

Opening Statement Ranking Member Donald M. Payne, Jr. (D-NJ)

Subcommittee Hearing Emergency Preparedness, Response, and Communications

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

Thursday, December 7, 2015

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.

And 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 Department’s window of opportunity using 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 permanent 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 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.