

Hearing: “Nominations of L. Reginald Brothers, Jr., to be Under Secretary of Science and Technology, U.S. Department of Homeland Security, and Hon. Francis X. Taylor to be Under Secretary of Intelligence and Analysis, U.S. Department of Homeland Security”

Opening Statement of Dr. Tom A. Coburn, Ranking Member

It has been nearly four months since our Committee held our nomination hearing for Jeh Johnson — the Department of Homeland Security’s new Secretary. I strongly support Secretary Johnson and have confidence that he is the leader that the Department of Homeland Security needs.

One of Secretary Johnson’s priorities was to assemble a strong team to lead the Department. With the nomination of these two highly qualified men, I am pleased that we appear to be making progress on filling the raft of vacancies at the senior levels of DHS.

I welcome Gen. Taylor and Dr. Brothers here today, and I thank them for their willingness to step forward to serve. Both of them have impressive qualifications and experience and appear well-qualified to serve in these leadership roles at the Department. I am particularly impressed that both of them have experience in the public as well as the private sector and can offer a fresh perspective to the divisions they would lead.

I hope they will work with the Committee in the coming months to reform the Department to improve its performance, cut wasteful spending, and focus on the priority missions.

After 12 years, the Department’s purpose has become diluted by the sort of mission creep inevitable in new federal agencies. Even as it faces the key challenges of securing the border, making air travel safe, processing immigrants and sharing intelligence, the Department grasps for newer missions, confusing its purpose in the eyes of many lawmakers and Americans.

DHS’s success in its current and proposed missions is undermined by the fact that some offices and components still struggle to demonstrate core competency and efficiency at their tasks. One of the biggest problems that DHS faces is a failure of leadership, management, and coordination.

Despite the talking point of a “One-DHS” and a unified Department, DHS continues to operate as a disorganized confederation of components, directorates, and offices. Many of which don’t work well together. This is a significant operational challenge facing both the Office of Intelligence and Analysis (I&A) and the Science and Technology Directorate (S&T).

My concerns about the DHS Office of Intelligence and Analysis, and DHS's entire Intelligence Enterprise, are well-known, especially with regard to fusion centers. In 2012, Senator Levin and I released the findings of our two-year investigation of DHS' support for the state and local fusion center program.

Despite spending as much as \$1.4 billion since 2004 on the fusion centers, DHS could not point to a single example where intelligence from fusion centers helped prevent a terrorist attack. And the intelligence the fusion centers was providing yielded little value.

More recently, GAO reported that the fusion centers are duplicative of other field based intelligence programs like the FBI's Joint-Terrorism-Task-Forces (JTTFs). This is an issue that needs to be further explored.

The Senate Select Committee on Intelligence determined that, last year, I&A had more analysts than finished intelligence products. So I&A produced less than one product per analyst. And I am told that many of these products are of questionable intelligence value.

DHS has also struggled to create a competent system for sharing intelligence within the Department and with its state, local, and private sector partners. The Department invested an estimated \$231 million in the Homeland Security Information Network (HSIN) over the past 9 years. This network was supposed to be a unified system for DHS to share its "Sensitive But Unclassified" information within the Department and with its partners (in the states and the private sector). But the DHS Inspector General has found that the Homeland Security Information Network was not being used by all offices and components within DHS.

A key challenge — and opportunity — for Gen. Taylor will be to review DHS's intelligence mission and determine where it can provide the most value. I encourage Gen. Taylor, once he is confirmed, to conduct a top to bottom review of all of the programs within I&A and the DHS Intelligence Enterprise to determine what is working and what is not.

I would encourage Gen. Taylor to ask DHS's potential customers to be frank with him about whether they find DHS's Intelligence products to be useful. And like a business, determine who I&A's customers are and what it can do to better serve them. There are deep concerns about the division's ability to perform useful analysis of intelligence.

For example, we have heard from the private sector and from state and local partners that they value information that I&A shares with them. But often the information sharing doesn't happen, it happens too late to be useful, it contains no insightful analysis, or it reiterates information they have already read in the newspaper weeks earlier. DHS has an opportunity to better serve them.

Similarly, there may be an opportunity for DHS to provide more value to the Intelligence Community (I.C.) by elevating the reporting from your components (like CBP, TSA, and the Coast Guard) and making it more accessible to the I.C.

Dr. Brothers will also face challenges leading the S&T Directorate. He is fortunate to be following Dr. O'Toole, who was an intelligent and effective leader. Dr. Brothers's qualifications, including leading a Research and Development (R&D) directorate at the Department of Defense and working in the private sector, makes him well qualified to continue Dr. O'Toole's work.

But many challenges remain at S&T, including the need to improve research and development coordination across the Department. In 2012, the Government Accountability Office (GAO) reported that R&D was not well-coordinated across the Department, and that there was a potential that DHS components were duplicating each other's R&D as a result. Yet GAO's 2012 recommendation that the Department adopt a unified definition of research and development to better coordinate R&D department-wide remains open.

If Dr. Brothers is confirmed, one of his responsibilities as Under Secretary of S&T will be to coordinate R&D across the Department. But without control over the other components and their budgets, that will be difficult. As Dr. Brothers stated in his written testimony, one of the keys to his success as Under Secretary will be fostering relationships with the other components' leaders to make sure that they work with S&T on their R&D projects and major acquisitions.

I believe another important way to improve coordination of R&D across the Department is to consolidate chemical, biological, radiological, and nuclear research and development within S&T, as many (including Dr. O'Toole) have proposed. Dr. Brothers will also need to seek buy-in from the components on S&T's R&D projects, especially if he increases the amount of mid-term and long-term research.

One of Dr. O'Toole's lasting legacies at S&T is the increased engagement between S&T and the Department's operational components on S&T's research and development projects, and a strong focus on near term R&D. Engagement and buy-in from the operational components is absolutely essential for S&T's success. Without it, S&T cannot possibly understand the needs of operators along our borders and coastal waters, nor develop the technologies that will enable them to succeed.

As Under Secretary, Dr. Brothers will have a great deal of flexibility in choosing the projects that the Directorate focuses its resources on. One of the areas Dr. Brothers has shown an interest in is expanding mid-term and long term R&D at the Directorate. Should he expand S&T's work into mid-term and long-term R&D projects, Dr. Brothers will need to carefully oversee those projects and hold them to well-designed performance metrics to keep them on track.

I am thankful to Gen. Taylor and Dr. Brothers for volunteering to serve in important and challenging positions within the Department. They are well-qualified and prepared for these big

jobs. I thank both of them for stepping forward to serve, and look forward to their testimony and working with them both once they have been confirmed, as I believe they both will be.