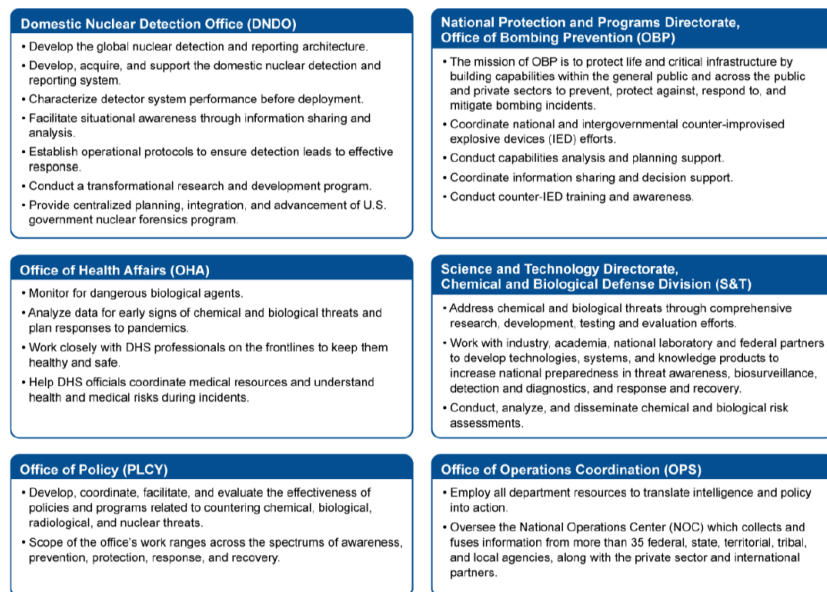
public-sector mergers, acquisitions, and organizational transformations and compared it against available documentation related to DHS's consolidation planning efforts.⁷ Further details on the scope and methodology for the previously-issued report are available within the published product. In addition, since the issuance of our August 2016 report through November 2017, we obtained updated information from DHS on actions taken to address our recommendations and additional steps taken to reorganize or consolidate CBRNE functions. However, we have not fully assessed all of DHS's efforts during this time.

We conducted the work on which this statement is based in accordance with generally accepted Government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

BACKGROUND

In June 2015, DHS delivered its CBRNE Functions Review Report to Congress which proposed consolidating the agency's core CBRNE functions (see fig. 1), into a new Office of CBRNE Defense.

FIGURE 1: DEPARTMENT OF HOMELAND SECURITY (DHS) COMPONENTS WITH CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLOSIVES (CBRNE) RESPONSIBILITIES, AS OF JUNE



Source: GAO summary of DHS information. | GAO-16-603

Note: In accordance with section 709 of the Homeland Security Act of 2002, as amended by the National Defense Authorization Act for Fiscal Year 2017, DHS's Office of Policy is now the DHS Office of Strategy, Policy, and Plans. See Pub. L. No. 114-328, § 1902, 130 Stat. 2000, 2670-72 (2016); 6 U.S.C. § 349.

⁷GAO, *Streamlining Government: Questions to Consider When Evaluating Proposals to Consolidate Physical Infrastructure and Management Functions*, GAO-12-542 (Washington, DC: May 2012).

According to DHS officials, the agency's proposal to consolidate its CBRNE functions adopts the primary recommendation from a previous DHS study on CBRNE consolidation conducted in 2013. At that time, DHS assembled a review team to evaluate CBRNE alignment options and produced a report on its findings for the Secretary of Homeland Security. According to DHS officials, the alignment options from the 2013 report were updated in 2015 based on the Secretary's Unity of Effort Initiative, to include transferring CBRNE threat and risk assessment functions from the DHS Science and Technology Directorate (S&T) to the proposed CBRNE Office, as well as including the DHS Office for Bombing Prevention from the National Protection and Programs Directorate.

Since we reported on consolidation efforts in August 2016, DHS has provided notification to Congress of its plan to consolidate certain chemical, biological, radiological, and nuclear (CBRN) functions pursuant to the Secretary's authority under the Homeland Security Act of 2002 to reorganize functions of the Department.⁸ Specifically, in October 2017 DHS's Acting Secretary issued a memo notifying Congress that DHS plans to reorganize its CBRN functions, including workforce health and medical support functions into a Countering Weapons of Mass Destruction (CWMD) office.⁹ According to the memo, DHS intends to consolidate the following functions into a CWMD Office, headed by an assistant secretary who will report directly to the Secretary of DHS: (1) The Domestic Nuclear Detection Office (DNDO) in its entirety; (2) the Office of Health Affairs (OHA), with the exception of workforce health and medical support functions; (3) chemical and biological defense expertise from the DHS Office of Strategy, Policy, and Plans (PLCY) and the Office of Operations Coordination (OPS); and (4) certain non-Research and Development (R&D) functions from S&T. According to the memo, the reorganization will take effect on December 5, 2017.¹⁰

DHS CONSIDERED SEVERAL KEY FACTORS, BUT HAD LIMITED ANALYSES AND DOCUMENTATION UNDERLYING THE BENEFITS AND LIMITATIONS OF ITS CBRNE CONSOLIDATION PROPOSAL

In August 2016, we found that DHS's June 2015 CBRNE report and related summaries provide some insights into factors considered for its consolidation proposal, but did not include associated underlying data or methodological information, such as how benefits and costs were compared or the extent to which stakeholders were consulted. According to DHS officials, DHS could not locate the underlying information associated with analyses that informed the consolidation proposal due to staff turnover. Without such underlying documentation, we could not fully determine the extent to which DHS considered the benefits and limitations of a CBRNE consolidation as part of its decision-making process.

According to DHS's June 2015 CBRNE report and the summary documents provided to us during our previous review, the Department developed decision-making criteria, identified as "desired outcomes" and "near-term goals" for its proposed reorganization, and consulted with DNDO, OHA, S&T, and leadership of other DHS components, the Office of Management and Budget (OMB), and National Security Council Staff. Also as we reported in August 2016, an official from DHS's Office of Policy stated that DHS consulted with the Executive Office of the President as well as Congressional staff on its consolidation plan. DHS considered five alignment op-

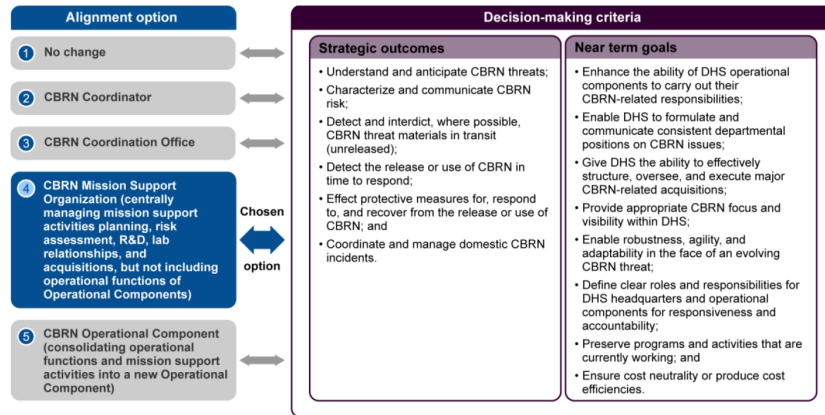
⁸See Pub. L. No. 107-296, § 872, 116 Stat. 2135, 2243 (2002); 6 U.S.C. § 452. At the time of our August 2016 report, a bill had been pending before Congress that would have established within DHS a Chemical, Biological, Radiological, Nuclear, and Explosives Office. See H.R. 3875, 114th Cong. (1st Sess. 2015). Although passed by the House of Representatives and referred to the Senate Committee on Homeland Security and Governmental Affairs, the bill was not enacted into law. A more recent bill passed by the House of Representatives and referred to the Senate Committee on Homeland Security and Governmental Affairs—the DHS Authorization Act—would require the Secretary of DHS to, among other things, assess the organization and management of the Department's CBRNE activities and submit a proposed organizational structure to ensure enhanced coordination, effectiveness, and efficiency by providing strengthened CBRNE capabilities in support of homeland security. See H.R. 2825, 115th Cong. (1st Sess. 2017).

⁹During an initial review of CBRNE functions at DHS, agency officials determined that DHS's Office of Bombing Prevention should be included within the WMD consolidation option. As such, we use CBRNE to denote the inclusion of explosives functions covered by DHS Office of Bombing Prevention. Subsequent DHS consolidation planning does not include OBP, so we refer to the consolidation as CBRN, where appropriate.

¹⁰In accordance with section 709 of the Homeland Security Act of 2002, as amended by the National Defense Authorization Act for Fiscal Year 2017, what was the DHS Office of Policy at the time we issued the August 2016 report is now the DHS Office of Strategy, Policy, and Plans.

tions, as shown in figure 2, and provided a general assessment of the effects of reorganization on its CBRNE mission.¹¹

FIGURE 2: DEPARTMENT OF HOMELAND SECURITY’S (DHS) CHEMICAL, BIOLOGICAL, RADIOLOGICAL, NUCLEAR, AND EXPLOSIVES (CBRNE) ALIGNMENT OPTIONS AND DECISION-MAKING CRITERIA



Source: DHS CBRN Functions Review report. | GAO-16-603

In May 2012, we identified key questions for agency officials to consider when evaluating an organizational change that involves consolidation.¹² Table 1 provides a summary of the key questions for evaluating consolidation proposals from this previous work and a summary of our previous assessment of whether documentation provided to us and interviews with agency officials indicated whether each question was addressed.¹³

¹¹ See Pub. L. No. 114-328, § 1902, 130 Stat. 2000, 2670-72 (2016); 6 U.S.C. § 349.

¹² In order to determine the key questions to consider when evaluating physical infrastructure and management function consolidation initiatives, we identified and reviewed both GAO reports on specific consolidation initiatives that have been undertaken and relevant literature on public-sector consolidations. Further, we reviewed selected consolidation initiatives at the Federal agency level to gain insights into how agencies addressed these key questions representing both inter- and intra-agency activity. GAO-12-542.

¹³ Our prior work on key questions for evaluating consolidation proposals includes a fifth key question related to change management practices which asks "To what extent do plans show that change management practices will be used to implement the consolidation?" A discussion related to change management practices during an organizational transformation follows later in this report. We therefore did not include the fifth key question in this table.

TABLE 1.—KEY QUESTIONS FROM GAO'S PRIOR WORK ON EVALUATING CONSOLIDATION PROPOSALS AND OUR ASSESSMENT

Key Questions	Addressed in the Department of Homeland Security's Chemical, Biological, Radiological, Nuclear, And Explosives (CBRNE) Consolidation Decision-Making Process?
What are the goals of the consolidation? What opportunities will be addressed through the consolidation and what problems will be solved? What problems, if any, will be created?	Partially.
What will be the likely benefits and costs of the consolidation? Are sufficiently reliable data available to support a business-case analysis or cost-benefit analysis?	No.
How can the up-front costs associated with the consolidation be funded?	Partially.
Who are the consolidation stakeholders and how will they be affected? How have the stakeholders been involved in the decision, and how have their views been considered? On balance, do stakeholders understand the rationale for consolidation?	Partially.

Source.—GAO-12-542.

We found in our August 2016 report that DHS's June 2015 report to Congress and the supporting documentation we reviewed included an evaluation of some, but not all, key questions listed above in Table 1. These questions are important to consider when evaluating an organizational change that involves consolidation. Specifically, we found that DHS's consolidation proposal:

- Identified strategic outcomes and goals and considered problems to be solved, but did not fully assess and document potential problems that could result from consolidation.
- Did not conduct and document a comparison of benefits and costs. While Congress directed DHS to include an assessment of whether consolidation could produce cost savings, DHS had not documented a comparison of benefits and costs for its consolidation plan.
- Did not fully identify or document consideration of up-front costs. DHS considered potential up-front costs associated with a CBRNE consolidation, but did not document these costs or how they were considered during the reorganization decision-making process.¹⁴
- Conducted limited external stakeholder consultations. DHS conducted limited external stakeholder outreach in developing the consolidation proposal, and thus the proposal may not sufficiently account for stakeholder concerns.

As a result of these findings, we recommended that DHS complete, document, and make available analyses of key questions related to its consolidation proposal, including:

- what problems, if any, consolidation may create;
- a comparison of the benefits and costs of consolidation; and
- a broader range of external stakeholder input including a discussion of how it was obtained and considered.

DHS did not concur with this recommendation, asserting, among other things, that our recommendation did not acknowledge the extent to which these questions were discussed both internally within DHS and externally with Congress and that DHS's decision to consolidate CBRNE functions had already been made which would make additional analysis redundant. However, as we stated in our August 2016 review, in 2013, Congress had directed DHS to include an assessment of whether consolidation could produce cost savings. However, as of our 2016 report DHS had not documented a comparison of the benefits and costs for its consolidation plan. We subsequently closed the recommendation as not implemented. While we have not fully assessed DHS's most recent reorganization plans and any additional analyses

¹⁴The President's fiscal year 2017 budget submission for DHS included the CBRNE reorganization; however, the budget submission for the proposed CBRNE office did not indicate whether any of the costs in the submission include up-front costs associated with the implementation of the consolidation.

conducted, we continue to believe that providing documented information and analyses used to assess the benefits and limitations of its consolidation plan would assist DHS in fully demonstrating how its proposal will lead to an integrated, high-performance organization. We closed this recommendation as not implemented upon receiving documentation from DHS in November 2016 stating that they did not intend to address it.

KEY MERGERS AND ORGANIZATIONAL TRANSFORMATION PRACTICES COULD BENEFIT
DHS'S CBRN CONSOLIDATION IMPLEMENTATION

As we found in our August 2016 report, when implementing a CBRNE consolidation effort DHS could benefit from incorporating change management approaches such as the key practices and implementation steps derived from organizational transformations undertaken by large private and public-sector organizations identified in our previous work.¹⁵ Doing so would help ensure that DHS's consolidation initiative is results-oriented, customer-focused, and collaborative in nature. The Consolidated Appropriations Act, 2016, provided that none of the funds appropriated the fiscal year 2016 Act or any previous appropriations Acts may be used to establish an Office of CBRNE Defense until Congress authorized such establishment and, as of the end of fiscal year 2016, Congress had not approved the proposed consolidation.¹⁶ As a result of this restriction, DHS officials told us at the time of our August 2016 report that they had taken few concrete steps to plan for or move forward with the consolidation. As described earlier, DHS subsequently provided notification to Congress in October 2017 of its plan to consolidate certain CBRN functions pursuant to its reorganization authorities provided under the Homeland Security Act of 2002.

As DHS was formed, we reported in July 2003 on key practices and implementation steps for mergers and organizational transformations. The factors listed in Table 2 were built on the lessons learned from the experiences of large private and public-sector organizations.¹⁷

¹⁵ GAO-12-542, GAO-03-669.

¹⁶ See Pub. L. No. 114-113, div. F, § 521, 129 Stat. 2242, 2515 (2015) (providing further, however, that the Secretary may transfer funds for the purposes of executing authorization of the Office of Chemical, Biological, Radiological, Nuclear, and Explosives Defense). The Consolidated Appropriations Act, 2017, did not contain a provision precluding DHS from utilizing appropriated funds for the establishment of such an office. See Pub. L. No. 115-31, div. F, 131 Stat. 135, 404 (2017).

¹⁷ To identify these practices, we interviewed a cross-section of leaders with experience managing large-scale organizational mergers, acquisitions, and transformations, as well as academics and others who have studied these efforts. We asked these individuals about their experiences managing mergers, acquisitions, and transformations and reviewed literature on the subject drawn primarily from private-sector mergers and acquisitions change management experiences to gain a better understanding of the issues that most frequently occur during such large-scale change initiatives. We also used our guidance and reports on strategic human capital management and results-oriented management.

TABLE 2.—KEY PRACTICES AND IMPLEMENTATION STEPS FOR MERGERS AND ORGANIZATIONAL TRANSFORMATION

Practice	Implementation Step
Ensure top leadership drives the transformation.	• Define and articulate a succinct and compelling reason for change. • Balance continued delivery of services with merger and transformation activities.
Establish a coherent mission and integrated strategic goals to guide the transformation.	• Adopt leading practices for results-oriented strategic planning and reporting.
Focus on a key set of principles and priorities at the outset of the transformation.	• Embed core values in every aspect of the organization to reinforce the new culture.
Set implementation goals and a time line to build momentum and shot progress from Day 1.	• Make public implementation goals and time line. • Seek and monitor employee attitudes and take appropriate follow-up actions. • Identify cultural features of merging organizations to increase understanding of former work environments. • Attract and retain key talent. • Establish an organization-wide knowledge and skills inventory to exchange knowledge among merging organizations.
Dedicate an implementation team to manage the transformation process.	• Establish networks to support implementation team. • Select high-performing team members.
Use the performance management system to define responsibility and assure accountability for change.	• Adopt leading practices to implement effective performance management systems with adequate safeguards.
Establish a communication strategy to create shared expectations and report related progress.	• Communicate early and often to build trust. • Ensure consistency of message. Encourage two-way communication. • Provide information to meet specific needs of employees.
Involve employees to obtain their ideas and gain their ownership for the transformation.	• Use employee teams. • Involve employees in planning and sharing performance information. • Incorporate employee feedback into new policies and procedures. • Delegate authority to appropriate organizational levels.
Build a world-class organization.	• Adopt leading practices to build a world-class organization.

Source.—GAO-03-669.

The practices outlined in our July 2003 report are intended to help agencies transform their cultures so that the Federal Government has the capacity to deliver its promises, meet current and emerging needs, maximize its performance, and ensure accountability. We found in our August 2016 report that DHS had not evaluated each of these practices. According to DHS officials, the agency was awaiting Congressional approval of the proposed consolidation before developing implementation steps. We recommended that if DHS's proposed CBRNE program consolidation is approved by Congress, DHS use, where appropriate, the key mergers and organizational transformation practices identified in our previous work to help ensure that a CBRNE consolidated office benefits from lessons learned from other organizational transformations. DHS concurred with the recommendation and stated in a November 2016 letter to Members of Congress that while DHS's CBRNE reorganization

proposal had yet to be authorized by Congress, DHS remained committed to evaluating GAO's identified practices when evaluating its proposals. DHS acknowledged in its October 2017 memo to Congress that it plans to address this recommendation as part of its CBRN consolidation efforts by working with entities both internal and external to DHS to determine where it is appropriate to apply our key organization transformation practices.

Given the critical nature of DHS's CBRN mission, considering key factors from our previous work would help inform a consolidation effort. The lessons learned by other organizations involved in substantial transformations could provide key insights for agency officials if they implement reorganization and attention to the factors we identified would improve the chances of a successful CBRN consolidation.

Chairman Donovan, Ranking Member Payne, and Members of the subcommittee, this completes my prepared statement. I would be happy to respond to any questions you may have at this time.

Mr. DONOVAN. Thank you, Mr. Currie. I thank you all for your statements. I now recognize myself for 5 minutes for questions.

In the past, this committee has done—and we will do it again—requesting technical assistance from the Department for the CWMD office. I was wondering if each of you could just comment on what legislative authorities you believe will be necessary to fully implement the proposal that we are speaking of today.

Mr. McDONNELL. Thank you, Mr. Chairman. I will start, take that first. We are very close to completing technical assistance language to get to the committee, and I commit to get that to you quickly.

We are not seeking new authorities in the WMD space. Unlike the previous recommendation which was essentially a stovepiped approach to chem, nuke, bio, and explosives, we are looking at a much more integrated approach. So as we are doing this, we are taking, for example, the DNDO business model and seeking to apply those authorities across chem, nuke, and bio. So as we do, for example, gap analysis, we can be doing it across the battlespace.

As you know, when we go talk to an NYPD officer, it is not one for rad-uke, one for chem-bio, and one—it is the same officer. It is the same emergency response teams. So we are looking to extend our authorities across the battlespace rather than a stovepiped approach as we currently have.

We do seek to codify the Secure the Cities program and expand that a little bit, and not in scope relative to cost, but in how we do that program and to reach out more into pathways and approaches into the target areas, rather than just focused on the target areas, but to also be able to address any of the priority mission as it comes up.

Mr. DONOVAN. Thank you. Mr. Bryan.

Mr. BRYAN. Mr. Chairman, thank you for your question. First, let me add that we, within S&T, we already have the authority for oversight and coordination of S&T R&D across the Department. We specifically already have authority to do R&D in the space of chem-bio. Additional authorities that would help us not just within chem-bio, but others, just a couple requests that I would throw out to you that would enable us to do this better, one of them is the authority to do counter T&E authority for unmanned aerial systems. That seems to be what we believe could potentially be a system to use to actually employ any kind of toxic agents. Right now, we can't test UAVs or test that in a relative environment, so that is one au-

thority that is something that would really help us out in the area of R&D to be able to—especially in this mission space.

There is also other transactional authorities. We already have that, but it is on a yearly basis. So if we should get into any longer-term processes or projects, we would need that authority extended. So if that is something that we could have longer than 1 year at a time, either more permanent or a longer-term, would be beneficial to all of our programs within R&D to include the CWMD mission.

Also, the low rate initial production authority, the LRIPs. I don't suspect this will be an issue with Jim and the work that they have been doing in DNDO. They understand acquisition. I don't suspect that will be an issue, but in some cases, having that low rate initial production authority during that transition from R&D to actual acquisition provides something into the field quickly, and if it is at a low rate, to be able to get it into the hands of the operator.

Mr. DONOVAN. Would you include all of your recommendations in the technical report that we are asking for so that we make sure that we consider all those things that you just mentioned?

Mr. BRYAN. Yes, sir, we can do that.

Mr. DONOVAN. Thank you. Mr. Currie, you have anything you would like to—

Mr. CURRIE. Yes, sir. Two things that come to mind. One is, I mean, clearly, legislation is going to be needed for the Department to fully implement the vision of what they want this office to look like. What they are doing now is shuffling some deck chairs at the top within the organization.

So I think in the legislation itself, I think it would be very important in addition to just the mechanics behind what is going to be changing and the offices that are going to exist, I think the committee's expectations and the Congress's expectations for how this office is going to operate and how it is going to work with the components and what you expect it to do—because if it is given a broad mission but without the authorities to actually do that across DHS and working with much larger components with more resources and more decision-making authority, I think it is going to be difficult for it to establish its place.

The other thing is, the second thing is, in addition to just the mechanics of how the organization is going to be changed is building in some of this criteria for how you want the organization to manage this transformation and how you want it to measure progress, I think will be really important to provide you the ability to actually oversee if it is doing what you want it to do.

Mr. DONOVAN. Thank you very much. My time is expired. Being the dais is so crowded today, maybe we will get a second round of questions in.

The Chair now recognizes my friend from New Jersey, Mrs. Watson Coleman.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman, and thank you, Mr. Ranking Member, for yielding to me.

Mr. McDonnell, first of all, let me say I hope Mr. Fluty is recovering quickly. Second, I thank GAO for what seems to be an encouraging prospect for us as we take on this very important issue of reorganization. However, I do have some questions.

Mr. McDonnell, when the committee considered the Department's 2015 proposal to consolidate certain chemical, biological, radiological, and nuclear activities, Mr. Thompson, our Ranking Member, expressed concerns about the work force retention and the morale. The new CWMD—which I also supported—the new CWMD office raises similar concerns.

Can you talk about what efforts you are undertaking to preserve work force morale? In particular, can you describe efforts to ensure that talented individuals from legacy offices understand the new career paths and opportunities they may have to advance?

Mr. McDONNELL. Thank you, Congressman Watson Coleman, and appreciate the question. We are essentially an intellectual property organization, so the people are the capability. We have within the Office of Health Affairs and DNDO a tremendous amount of expertise and talent that is unique in the Federal Government. Bringing those together is going to make us a much more powerful organization.

As an example, I think in the morale space, the most important thing is communications, people understanding what is going on, and them feeling like they have an input in what the outcome is going to be. The approach that we have taken right now which has been a very limited change in the senior leadership, as the Ranking Member mentioned, enables a process that we envision taking several months with a lot of staff discussing how best to optimize this organization. The real goal is to make them feel like, at the end of the day, they are doing things to make America safe. They are not just coming into an office and churning and not feeling like there is a positive outcome.

Mrs. WATSON COLEMAN. Thank you. It is good to hear that, because as Mr. Currie—

Mr. CURRIE. Currie.

Mrs. WATSON COLEMAN [continuing.] Stated, this whole buy-in from employees is so very important, considering the fact that you do have very high intellectual property. That is your asset, the people and their brains and their willingness to work together, but the morale has been a challenge.

Also last Congress, I supported the bipartisan bill to consolidate your offices' activities, despite the reservations that we had about advancing the measure without seeing the forthcoming GAO assessment. I am wondering—and importantly, that analysis indicated—that DHS had not done all of its due diligence in its proposal.

In October, Acting Secretary Duke notified Congress that DHS planned to unilaterally execute a similar reorganization, would implement GAO's recommendations as the reorganization was under way. Why not fully address those assessments, recommendations, prior to executing the reorganization? What is the reason for that?

Mr. McDONNELL. Thank you for that question, as well. I think it is important to note that we see this very much as a two-step process. The initial 872 notification was limited to just the executive leadership, so myself, as the assistant secretary, and Dave Fluty, who is currently running health affairs, will be the No. 2 person in the organization.

We didn't want to get out in front of the committee and other stakeholders and come in with some big, elaborate reorganization. We just wanted to get in a position where you could have an executive that you could say, what is the plan for this? How are you working it?

Mr. Currie's comments, there is nothing in there that I disagree with that he said. I personally had 87 meetings since the committee asked for technical assistance on this back in March. I have met with—the first thing we did the other day on the 5th, when this became official, was myself and my chief of staff walked over to the Office of Health Affairs and had an all-hands meeting.

Mrs. WATSON COLEMAN. Have you—I just need a yes-or-no on this, because I have one more really important question. Let me ask that question. First of all, I am going to want to know whether or not you did entertain the possibility of dealing with their recommendations and findings before actually getting this far, but second, tell me about the chief medical officer.

In 2006, Congress authorized the provision of the council—the Secretary—to the Secretary and FEMA administrator on public health issues, among other things. Can you confirm that this CMO is going to continue to have direct access to the Secretary to advise on these public health issues?

Mr. McDONNELL. Yes, ma'am. Mr. Chairman, could I use a little extra time to answer this?

Mr. DONOVAN. Absolutely.

Mrs. WATSON COLEMAN. Thank you, Mr. Chairman.

Mr. McDONNELL. Thank you very much. Thank you, ma'am. The chief medical officer had a great deal of discussion about how we were going to do that when we started this back in March. Then-Adviser Duke, before she was deputy secretary, said one of the red lines for this organization was to ensure that the chief medical officer function was maintained as a critical component of the organization.

The way we have chosen to do that, the chief medical officer will continue to be a Presidential appointee, very high stature, and have the gravitas in the interagency and will be the adviser, the principal adviser to—direct report to me organizationally, but much like the FEMA administrator during an emergency, the FEMA administrator can report directly to the President. We envision the chief medical officer being an asset for the Secretary, for the FEMA administrator, for working with Dr. Kadlec over at HHS, but for being the person that can get out there and represent us and make good strategic decisions when it comes to public health issues.

The distinct difference from what was before with the Office of Health Affairs is the doctor is not going to be saddled with the administration of an organization. They are going to be free to be the chief doctor for the Department and have the freedom to be able to focus on that solely and not worry about day-to-day administration and all the other things that come with line management responsibilities.

Mrs. WATSON COLEMAN. Thank you. Thank you, Mr. Chairman.

Mr. DONOVAN. The Chair now recognizes the gentleman from New Jersey, the Ranking Member, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman. Mr. McDonnell, as I mentioned in my opening statement, I am concerned that the Department use its Section 872 authority to execute the CWMD reorganization. Should we expect the Department to pursue unilateral reorganizations until Section 872 of the Homeland Security Act is repealed?

Mr. McDONNELL. Sir, I have no direct knowledge of any other intention of using 872. In fact, the discussions leading up to the use of 872 on this one was a lot of deliberation and ensuring that it was extremely limited, because we knew that the sensitivities on the Hill relative to the use of that section of the Homeland Security Act. So we really were very cautious in the approach and wanted it to be very limited so we could respect the legislative process and the actual ultimate reorganization.

Mr. PAYNE. Why did the Department initiate the reorganization under 872 instead of engaging with Congress?

Mr. McDONNELL. So we—prior to the notification—so I guess one way to address this best is, we were in a transition, bringing on a new leadership team. We had been requested technical assistance on the CBRNE legislation that had passed in 2015. We wanted to come in with a different approach.

But we didn't at the same time want to build with the new organization—knowing that we were going to do a reorganization, build OHA as it had been before and DNDO as it had been before. But we immediately started thinking how we can do this to unify command and effort but not get too far out in front and take on new authorities that we don't already have.

Mr. PAYNE. So I guess what you are saying to me is that to have engaged Congress would have taken you too much time, and you needed to come and engage us with—waste some of your time or—

Mr. McDONNELL. No, sir, absolutely not. If I implied that, then I apologize.

Mr. PAYNE. Oh, no, it was no implication. I was just asking.

Mr. McDONNELL. No, sir.

Mr. PAYNE. You know, and I say that because, you know—as you said, it is a new administration. You know, there have been some instances where this has played out across the administration and other departments, as well. It is a slippery slope. The Constitution of this great Nation was put in place for a reason. Congress has its role. To continually circumvent this body that represents the American people, it is very dangerous and a slippery slope.

So I would just suggest to the administration that, you know, it tread lightly on this, because it is not the way it has been set up. I understand there are certain times with a Department such as Homeland where things have to be done in that manner, but it shouldn't be the precedent and it should not become the way things are done. I heard you say that you wanted to do things in a different way. I don't know if this is necessarily the best way.

Mr. McDONNELL. Thank you, sir. May I respond real quickly?

Mr. PAYNE. Sure.

Mr. McDONNELL. One thing that I would like to highlight was in my opening statement and the Chairman mentioned, is the threat that is very real right now, and that is the prime driver for

getting us organized in a way to be flexible and be able to respond and deal with the threats that are out there. But, again, we wanted to respect the committee and the legislative process and not do too much.

Mr. PAYNE. OK. OK. Let's see. Also, in October 2017, DHS notified Congress that it planned to establish the Countering Weapons of Mass Destruction office. DHS sought a similar reorganization of its CBRNE activities in 2015. Can you walk us through the differences in the Department's current reorganization plan and the 2015 proposal?

Mr. McDONNELL. Yes, sir. The 2015 proposal was a stovepiped approach to the organization. In fact, if you look at page 6 of the GAO audit, it shows a series of blocks and the language in there as far as responsibilities for each officer essentially identical. So you have a bio block that has a policy responsibility, a chem block that has a policy responsibility.

If you really—if you look across those stovepipes, it is sort of hard to see any capacity-building, any enhancement in efficiencies, capabilities. What we have done is we have said we are going to do a horizontal integration. As an example, I had an all-hands meeting with our acquisition folks in DNDO. Had about 50 people in the room, and I said, so how many people are actually nuclear experts? Probably about 5 people raised their hand.

Now, that means about 45 people in that room are acquisition, program planning, and execution experts. So if I get 5 people from OHA and plug them into that 45-person group, now I have got a 55-person organization that can do nuclear and biological product acquisition and development. We don't need to duplicate the DNDO model for biodefense. What we need to do is take advantage of the things that we already have that are very good, bring the exceptional talent from OHA.

So OHA does not have the type of infrastructure and resources that DNDO does to manage big programs and deliver products and services, but they have a tremendous amount of individual expertise. So what we have done is instead of saying we are just going to make everything equal, so we are going to get talented people in the same room focused on a problem together.

Mr. PAYNE. All right. Mr. Chairman, I apologize. I have gone way over my time, as I yield back.

Mr. DONOVAN. No need to apologize. There is—if we engage you for—maybe we could do more question each, just because there are a few of us here and this is such an important issue. You started to describe, Mr. McDonnell, about the differences. I know the proposal of 2015 divided responsibilities, I guess, by threat rather than by function.

Acquisition of resources was one of the reasons why I believe you stated it is better to do it by function rather than threat. Are there other reasons why this is a better method, better structure than the previous 2015 proposal?

Mr. McDONNELL. Yes, sir. So sort of moving left to right across the organization, we actually started threat analysis and understanding what the battlespace is, what adversaries are doing. As we both mentioned in our opening statements, there are terrorist

organizations, ISIS, that wants to use chemical, nuclear, and biological.

That expertise is one set of folks that we work with. So, for example, for NCTC, National Counterterrorism Center, they have a WMD organization. They don't have a chem, nuke, bio organization. The DOD is similar. The FBI, we work with the WMD division.

So the people that we have to work with to identify the threat and think about how we are going to deal with the threat and start doing operational plans and support the components are combined. It isn't stovepiped in the rest of the organizations.

As I mentioned, a first responder—a member of a bomb squad—I had the privilege of visiting the stabilization team up in New York City that the NYPD and Nassau and Suffolk County works with the FBI on. Those guys, they respond to a device. It doesn't matter what type of device it is.

So we want to have a business model that provides support to the folks that are in the field and allows us to interact with other people. But it just doesn't make sense to duplicate everything and just have—you know, build another organization that is not necessary.

Mr. DONOVAN. Wonderful, thank you. You visited us in New York during that. The other thing, Mr. Bryan, I have had the privilege of visiting was NUSTL and the work that they are doing in the lab in New York. How will their work support, supplement, enhance what you guys are doing at Science and Technology in this area of weapons of mass destruction?

Mr. BRYAN. First, Mr. Chairman, I do want to thank you and the committee for your support of the labs and your recognition of the importance that labs bring to this mission space.

As you know, NUSTL provides a lot of products and services, primarily to the first responders, to help them in their role to protect, respond, prepare for homeland security threats. We also conduct a lot of tests, evaluations, and assessments of first-responder technologies using our full spectrum of laboratory capability and field testing services.

Unique and special, I think, to the area of CWMD is we are the DHS—NUSTL, I should say, is also the DHS sponsor for R&D for the response and recovery part of the rad-nuke mission. So both NUSTL's test and evaluation mission, the R&D sponsorship piece of that will need to be closely coordinated with the CWMD office to ensure that we minimize any duplication of effort and ensure any seamless unity of effort.

So I would defer to my colleague, if there are any other views he has on the utilization of NUSTL.

Mr. DONOVAN. I thank you for your insight. I yield the balance of my time and ask my friend from New Jersey if he has one final question before we let you guys get out of here within the hour that I promised you.

Mr. PAYNE. Yes, thank you, Mr. Chairman. Mr. Currie, the last time DHS sought to consolidate its CBRNE activities, many touted potential cost savings resulting from efficiencies. From your previous review, do you anticipate any cost savings associated with this kind of reorganization?

Mr. CURRIE. In short, no. When we looked at it in the past—well, the problem was there was no cost-benefit analysis done, so there was really no data and information to see whether there was going to be cost savings. There were high-level statements made in certain documents about streamlining and cost savings, but we didn't see any data that backed that up.

Mr. PAYNE. OK. Can you describe some of the potential costs agencies incur as they undertake reorganizations?

Mr. CURRIE. Sure. Well, a lot of it tends to be administrative sometimes, so sometimes there is a conception that when you put organizations together, that somehow they are going to immediately streamline, but sometimes that is the opposite. When you put organizations together, administratively especially at first sometimes you need more support to support more people, for example, in your human capital office or more IT services. Or if you expand your footprint, where people are located in buildings, you have to expand your support structure for that.

So sometimes we have seen in prior reorganizations that when there is an assumption there will be no cost, just because existing organizations come together, that is not always true.

Mr. PAYNE. OK. All right, well, Mr. Chairman, since you promised them that we would be done in an hour, I will yield back.

Mr. DONOVAN. Thank you, Mr. Payne. I want to thank our witnesses, first of all, for your service to our Nation. You are charged with protecting our homeland. There is no greater cause than the sacrifices in time and probably compensation and other matters in which you and your families are willing to ensure for the safety of our families. It is much appreciated. I would also like to thank you for your valuable testimony today and for answering our questions in a forthcoming manner.

The Members of the subcommittee may have additional questions for our witnesses, and we will ask that you respond to these in writing. Pursuant to committee rule VII(D), the hearing record will remain open for 10 days. Without objection, the subcommittee now stands adjourned.

[Whereupon, at 10:57 a.m., the subcommittee was adjourned.]

APPENDIX

QUESTIONS FROM CHAIRMAN DANIEL M. DONOVAN, JR. FOR THE DEPARTMENT OF HOMELAND SECURITY

Question 1. The previous administration's proposal included "explosives" and moved the National Protection and Programs Directorate's Office for Bombing Prevention into the consolidated office.

Why did you determine not to include explosives in the Countering WMD Office?

Question 2a. What outreach have you done to other DHS offices and components on this proposal?

Question 2b. What outreach have you done to external stakeholders, as recommended by GAO?

Answer. The CWMD Office intends to be fully engaged with DHS components and interagency partners in the Counter-Improvised Explosive Device (C-IED) mission space. Other DHS components, including (but not limited to) the Transportation Security Administration (TSA) and the United States Secret Service (USSS), and Customs and Border Protection have robust explosives detection capabilities and technical expertise in their respective mission spaces. It was decided that explosives detection functions that currently exist within either DHS components or National Protection and Programs Directorate (NPPD) would not be transferred to the new CWMD Office. Specifically, the NPPD Office for Bombing Prevention (OBP) was not transferred to the CWMD office as their mission is primarily focused on training and outreach to critical infrastructure owners and operators. CWMD works closely with the FBI Critical Incident Response Group (CIRG), which houses the FBI Counter-IED programs, and with Department of Defense Special Operations Command (DOD/SOCOM) and the Defense Threat Reduction Agency (DTRA) on C-IED planning and response programs. The Counter-WMD programs in both the Federal Government and at State and local agencies build on existing C-IED efforts as a baseline, enabling a natural support role for the CWMD Office.

Question 3. This CWMD Office is being established based on the rising WMD threat. However, the President's fiscal year 2018 budget request sought to eliminate a number of programs and laboratories working to address these threats.

As you are working to craft the fiscal year 2019 budget request, can you assure us that the request we receive will reflect the severity of the threat you described?

Answer. While the Department is unable to comment on specific details during the pre-decisional/deliberative phase of the fiscal year budget request, we look forward to providing a Classified briefing to better illuminate key details on the threat as well as DHS CWMD actions to counter the threat once the budget is submitted to Congress.

DHS CWMD developed the fiscal year President's budget request for all program areas within the DHS CWMD mission space, and have spoken with the S&T Directorate's Chemical-Biological Defense Division regarding the CWMD Office's requirements, as developed through the use of the WMD Requirements Oversight Council (WROC). The WROC is an executive-level body that is chaired by the assistant secretary for CWMD, with representatives from all of the operating components and DHS S&T. We look forward to briefing you on the DHS CWMD Office budget request within the President's fiscal year budget request.

Question 4. While we are aware of terrorist's interest in using, and actual use, of chemicals in attacks, the budget for chemical defense programs at DHS is significantly less than those for biological or nuclear programs.

How will the establishment of the CWMD Office help to enhance the Department's programs to address the chemical threat?

Answer. To better understand and address chemical threats, the CWMD Office will leverage key aspects of the legacy Domestic Nuclear Detection Office (DNDO) business model as well as authorities of the legacy Office of Health Affairs. Similar to DNDO's success in the development and deployment of domestic nuclear detec-

tion capabilities and support for our Federal partners' missions regarding global nuclear detection capabilities, the new CWMD Office intends to support Federal partners detecting biological and chemical weapon threats before they reach our shores through assessing the operational requirement for, then acquiring and deploying, needed chemical detection equipment, as appropriate.

The CWMD Office has already taken measures to counter an emerging chemical threat challenge, and we would welcome the opportunity to provide a Classified briefing to the committee. It is noteworthy that the first significant action by the new CWMD Office is focused on the chemical threat. The ability to do this is based on leveraging the expertise brought together under the limited CWMD reorganization established by the Secretary.

Question 5. From a management perspective, DNDO and OHA each employ different methods of managing their human capital, acquisitions, information technology, and financial needs.

What efficiencies will be gained when these management functions are combined?

Answer. DHS has identified significant cost avoidances that can be realized by merging DNDO and OHA functions into the new CWMD Office. For example, rather than having two offices individually managing human capital, acquisitions, information technology, and financial needs, the horizontal integration of the CWMD Office would create inherent efficiencies. In addition, by leveraging legacy DNDO's successful requirements, resource allocation and program acquisition model, acquisitions will leverage the programmatic expertise and governance that has been successfully implemented in legacy DNDO. The CWMD Office anticipates similar efficiencies with human capital, information technology, and financial management reporting to the consolidated enterprise services organization.

Question 6a. This subcommittee has held numerous hearings on the BioWatch Program and we have been promised, for years, that the Office of Health Affairs and Science and Technology Directorate are working together to field updated, more effective technology. However, to date, we don't have much to show for it.

What is the status of OHA and S&T's work to deploy more effective biodetection systems?

Answer. The new CWMD Office is committed to replacing the BioWatch system that was deployed in 2003 with a new state-of-the-art system that leverages modern detection technology and data analytics. CWMD is working closely with DHS S&T, DOD DTRA and SOCOM, and others to identify possible Commercial Off-the-shelf Technologies (COTS) that can be used to replace the current BioWatch system. In the future, the WMD Requirements Oversight Council (WROC) will develop the requirements for S&T's work pertaining to biodetection technologies that meet the operational needs of DHS stakeholders. We look forward to keeping the committee advised on this work as progress is made.

Question 6b. How will the CWMD Office help address some of the shortcomings of BioWatch?

Answer. As described in response to Question No. 5, the CWMD Office is committed to replacing the BioWatch system that was deployed in 2003 with a new state-of-the-art system that leverages modern detection technology and data analytics. CWMD is working closely with HHS, DOD, and others to identify possible Commercial Off-the-shelf Technologies (COTS) that can be used to replace the current BioWatch system.

To this end, DHS is actively working to identify technological capabilities that enhance the ability to detect biological attacks in a timelier manner and at a fraction of the present cost per location. The CWMD-chaired WMD Requirements Oversight Council (WROC) will generate R&D requirements that address some of the technical and operational shortcomings of BioWatch.

Question 7. Both the Science and Technology Directorate and the CWMD Office will conduct research and development to combat weapons of mass destruction—S&T for chemical and biological threats and CWMD for radiological and nuclear threats.

How will CWMD and S&T ensure the coordination of the various types of research and development?

Answer. The CWMD Office-chaired WMD Requirements Oversight Council (WROC) will manage the process for prioritizing R&D and program acquisition for the CWMD mission space. S&T and DHS operating components will participate in the WROC and be accountable for meeting the requirements specified in the WROC process.

Question 8a. In the President's fiscal year 2018 budget request, the administration proposed eliminating NUSTL in addition to two other laboratories that focus on biological and chemical threats.

How will the potential closure of these three laboratories affect the CWMD Office's operations?

Answer. The WROC described above will be the process for managing CWMD's operations. S&T will be responsive to requirements generated through the WROC process.

Question 8b. If these laboratories were to close, will the CWMD Office assume the responsibility of taking over those laboratories' CBRN capabilities? If not the CWMD Office, then who?

Answer. The CWMD Office will work with DHS S&T, the DHS operational components and other National laboratory assets across the interagency to identify any priority CWMD R&D activities—and options to accomplish these efforts—through its WROC process.

Question 9. The Chemical Security Analysis Center (CSAC) was not to be funded in the President's budget proposal issued earlier this year. It is my understanding that CSAC has done substantial research on certain chemicals, the results of which have been (1) shared with various stakeholders, such as private enterprise, State and local governments and (2) used to inform its risk assessments, some of which are used by private industry and other Federal customers, such as DHS's Chemical Facility Anti-Terrorism Standards (CFATS) program.

What are your plans for integrating products developed by CSAC if the research side of CSAC remains in the Science and Technology Directorate and the risk assessment side migrates to CWMD?

Answer. The CWMD Office will work with DHS S&T and the DHS operating components to identify priority CWMD R&D activities—and options to accomplish these efforts—through its WROC process.

Question 10a. In its August 2016 report on a DHS proposal to consolidate its Chemical, Biological, Radiological, Nuclear, and Explosives (CBRNE) programs, GAO found that DHS did not fully assess and document potential problems that could result from consolidation or include a comparison of the benefits and costs associated with this potential change. GAO recommended that DHS complete, document, and make available analyses of key questions related to its consolidation proposal.

For the consolidation that occurred on December 5, 2017, what did DHS do to assess and document potential problems that could result from consolidation?

Answer. The Department had a series of meetings at the component-head level and with interagency partners. The incoming CWMD leadership team met with DOD, the FBI and other agencies that have done similar reorganizations. The team met with other technical agencies such as NNSA and DTRA, had internal and external stakeholder meetings, and reviewed years of various plans and proposals for a CWMD-like organization. We considered potential internal problems, such as affected morale that the reorganization may cause, and continue to take steps to mitigate these through proactive communication and employee-staffed working groups. The acting assistant secretary has managed CWMD organizational and capability development in the DOD special operations community and the leadership team has decades of experience. All of this information informed the Secretary's decision and has been applied to assess and document potential problems.

DHS CWMD leadership regularly engages with its staff and stakeholders to identify and resolve potential problems from the organizational change; moreover, the Department has heeded the GAO's prior recommendation to use, where appropriate, the key mergers and organizational practices identified in past reports and audits.¹

Question 10b. Did DHS do a comparison of the benefits and costs of doing this consolidation?

Answer. Yes. DHS leadership assessed that significant cost avoidances and synergies would be realized through the CWMD reorganization. The primary components of the CWMD Office, DNDÓ and OHA, share a number of related lines of effort, functional activities, and administrative structures. Bringing them under a unified command will allow for sharing of best practices and create new opportunities for reform. In particular, leadership in the Department assessed that DNDÓ's successful business model will help inform improvements to the chemical and biological defense mission space.

Question 11a. As authorized in section 516 of the Homeland Security Act, the chief medical officer serves as the principal advisor to the Secretary and FEMA ad-

¹ 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.

ministrator on medical and public health issues. Under the reorganization, the chief medical officer will report to the assistant secretary for CWMD.

When will a permanent chief medical officer be appointed?

Answer. The process of appointing a permanent chief medical officer is currently under way. During the pre-decisional/deliberative phase of the appointment process, the Department is unable to comment on the administration's final decision or date.

Question 11b. Can you assure this subcommittee that the CMO will retain his or her direct access to the Secretary and FEMA administrator under the new CWMD organization, as required by law?

Answer. Yes. The CMO will retain direct access to the Secretary and to the FEMA administrator under the new CWMD Office reorganization. These statutorily vested authorities are critical to the mission of the CMO. For this reason, in the Technical Drafting Assistance provided to the Committee for the CWMD Office, the Department recommended the CMO retain direct access authorities to the Secretary and to the FEMA administrator, when appropriate.

Question 12. The chief medical officer will remain in the new CWMD Office while the workforce health and medical support functions will move to the Management Directorate.

Will the chief medical officer retain his or her oversight over these functions?

Answer. Yes. It is critical that the functions statutorily vested in the CMO continue as part of the CWMD Office, including ensuring the Nation's front-line responders are able to prepare for and respond to all threats, for which the CMO will provide advice and guidance, as appropriate. The CMO's delegated functions, with the exception of workforce health functions, will be subsumed into the CWMD Office. This adjustment makes the CMO a more agile asset. Rather than being required to manage a major office focused only on certain WMD issues, the CMO will provide expertise on the full range of critical CWMD defense matters and emerging WMD threats of National significance with the potential to affect the United States.

Question 13. How will the CWMD Office work with the Office of Intelligence and Analysis to ensure appropriate information sharing of CBRN threats with State and local stakeholders?

Answer. The CWMD Office intends to work very closely with the Office of Intelligence and Analysis to support intelligence-driven operations to counter WMD threats, by providing timely and actionable information to State and local stakeholders, when appropriate. The Department is willing to provide more detailed information in a Classified setting.

Question 14. The National Defense Authorization Act for Fiscal Year 2017 required the completion of a Biodefense Strategy.

What role will the CWMD Office play in the Department of Homeland Security's implementation of the Biodefense strategy once it is completed?

Answer. The new CWMD Office will have a high level of engagement during finalization of the strategy and development and oversight of the whole-of-Government and implementation plan. The legacy Office of Health Affairs had been heavily involved in the development of the National Biodefense Strategy, working with the DHS strategy development lead in the DHS Office of Strategy, Policy, and Plans, and other Federal partners.

Question 15a. In October, the Harvard Kennedy School Belfer Center for Science and International Affairs, published a paper entitled "North Korea's Biological Weapons Program: The Known and Unknown," in which the authors discuss North Korea's intent and capability to sustain a biological weapons program.

What is your view of the threat of biological weapons from North Korea?

Question 15b. Does DHS have adequate resources and authority to prepare for and respond to this threat?

Answer. DHS is unable to provide details on the threat of biological weapons from North Korea in an Unclassified document. However, the Department is willing to provide more detailed information in a Classified briefing to Members and staff of the committee on this threat.

QUESTIONS FROM HONORABLE PETER T. KING FOR THE DEPARTMENT OF HOMELAND SECURITY

Question 1. Last December, the President signed the First Responder Anthrax Preparedness Act into law. This bill, of which I was the House sponsor, requires the Secretary of Homeland Security to establish a pilot program to provide anthrax vaccinations to first responders on a voluntary basis.

What is the status of the pilot program?

Answer. This program is currently unfunded. DHS conducted limited preliminary planning, but there has been no pilot program execution.

Question 2a. The Domestic Nuclear Detection Office's Securing the Cities Program provides vital assistance and training to high-risk areas around the country to detect and protect against radiological and nuclear threats. This program has been invaluable for New York, the top terrorist target. As you work to establish the Countering Weapons of Mass Destruction Office, we must ensure that successful DNDO programs, like Securing the Cities, are maintained.

How will the creation of the CWMD Office impact the Securing the Cities program?

Answer. In the CWMD Technical Drafting Assistance provided to the committee, formal authorizing language for the Securing the Cities Program was included. The Technical Drafting Assistance builds on successes of the current and on-going Securing the Cities Program by proposing its expansion to all WMD threats—chemical, biological, radiological, and nuclear. Moreover, the CWMD Technical Drafting Assistance proposes expansion of Securing the Cities functions into smuggling and conventional supply chain pathways and approaches to high-target risk areas, including, but not limited to, the New York Metropolitan Area. Consistent with the President's National Security Strategy and as an operational support organization, the CWMD Office will bolster efforts to defend against all WMD in the Homeland, and before the threats reach our borders.

Question 2b. What are your plans to further expand Securing the Cities to additional jurisdictions?

Answer. The CWMD Office will focus Securing the Cities more toward potential WMD pathways and approaches to high-target risk areas. This includes applications both in the continental United States as well as in supply chain and smuggling pathways into high-target risk jurisdictions. The Department looks forward to collaborating with the committee to discuss its plans for the Securing the Cities program.

Question 2c. How will DNDO continue to support and sustain the capabilities gained by original jurisdictions, like New York?

Answer. Legacy DNDO Securing the Cities (STC) support, through subject-matter expertise and technical assistance, to original jurisdictions like New York will continue. As a support organization, the CWMD Office fully intends to support first responders and operators in the field—original STC jurisdictions like New York remain critical in CWMD's commitment to the men and women on the front lines of our counterterrorism mission.

QUESTIONS FROM HONORABLE JAMES R. LANGEVIN FOR THE DEPARTMENT OF HOMELAND SECURITY

Question 1. The President's DHS S&T budget request for fiscal year proposed eliminating funding for a state-of-the-art, one of a kind biocontainment laboratory—the National Biological Analysis and Countermeasures Center (NBACC) at Fort Detrick, MD. However, Congress has taken steps in both the NDAA and appropriations to ensure that this capability is not lost.

Can you elaborate on the impact to our National security and our ability to counter biological threats if this facility were to close? How has the NBACC supported DHS in countering biological threats?

Answer. The functions performed at the NBACC, including providing reach-back and analytical capabilities, have supported multiple departments and agencies responsible for conducting National security missions. Should the facility remain operating, the CWMD Office will assist S&T in identifying interagency funding sources, developing a more efficient operational model, and driving DHS mission requirements. Like many WMD-related activities that may seem underutilized when an attack does not happen, facilities such as the NBACC are a key component to understanding the impact of an attack, the source of the material, and the testing of mitigation strategies. It is not a capability that we can build after an attack happens.

CWMD, as an organization that oversees requirements through the WROC process, recognizes the value and support these facilities bring to addressing the WMD threats for both DHS and other agencies. Understanding the difficult budget decisions that must be made, it is just as important that future fiscal matters are informed and balanced with mission needs and comparable laboratory capabilities.

Question 2. In your testimony, you state that you expect the new office will allow greater sharing of best practices, particularly leveraging successes from DNDO.

Can you detail these successes and elaborate on how they will be applied to the domains of chemical and biological weapons?

Answer. CWMD has identified significant cost avoidances by merging DNDO and OHA functions. Rather than having two offices individually managing human capital, acquisitions, information technology, and financial needs, the horizontal inte-

gration of the CWMD Office creates inherent efficiencies. The legacy DNDO model of developing, acquiring, and fielding capabilities to operators will be applied across the CBRN spectrum. This best practice was previously limited to R/N detection in DNDO. By following DNDO's structural model and best practices, legacy OHA acquisitions can report to a single product acquisition and deployment group, and the same is true with human capital, information technology, and financial management reporting to an enterprise services directorate.

Question 3. As I'm sure you're aware, change can be difficult for any organization even if it results in positive benefits. To ease these challenges, GAO has identified nine key practices for mergers and organizational transformation and I appreciate that DHS has adopted several of them in this transition, including the creation of an implementation team and a communication strategy.

As we consider moving forward with this reorganization, can you detail your implementation time line, cultural barriers that you've identified, and your plan for attracting and retaining key talent?

Answer.

Implementation timeline:

- *December 2017.*—Initial standing up of the CWMD Office.
- *January–October 2018.*—Continuing engagements with stakeholders and Congress on CWMD mission and strategic outlook.
- *January–March 2018.*—Establish and utilize CWMD-wide Working Groups for all Federal personnel to engage in planning and organizing the programs of CWMD.
- *October 2018.*—Finalizing stages of the CWMD reorganization.

Staff are adapting to the organizational changes within the new CWMD office. Given the importance of addressing employee morale, cultural changes, and other stress factors for personnel in a reorganization, the CWMD Office leadership have developed a plan to communicate mission priorities to all personnel and include Federal employees in the programmatic planning process through working groups.

DHS anticipates better morale—and leadership recruitment and retention as a result of the Department's CWMD reorganization. Establishing a focal point to implement the Department's WMD defense mission cannot only lead to increased mission effectiveness, but also increased morale. DHS anticipates that elevating its WMD defense efforts with more measurable results will inspire employee engagement. In the past, Chemical, Biological, Radiological, and Nuclear (CBRN) experts had the incentive to seek out positions at departments and agencies where the mission space is more visible. Looking forward, the reorganization and mission elevation will better attract and maintain key talent.

Question 4. In your testimony you note that the biological and chemical defense strategies have lagged behind the threat landscape.

What are the threat challenges in these areas that concern you the most today, and how will your strategy to address them change under the new organization?

Answer. While DHS is unable to provide details on the WMD threat in an Unclassified document, the Department is willing to provide Members and staff of the committee a Classified WMD threat briefing.

Question 5. Can you discuss the trade-offs for including the full set of CBRNE (chemical, biological, radiological, nuclear, and explosives) in a new office versus including a subset?

In particular, why were explosives excluded from the office's purview?

Answer. Please see the response to question No. 1.

QUESTIONS FROM CONGRESSMAN JAMES R. LANGEVIN FOR CHRIS P. CURRIE

Question 1. Of the key practices that DHS has not implemented in this effort, what needs to be prioritized to ensure a successful and efficient reorganization?

Answer. According to our prior work, implementing large-scale change management initiatives, such as mergers and organizational transformations, are not simple endeavors and require the concentrated efforts of both leadership and employees to realize intended synergies and to accomplish the new organizational goals.¹ Involving employees to obtain their ideas and gain their ownership for the transformation is a key practice that DHS should prioritize. Implementation steps for this practice include using employee teams, involving employees in planning, incorporating employee feedback into new policies and procedures, and delegating authority to appropriate organizational levels. Such steps will be helpful in a consolidated CBRN environment. For example, overall employee morale differs among the components to be consolidated, as demonstrated by the difference in employee satis-

¹ GAO-03-669.

faction and commitment scores of DNDO and S&T, making employee involvement to gain their ownership for the transformation a key step to consider.² Given the critical nature of DHS's CBRN mission, prioritizing employee involvement in the transformation would help inform the consolidation effort and improve the chances of a successful CBRN consolidation.

Question 2. Based on your analysis of previous reorganization activities in the Federal Government, what challenges will DHS likely face if it proceeds with this transition?

Answer. In August 2016, we found that DHS's June 2015 CBRNE report and related summaries provide some insights into factors considered for its consolidation proposal, but did not include associated underlying data or methodological information that would illuminate consideration of key concerns, such as potential problems that could result from consolidation. Component officials we interviewed provided several examples of potential problems due to consolidation. For example, officials told us that merging staff into one office could result in a need for additional support staff to manage day-to-day functions such as human resources, contracting, and financial management for a larger number of employees. Officials further stated that they may not have sufficient staff to complete these mission needs in a consolidated CBRNE unit. Additionally, component officials expressed concern over the potential allocation of resources in the consolidated office. According to these officials, there is a difference between components with missions that focus on potential terrorism events that are more likely to occur but with limited consequence versus components that focus on potential events that are not as likely to occur but have the potential to be far more catastrophic. These officials added that consolidating these components may complicate resource allocation decisions due to the varying degree to which certain CBRNE activities are seen as a priority over others. According to a DHS official, Office of Policy officials met with two of the five affected CBRNE components to determine potential unintended problems and to develop mitigation measures. However, not all affected components were included in the discussions and the problems and measures were not documented.

The practices outlined in our prior work are intended to help agencies transform their cultures so that the Federal Government has the capacity to deliver its promises, meet current and emerging needs, maximize its performance, and ensure accountability. We continue to believe that providing documented information and analyses used to assess the benefits and limitations of its consolidation plan would assist DHS in fully demonstrating how its proposal will lead to an integrated, high-performance organization. Until DHS completes this analysis and documents its findings, we continue to believe that potential challenges have yet to be mitigated. A lack of these practices within agencies makes it more difficult for them to collect the data necessary to calculate precisely the costs and benefits of a consolidation. This limitation can increase a consolidation's risk and an agency's vulnerability to unintended consequences, such as increased costs or heightened stakeholder skepticism.



²According to the Partnership for Public Service's *Best Places to Work in the Federal Government*® 2015 rankings, employee satisfaction and commitment index scores at DNDO and S&T were 71 and 39.5 respectively. These scores are calculated using responses to three different questions in the U.S. Office of Personnel Management's Federal Employee Viewpoint Survey.