

Congress of the United States

House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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December 11, 2019

The Honorable Gary Rasicot
Acting Assistant Secretary
Countering Weapons of Mass Destruction (CWMD) Office
Department of Homeland Security
Washington, D.C. 20528

Dear Acting Assistant Secretary Rasicot:

On November 22, 2019, the House Committee on Science, Space, and Technology sent a letter to the Government Accountability Office (GAO) requesting to join an earlier GAO request from the House Committee on Energy and Commerce pertaining to the BioDetection 21 (BD21) program.¹ I signed that bipartisan letter as the Chairwoman of the Committee, along with the Committee Ranking Member and the Chairwoman and Ranking Member of the Investigations & Oversight Subcommittee. The letter detailed the Committee's bipartisan concerns and questions regarding the BD21 program and asked GAO to incorporate those issues into its review.

I now write to urge the Countering Weapons of Mass Destruction (CWMD) Office to address the Committee's concerns. I am aware that CWMD has recently experienced a change in leadership. This transition presents an opportunity for CWMD to reassess the BD21 program. It is my belief that the issues articulated by the Committee threaten the successful implementation of BD21, and that the program should not move forward until fundamental concerns about its technological viability and conceptual framework are resolved. I encourage you to conduct a thorough review of BD21 and incorporate the views of key external stakeholders in determining the best path forward for the program.

CWMD confronts an enormous challenge in overseeing a national biodetection system. Biological threats are among the most serious dangers facing the United States, and biodetection

¹ House Committee on Science, Space, and Technology, Letter to GAO Comptroller General Gene Dodaro, November 22, 2019, <https://science.house.gov/imo/media/doc/11.22.19%20HSST%20BD21%20Co-Request%20to%20GAO.pdf>.

presents an exceptionally complex set of technological and operational difficulties. The Committee supports CWMD's commitment to enhanced biodetection capabilities in order to keep the American people safe. But these shared goals do not mean that serious concerns regarding BD21 can be overlooked. The gravity of the biological threat, and the human and economic consequences of failure, compel the Committee to closely scrutinize the program's implementation.

In its November 22 letter to GAO, which is attached, the Committee articulated several concerns arising from its bipartisan inquiry into the BD21 program. Specifically, the letter detailed deviations from acquisition procedures and best practices; significant limitations with the feasibility and maturity of the program's core technologies; and doubts about whether the program's outreach to the public health and first responder communities has been sufficient to build a broad consensus in favor of its implementation.² These concerns are troubling, and it is imperative for CWMD to address them directly.

BD21 cannot succeed without a sound technological foundation and the support of key stakeholders in the public health and first responder communities who will be responsible for operating within the framework of the program. The issues identified in the Committee's letter to GAO could undermine support for BD21 by casting doubt on the program's capabilities, particularly if stakeholders come to believe that the program will require them to make operational decisions based upon unreliable data produced by unproven technological systems. The apparent capability gaps in BD21's proposed biodetection technologies threaten to create this very situation, but CWMD's preliminary Concept of Operations framework fails to contend with the implications of the program's technological limitations. The program cannot be successfully implemented without resolving these important issues.

Until recently, CWMD's approach to BD21 has appeared to prioritize rapid implementation over thorough planning. In a February 2019 interview with the *Los Angeles Times*, former CWMD Assistant Secretary James McDonnell dismissed concerns about the program's technological capabilities by arguing that they could simply be resolved while the program was being rolled out.³ He also claimed that "part of what I'm sort of reining in the scientists a little bit on is, 'Don't let perfection be the enemy of good enough.'"⁴ Assistant Secretary McDonnell displayed a similarly dismissive attitude in an April 2019 briefing, when he implored the Committee to "shred" the aforementioned *Los Angeles Times* article rather than taking its contents seriously. I do not believe these statements demonstrated a commitment to the kind of prudent and rigorous approach that a national biodetection system requires.

As CWMD's new leader, I urge you to support a more meticulous process that emphasizes getting the program right over deploying it as quickly as possible. I believe that CWMD should not move forward with BD21 until it has reassessed the program and addressed the fundamental

² House Committee on Science, Space, and Technology, Letter to GAO Comptroller General Gene Dodaro, November 22, 2019, <https://science.house.gov/imo/media/doc/11.22.19%20HSST%20BD21%20Co-Request%20to%20GAO.pdf>.

³ David Willman, Homeland Security replacing troubled biodefense system with another flawed approach, LOS ANGELES TIMES (Feb. 15, 2019), <https://www.latimes.com/politics/la-na-pol-biowatch-replacement-20190215-story.html>.

⁴ *Id.*

concerns outlined in the Committee's letter to GAO. BD21's operational structure has not yet been finalized. CWMD can still evaluate the program's technological constraints more rigorously and consult with the public health and first responder communities more extensively. A failure to do so could diminish the cohesion of national biodetection efforts.

The Committee is dedicated to ensuring that scientific considerations are properly incorporated into DHS's policymaking process. To that end, I hope that this letter will serve to strengthen the line of communication between the Committee and CWMD. The Committee stands ready to work with you to address its concerns about BD21 and assist you as you strive to implement the program successfully. The Committee's ongoing oversight of BD21 represents a commitment to these aims.

I also ask that you take steps to resolve the Committee's outstanding document requests to the Department related to BD21. Starting with an initial request on July 10, 2019, the Committee staff has made repeated requests for specific documents pertaining to BD21. CWMD has not yet provided the relevant documents, which are necessary for the Committee to carry out its oversight responsibilities. The Committee seeks the following documentation regarding the BD21 program:

1. CWMD's written agreement with MIT Lincoln Laboratory to develop an algorithm for BD21; and
2. All DHS procurement records pertaining to the equipment purchased or otherwise obtained in support of the BD21 technology demonstration, including but not limited to all records detailing the vendors who supplied the equipment; all records identifying the specific types and models of equipment being obtained for the demonstration; and all records detailing the procurement costs associated with the demonstration.

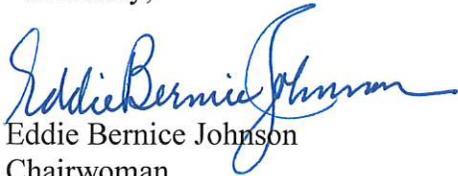
Pursuant to Rule X of the U.S. House of Representatives, the Committee on Science, Space, and Technology shall review and study on a continuing basis laws, programs, and Government activities relating to nonmilitary research and development.⁵

Please produce two sets of the requested records in a searchable electronic format. One set should be delivered to the Majority staff of the Committee in Room 2321 of the Rayburn House Office Building, and the other set should be delivered to the Minority staff of the Committee in Room 394 of the Ford House Office Building. I request that you provide these records no later than 5:00 PM on Wednesday, January 8, 2020.

If you have any questions regarding the content of this letter, please contact Josh Schneider on the Committee staff at 202-225-6375 or by email at Josh.Schneider@mail.house.gov. Thank you for your attention to these matters.

⁵ U.S. House of Representatives, Rules of the House of Representatives, Rule X, Organization of Committees, <https://www.govinfo.gov/content/pkg/HMAN-1115/xml/HMAN-1115-pg441.xml>

Sincerely,

A handwritten signature in blue ink that reads "Eddie Bernice Johnson". The signature is fluid and cursive, with the first name "Eddie" being the most prominent.

Eddie Bernice Johnson
Chairwoman

Committee on Science, Space, and Technology