

Hearing on the Nomination of:

Rand Beers
To be Under Secretary of the
United States Department of Homeland Security

Before the
United States Senate Committee
on Homeland Security and Governmental Affairs

June 2, 2009
342 Dirksen Senate Office Building

Mr. Chairman, Senator Collins, and Members of the Committee, I am honored to appear before you today. I am humbled by the confidence that President Obama and Secretary Napolitano have placed in me by nominating me for the position of Under Secretary of the Department of Homeland Security. If confirmed, I hope to work closely with you to address the critical challenges facing the National Protections and Programs Directorate (NPPD).

At this point, I want to recognize my wife Bonnie Beers without whom I would not be here today and my two children, Drs. Nathaniel and Benjamin Beers.

In your respective opening statements for Secretary Napolitano's confirmation hearing in January, you recognized the progress that DHS has made to date, and outlined priorities for the work that must now be addressed by both the Department and this Committee. Notably, many of these key issues fall under NPPD's responsibilities.

For example, you both highlighted the need to reauthorize the expiring chemical security legislation. Chairman Lieberman raised the issues of furthering border security progress, and bringing rail and transit security on par with improvements to air travel – areas that NPPD supports through the US-VISIT program, cross-sector critical infrastructure protection, and through partnerships with Immigration and Customs Enforcement (ICE), Customs and Border Protection (CBP), the Coast Guard, and the Transportation Security Administration (TSA). Senator Collins, you emphasized the importance of an empowered cybersecurity expert who can “enforce best practices across the federal government” and improve coordination with private sector cyber stakeholders. You also called for increased critical infrastructure protection, including improved cooperation with the private sector and efforts to “strengthen the framework embodied in the National Infrastructure Protection Plan.”

I fully share your focus on these essential issues, and if confirmed, will work diligently with you to address these and all NPPD's duties. NPPD needs an appropriately sized federal workforce to accomplish its missions, and I am dedicated to recruiting the right talent while reducing the time needed to bring those we've selected on board. If confirmed, my priorities would be to:

- Continue building NPPD's capabilities to defend the nation's cyberspace.
- Continue to increase the security of the country's chemical facilities by building a strong Chemical Facilities Anti-Terrorism Standards (CFATS) program.
- Strengthen our private sector partnerships to allow for increased information sharing and coordination among the federal, state, local, tribal, and territorial governments and private industry regarding the protection of critical infrastructure and key resources.
- Secure our nation's borders by implementing an effective Air Entrance and Exit solution.

I have served this nation in the field and here in Washington since 1964, from the fields of Vietnam, to the embassies and headquarters of the Department of State, as well as on the National Security Council (NSC) and the White House staffs. My engagement in

critical infrastructure far predates the establishment of DHS, serving in the mid-1990s as the NSC Staff lead for the Presidential (Marsh) Commission on Critical Infrastructure Protection, and beginning the follow-on work on the first Presidential Decision Directive (PDD) on the subject – PDD 63.

In the decades that I have worked on the prevention of and response to terrorism, I have been involved in some of the most prominent cyber and critical infrastructure challenges this country has faced. I have rare first-hand knowledge of how inherently interdependent traditional critical infrastructure protection and cybersecurity are. For example, my NSC colleagues and I were involved in the immediate response to the first World Trade Center bombing in 1993 when the New York Fire Department was encouraged to allow members of a bond trading company to return to the evacuated top floors of that building to recover data so that open trading positions in billions of dollars left hanging in cyberspace could be closed out in order to restore stability in the financial markets. Subsequently, we worked with the financial sector to bolster redundancies and resiliencies within the system.

Existing gaps in cybersecurity pose a tremendous vulnerability to our nation, and, if confirmed, I intend to support Secretary Napolitano in bringing the right people, strategy, and resources to bear in this area. The Directorate's Office of Cybersecurity and Communications has made significant strides in advancing the Department's cybersecurity efforts, however much more needs to be done. This process has begun already, as the Secretary recruited Phil Reitinger to serve as the Deputy Under Secretary at NPPD, and to take the lead for DHS on cyber issues. Phil brings unquestioned public and private-sector expertise into the cyber arena, and he embodies the quality of personnel I hope to bring to NPPD in addressing the need for a strong government workforce across the directorate. I believe that my experience in the interagency process and in cyber issues will complement Phil's expertise and ensure that DHS's cyber equities are fully represented and remain at the forefront of the national effort.

As I have stated, another priority for the Department, the Directorate, and this Committee is the continued implementation of the Chemical Facility Anti-Terrorism Standards (CFATS) program. I firmly believe CFATS is an effective program for addressing the security risks associated with the nation's high-risk chemical facilities, and is a key program in making our nation more secure. Since the Department was granted authority to regulate security at high-risk chemical facilities two and one-half years ago, I believe the Department has developed an effective approach for both identifying high-risk chemical facilities and assessing the security risks associated with them. If confirmed, I look forward to working with the Committee and Congress to reauthorize the program.

As this Committee knows well, the Department of Homeland Security also has a unique federal role in bridging our nation's security interests with the concerns and needs of the private sector. Particularly in physical critical infrastructure protection and cybersecurity where the overwhelming majority of assets are not government-owned, partnership with the private sector is paramount to our nation's success. NPPD must be the government's lead in fostering such cooperation for the common good. If confirmed, I will seek private

sector input at the outset of the policymaking process to ensure that they are true stakeholders in developing comprehensive national solutions to the joint issues we must address.

The Directorate's Office of Infrastructure Protection (IP) has worked diligently with our partners over the past several years in standing up the National Infrastructure Protection Plan (NIPP) framework, which in my opinion has greatly benefited the collaboration between the Department and our federal and private sector partners. If confirmed, I look forward to working closely with IP to ensure that we continue our emphasis on the NIPP partnerships and, in fact, strengthen these efforts with state, territorial, tribal and local jurisdictions, regional coalitions, and State and local fusion centers.

Furthermore, the President's Fiscal Year 2010 budget would transfer the Federal Protective Service (FPS) from the U.S. Immigration and Customs Enforcement (ICE) to NPPD. FPS has distinguished itself for its expertise in physical security operations and its mission complements those of the Directorate's other core missions. If approved by Congress, I believe this move aligns the federal critical infrastructure protection mission of FPS with those under the direction of the Directorate's Office of Infrastructure Protection and enhances the Department's ability to fill its crucial role in leading our nation's efforts to protect critical infrastructure and key resources.

If confirmed, I intend to further strengthen and develop NPPD's US-VISIT program, a critical component of the Directorate and the Department's mission of securing our national borders while facilitating legitimate travel and trade. As the Committee knows, US-VISIT works collaboratively across the Department - with ICE, CBP, the Coast Guard, and TSA - as well as with the federal interagency process - including the State Department, the Justice Department and Defense Department - on a number of efforts to enhance security, increase efficiency of screening processes, and improve identity management. Through US-VISIT, these DHS partners have prevented thousands of ineligible and potentially dangerous persons from entering our country as well as those apprehended while illegally crossing the border or present in the interior of our country. And through the Secure Communities effort operated by ICE, local law enforcement officers have identified criminal aliens who were incarcerated in state and local jails by accessing the biometric information managed by US-VISIT. I am particularly interested in the development and outcome of the air exit pilot program, and I fully recognize the implications that air exit holds for related efforts such as the Visa Waiver Program (VWP), and large-scale issues such as national security and immigration. If confirmed, I look forward to working with Members of this Committee and Congress at large as we move forward on this critical component of the US-VISIT program.

I see the Directorate's overarching mission to be the mitigation of risk to the nation and its citizens: the risk to the nation's critical infrastructure by manmade or natural disasters; the risk to the country's cyberspace by cyber criminals and nation-states; and the risk of individuals entering into this country with the intent to do harm. To this end, the Directorate, through the Office of Risk Management and Analysis (RMA), has a leadership role in synchronizing, integrating, and coordinating risk management and risk

analysis approaches within DHS. RMA has made progress, but I believe more needs to be done. Of note, RMA has worked to develop the DHS Risk Lexicon through the Department's Risk Steering Committee and completed the prototype for the Risk Assessment Process for Informed Decision-making (RAPID), to inform strategic policy and budgetary decision-making by taking into account risk, risk reduction efforts, and alternative resource allocation strategies. If confirmed, I plan to continue to support RMA in its efforts to work collaboratively across DHS and with our homeland security partners to build an integrated risk management program that ensures that risk information and analysis are provided to decision-makers to inform their decision-making in the allocation of time, people, and funding.

Mr. Chairman and Members of the Committee, we stand at a juncture in homeland security where the challenges and the opportunities are enormous and the missions of NPPD are at the forefront. I ask that you afford me the opportunity to take up the leadership mantle and help build and direct an empowered NPPD workforce to address these challenges.