

Strategy Research Project

DHS Next: Moving Beyond Collaboration and Cooperation

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Abstract

The Department of Homeland Security (DHS) is a prolonged state of strategic drift somewhere along the middle seam of a full spectrum of 21st century threats. This paper explores the National Security Act of 1947 and the Goldwater-Nichols Act of 1986 as case studies of unity of effort for large, complex organizations. Then, it investigates the Homeland Security Act of 2002 to provide historical context and define the current strategic environment of DHS. Finally, it proposes recommendations that will help the Department fully profit from economy of force by institutionalizing unity of effort and broadening its succession leadership capability. As the threat spectrum continues to evolve, so too must the capacity of the homeland security enterprise to properly protect the American people and the homeland. In order to increase this capacity, Congress should enact comprehensive reform legislation allowing DHS to accomplish its mission.

DHS Next: Moving Beyond Collaboration and Cooperation

We're not losing, but we're not winning and that's not good enough.

—General Douglas Lute¹

After the terror attacks on September 11, 2001, the Federal Government was overhauled to safeguard the most vital of all U.S. national interests—the American people and the homeland. In a thought-provoking article assessing the challenges to securing the homeland, Thomas Goss conceptualizes that “...the U.S. is confronted with a full spectrum of threats ranging from traditional national security threats—like terrorism and trans-national crime—to law enforcement threats—like drug smuggling.”² He further hypothesizes that the greatest risks lie ambiguously in the middle seam of the spectrum where the threats are not so easily definable.³ The Department of Homeland Security (DHS) is in a prolonged state of strategic drift somewhere along that middle seam; and as the threat spectrum continues to evolve, so too must the capacity of the homeland security enterprise to properly protect the American people and the homeland.

In order to increase this capacity, Congress should enact comprehensive reform legislation allowing DHS to reorganize its structure and broaden its leadership succession capability to achieve the mission. Disunity of effort and an underdeveloped leadership succession capability will continue to prevent DHS from realizing its full potential as a Department. In a 2014 *Unity of Effort* memorandum to DHS leadership, former Secretary Jeh Johnson highlighted “the Department of Homeland Security has many strengths, starting with the professionalism, skill, and dedication of its people and the rich history and tradition of its Components.”⁴ While the people are the Department’s greatest strength, the memorandum raises some interesting questions like what is unity

of effort? Is it possible for DHS? How can it be achieved? What is required to sustain it over time?

To answer these questions, this paper will first explore the *National Security Act of 1947* (NSA47) and the *Goldwater-Nichols Department of Defense Reorganization Act of 1986* (GWN86) as case studies of unity of effort for complex, adaptive systems (CAS). Secondly, this paper will review the impetus for the *Homeland Security Act of 2002* (HSA02) to provide historical context of DHS and its current strategic environment. Finally, it proposes recommendations that will help the Department fully profit from economy of force by institutionalizing unity of effort and broadening its succession leadership capability.

The National Security Act of 1947 Case Study

Strategic leaders must be capable of effectively managing large, causally complex and constantly changing organizations of which the whole is greater than the sum of its parts. A system is defined as “a regularly interacting or interdependent group of items forming a unified whole.”⁵ CAS is characterized as “...large and dense, causally complex, and constantly changing structure, composition, and behavior.”⁶ The U.S. military’s history of organizational reform provides case studies for aspiring strategic leaders seeking to develop the skills necessary to lead large, causally-complex organizations.

The surprise attack at Pearl Harbor on December 7, 1941, by Japanese forces was the tipping-point that drove interservice coordination and prompted President Franklin D. Roosevelt (FDR) to direct General Douglas MacArthur and Admiral Chester Nimitz to unify their commands.⁷ FDR intended to prescribe legislation providing “...for the establishment of integrated policies and procedures for the departments, agencies,

and functions of the Government relating to the national security.”⁸ However, reorganization was delayed until the conclusion of World War II (WWII) in 1945 when President Harry S. Truman, a particularly strong proponent of interservice unification, reignited the effort after FDR died unexpectedly in office on April 12, 1945.⁹

Despite the Allied victory in WWII, President Truman was appalled by the waste and inefficiencies perpetrated by a disorganized and disjointed military during the war.¹⁰ He advocated a complete integration of the Army and Navy under one authoritative, responsible command to ensure economy of force for the greater good of national security as a whole.¹¹ According to Prussian theorist Carl von Clausewitz, the principle of economy of force is the judicious employment and distribution of forces towards the primary political objective.¹² Von Clausewitz clearly intended tactical application of the principle; however, it also holds utility in the strategic realm. During WWII, the U.S. military’s strategic leaders struggled to profit from economy of force. President Truman spent the next several years building consensus between stakeholders to create one military establishment and mute the deleterious impacts of decentralized decision-making.

The President, Chief of Staff of the Army and Chief of Naval Operations agreed on the need to create one military department. However, their positions varied significantly on the recommendation of a general staff model led by a single Chairman of the Joint Chiefs of Staff (CJCS).¹³ After robust debate, President Truman submitted his first proposal for a unified organization commanded by a single officer under a combined budget to the Senate Military Affairs Committee in December 1945.¹⁴ Hedging their bets, some of the military leaders exploited personal relationships with

Congressional leaders and actively used the media to stymie the President's proposal.¹⁵ Truman's proposal ultimately died after Congressman Carl Vinson and Senator David Walsh, chairmen of the House and Senate Naval Affairs Committees respectively, took contrarian positions advocating for cooperation and coordination whenever possible instead of complete integration of the services.¹⁶

President Truman eventually capitulated to the demands of the Service Chiefs and signed the *National Security Act of 1947* (NSA47) into law on July 26, 1947. The act officially created the National Security Council and Staff, the "National Military Establishment" (NME), the Department of the Air Force, the Central Intelligence Agency, the Secretary of Defense and legally codified the Joint Chiefs of Staff.¹⁷ On paper, NSA47 unified the Army, Navy and a newly created Air Force under the NME led by a civilian Secretary of Defense (SECDEF). Title II, Section 202(a) of the NSA47 established that the SECDEF was "the principal assistant to the President in all matters relating to national security and charged with primary duties: 1) making general policies; 2) general direction, authority, and control over the services; 3) create efficiencies in military processes; and 4) coordinate the annual budget."¹⁸

Arguably, one of the greatest failures of NSA47 was allowing each of the individual Service secretaries to retain Executive Agent status.¹⁹ Failing to empower the SECDEF as the Executive Agent muted the voice of the civilian leader and allowed individual agency cultures to persist rather than creating one common culture. The President concurrently published the Unified Command Plan (UCP) as an administrative bypass of his previously stymied proposed legislation to fully unify the services. The UCP mandated geographic combatant commanders, called Commanders-in-Chief

(CINCs), report directly to the Joint Chiefs of Staff (JCS).²⁰ The CINCs had operational control of all service members in the geographic area while relying on a joint staff comprised of other Service component commanders to execute procurements and training for their respective services.²¹

Still, the Service Chiefs often reverted to parochialism for interservice decision-making in the clear absence of an empowered leader. In 1949, amendments to the NSA47 renamed the NME the Department of Defense (DoD), strengthened the SECDEF's position by eliminating the Cabinet-level status of the Service secretaries, and formally established the position of Chairman of the Joint Chiefs of Staff (CJCS).²² Despite Truman's intent for complete military unification, NSA47 failed to force career officers—the leaders—of the individual Services to experience the culture of the other Services and create a new common culture.

Creating a common interagency culture requires a robust succession leadership system that exposes leaders to joint doctrine, education and broadening opportunities, other Services cultures and the society they protect. In *Solving the Interagency Puzzle*, Sunil Desai writes “a strong interagency culture would provide the fundamental basis for the interagency community to work together as a cohesive whole without merging or marginalizing individual agencies.”²³ The NSA47 created a quasi-joint staff, but failed to transcend the bureaucratic barriers blocking integration because it did not legislatively require a succession leadership system predicated on joint service, education and broadening.

Nevertheless, NSA47 remained DoD's organizational structure model for the next forty years. In his reflection of Truman's capitulation to the Service Chiefs in NSA47,

GEN Eisenhower submitted “in that battle lessons were lost, traditions won.”²⁴ Truman’s battle to fight military waste and inefficiency was futile and NSA47 simply extended the status quo by other means. The law that was supposed to profit from economy of force to create a more efficient and effective military instrument of national power widely missed the mark. NSA47 fostered autonomous operations and calcified individual corporate cultures within DoD that endured for most of the 20th century.

The Goldwater-Nichols Act of 1986 Case Study

Evidence that an organization is failing is often visible long before it happens. In *The Fifth Discipline*, Peter Senge postulates that learning from experience is only effective when the organization is negatively impacted by consequences of a decision.²⁵ In the latter half of the 20th century, a trilogy of consequences associated with strategic and operational military failures garnered worldwide attention. The capture of the American spy ship the *USS Pueblo* off the coast of North Korea, *Operation Eagle Claw* in Tehran, Iran, and the Marine Barracks bombing in Beirut, Lebanon, prompted introspective reflection and change within DoD.

The failure of the military command-and-control (C2) system to provide an immediate response to the seizure of the *USS Pueblo* by the North Koreans underscored the need for military reform. On January 23, 1968, the North Korean Navy seized the *USS Pueblo*, a U.S. intelligence gathering ship, fifteen miles off the coast of North Korea.²⁶ The United States failed to execute decisive action against the North Koreans or rescue the seized vessel and its crew due to a lack of an empowered unified commander in theater.

After the *USS Pueblo* incident, the 1980s included two devastating failures that demonstrated the need for more robust joint military operational capabilities within the

U.S. military. In an attempt to display joint capabilities, the U.S. military launched *Operation Eagle Claw* on April 24, 1980, as a joint-operations effort to rescue fifty-two diplomats from captivity at the Embassy of the United States in Tehran. John J. Hamre, President and Chief Executive Officer (CEO) of the Center for Strategic and International Studies (CSIS), explained that disunity of effort led to a very quick abortion of the mission after a botched launch that cost eight servicemen their lives when a Marine Corps helicopter and Air Force transport plane collided over a landing strip.²⁷ The inability to plan, supply and execute an interservice operation like *Operation Eagle Claw* significantly damaged the United States' military reputation in the eyes of Americans, and those watching around the world.

The final incident prompting reorganization occurred on October 23, 1983, when a terrorist detonated a bomb on the main floor of the Marine Corp Barracks in Beirut, killing himself and 241 service members. A Marine Amphibious Unit (MAU), under the control of the U.S. European Command (EUCOM), was on a two-part peacekeeping mission under North Atlantic Treaty Organization's (NATO) authority to defend Western Europe.²⁸ Significant weaknesses in the chain-of-command (CoC) structure and inward-focused bureaucracies were culled out and criticized in investigations of the attack. The command pathway was described as "bloated and paralyzed" and "long, complex, and clumsy."²⁹ The Combatant Commanders (CCDRs) were especially paralyzed by the lack of authority over members in other Services to improve base security and direct joint anti-terrorism training. Equally toxic, each service had a component commander at EUCOM that prioritized orders from their Service's headquarters in Washington, DC, before their CCDR.³⁰

Visible crises such as the three described can be enormously helpful in catching people's attention and increasing the sense of urgency.³¹ For Congress, the deleterious impacts of the *USS Pueblo*, *Operation Eagle Claw* and the terrorist attack in Beirut were all the evidence and crises needed to strengthen the military institution and kill cross-cutting functions. Multiple commissions identified the parochial nature of the individual Services, the lack of jointness at all levels—including the Joint Chiefs of Staff—and that the CCDRs did not possess the responsibility and authority commensurate with their missions as the impetus for reform as particular damaging to unity of effort.³² In response, Congress proposed the *Goldwater-Nichols Department of Defense Reorganization Act of 1986* (GWN86) legislation to improve the joint warfighting capabilities of the U.S. military.

GWN86, the most sweeping legislation to impact the DoD since the NSA47, solidified the chain-of-command relationship from the President to the SECDEF to the CCDRs, thus strengthening the civilian authority in the DoD. It relegated the power and influence of the Service chiefs to organizing, training and equipping forces for the use by the CCDRs.³³ It empowered CCDRs commensurately with responsibility for accomplishing their missions.³⁴ Lastly, it required Officers to broaden their experiences outside of their Services and made higher education and joint service mandatory for achieve flag officer rank.³⁵ GWN86 transformed the culture and the ways the U.S. military fought the nation's wars.

Transformation within a CAS, like the U.S. military, is most recognizable through increased agility – when facilitating action is preferable to incentivizing inaction.³⁶ While GWN86 created unity of effort in the operational employment of military assets and

created a common culture, it was enacted three decades ago under a significantly different spectrum of threats. In its 2005 publication *Beyond Goldwater-Nichols: U.S. Government and Defense Reform for a New Strategic Era (BGN)*, CSIS reviewed the seminal legislation and offered two-phased modernization recommendations "...to eliminate redundancies that produce inefficiency and conflict, while assuring maximum alignment of authority and accountability..."³⁷ In March of 2016, Republican Senator John McCain vowed to make significant changes that balances the scale between defense spending and the changing nature of 21st century warfare in *Goldwater-Nichols 2.0*.³⁸ GWN86 reform dialogue is focused on practical ways to enhance organizational agility while protecting the integrity of the law.

Analysis of the NSA47 and GWN86 illustrates several strategic considerations to reorganizing a complex organization. First, reforming and reorganizing organizations is not easy. Secondly, creating an effective Joint Operations Environment (JOE) can only be achieved through legislative intervention and when the members of the interagency fully understand the roles and responsibilities of the individual components. Thirdly, reform should be sweeping and comprehensive to capitalize on economy of force and prevent the deleterious effects of parochialism. Fourthly, aligning components under one mission is achievable and takes considerable time. Fifthly, effective joint officer management can codify the process of identifying, training and retaining the right leaders to sustain change. Lastly, empowering CCDRs can ensure political objectives are achieved within a geographic area.

The Homeland Security Act of 2002 Case Study

Mark Twain once said, "history never repeats itself, but it does rhyme."³⁹ On September 11, 2001 (9/11), a series of surprise coordinated terrorist attacks carried out

on American soil by the Radical Islamic Extremist (RIE) group Al-Qaeda (AQ), once again changed the United States, and the world, forever. The attacks killed 2,996 people and injured over 6,000 others causing at least \$10 billion in property and infrastructure damage and \$3 trillion in total costs.⁴⁰ While the monetary costs have been measured, the psychological impacts may never be truly understood. Nevertheless, the attacks were the impetus for the first comprehensive reorganization of the U.S. Government in the 21st century.

Much like the attack at Pearl Harbor, the surprise and magnitude of 9/11 prompted a reorganization of the United States federal government never before seen in modern context. Public Law Number (Pub. L. No.) 107-296—*The Homeland Security Act of 2002* (HSA02)—was enacted by the Senate and House of Representatives of the United States of America on November 25, 2002, establishing the Department of Homeland Security.⁴¹ In less than fifteen months after 9/11, HSA02 fused together 22 previously disparate agencies under the enormous scope and complexity of the greatest national security mission: securing the homeland.⁴²

The primary mission of the newly created cabinet-level Department is to ensure a safe and secure homeland that is resilient against terrorism and other hazards.⁴³ With roughly a \$36 billion starting budget in 2004, the newly created Department enforced the five correlating objectives of preventing terrorism and enhancing security, securing and managing the borders, enforcing and administering immigration laws, safeguard and secure cyberspace, and ensuing resiliency after disasters.⁴⁴ The creation of DHS was the hasty product of legislative compromises and it was anticipated that Congressional and Departmental leaders would monitor the management and

organizational operations with an eye towards adjusting its structure as conditions warranted.⁴⁵

Congress critically assumed that amendments to HSA02 would be needed to align the structure and processes with the ways and means in the future. Limiting language within the incomplete legislation prohibits leaders from organizing the Department to profit from economy of force. Congress wrote very specific language into HSA02 that limits the scope of the Secretary's reorganization authority. Section 872 (§872) of HSA02 (6 U.S.C. §§ 101 et seq.) reads:

Gives the Secretary of the Department of Homeland Security (DHS) the authority to reorganize functions and organizational units within DHS, subject to specified limits. Specifically, §872 authorizes the Secretary of Homeland Security to (1) allocate or reallocate functions among the officers of DHS and (2) establish, consolidate, alter, or discontinue organizational units within DHS. The reorganization authority provided by §872 may be exercised in one of two ways: (1) pursuant to the reorganization plan initiated by the President (§1502(b)) or (2) independently by the Secretary, 60 days after the Secretary provides notice of such an action to the appropriate congressional committees with an explanation of the rationale for the action.⁴⁶

Section 872 is a built-in leverage point that provides the Secretary limited and controlled flexibility to tackle organizational and structural issues that were not initially encountered or anticipated during the original construction of the Act.

On its face, the law appears to give the Secretary broad authority to reorganize the Department as long as he or she appropriately notifies Congress within sixty days. However, the caveat is that the Secretary cannot abolish any agency, entity, organizational unit, program, or function established or required to be maintained by statute—ipso facto reform the law—without Congressional approval.⁴⁷ In other words, the Secretary is authorized to move around the pieces on the chess board but not authorized to change the game.

The restrictive language within §872 notwithstanding, attempts to reorganize the Department were initiated shortly after it was created. In March of 2005, former Secretary Michael Chertoff testified before Congress regarding his initiation of a comprehensive review of the organization he coined the *Second Stage Review*, or 2SR.⁴⁸ At the end of his testimony, Chertoff indicated that subsequent announcements regarding policies and plans would illuminate his vision for Departmental reorganization.⁴⁹ Other than the Post-Katrina Management Reform Act clarifying the Federal Emergency Management Agency's (FEMA) role within DHS, research revealed that the bulk of the Secretary's plans never materialized and the effort for holistic reorganization died.

Also in 2005, DHS' Office of the Inspector General (OIG) and the Heritage Foundation (HF) conducted assessments on a proposed merger of Customs and Border Protection (CBP) with Immigration and Customs Enforcement (ICE). The IG was particularly critical of the organizational design that kept CBP and ICE as independent Executive Agents within DHS opposed to the Office of the Secretary.⁵⁰ The HF report concluded that "merging CBP and ICE will bring together under one roof all of the tools of effective border and immigration enforcement...inspectors, Border Patrol agents, special agents, detention and removal officers and intelligence analysts...and realize the objective of creating a single border and immigration enforcement agency."⁵¹ Ultimately, Congress acted within the restrictive language of §872 to reject the merger that would have integrated the components and developed a comprehensive border security agency under one chain-of-command.

As if the effects of §872 were not paralyzing enough, in 2007 Congress prohibited the Secretary from using funds awarded in Pub. L. No. 3501, *Supplemental Appropriations Act of 2007*, to reorganize the Department.⁵² In their review of Secretary Chertoff's 2005 S2R, the Government Accountability Office concluded the proposed reorganization effectively abolished the National Protection and Programs Directorate and the Office of Operations Coordination established within the HSA02 and thus violated prohibitions of §872.⁵³ In 2008, Congress unprecedentedly enacted a Continuing Resolution (CR) regulating the amount of money that flowed to the Department and how it was spent to block future reorganization attempts.

Under the Obama Administration, DHS seemed generally averse to securing the legislation necessary to reorganize the Department and abandoned all activities prohibited within §872. Elizabeth Rosenberg et. al., define the phenomenon of de-risking as the process by which organizations prophylactically abandon activities that further complicate risks or inadvertently engage in prohibited activities.⁵⁴ NSA47 and GWN86 perfectly illustrate that the longer DHS avoids the broader requirement to reorganize, the longer it will take to truly unify efforts and become greater than the sum of its parts.

Within its first couple of years, DHS failed to demonstrate the unity of effort necessary to handle a national security emergency during Hurricane Katrina. Nearly ten years later, the Department's joint capabilities were once again tested during the Unaccompanied Alien Child Crisis (UACs) of Fiscal Year 2014. During that highly visible crisis, many of the components within DHS responsible for safe care and handling of UACs abandoned their legal responsibilities and reverted to parochialism.

Section 462 of HSA02 transferred the authority to coordinate and implement the care of Unaccompanied Alien Children (UACs) in federal custody to the Office of Refugee Resettlement (ORR) in the Department of Health and Human Services (HHS).⁵⁵ According to the *Trafficking Victims Protection Reauthorization Act of 2008 (TVPPRA)*, law enforcement agencies, like those within CBP, have 72 hours to transfer UACs from non-contiguous countries [other than Mexico and Canada] to HHS custody to protect them against falling victim to human traffickers.⁵⁶ The 2014 crisis saw approximately 68,541 UACs pour across the nation's southern border largely from the Golden Triangle Region of Central America – el Salvador, Honduras and Guatemala.⁵⁷ Today, the Secretary still does not possess the power to compel HHS to assume their responsibilities within the intent of the law.

The sheer volume of UACs, politics, disunity of effort and the lack of empowered leadership prevented DHS from capitalizing on economy of force during the crisis. In the April 2014, former Secretary Johnson defined unity of effort as a mature organization that is greater than the sum of its parts and took measures to strengthen organizational structures and increase joint capabilities in his memorandum, *Strengthening Departmental Unity of Effort*.⁵⁸ For example, the Secretary commissioned three Joint Task Forces (JTFs) within the Southern Border and Approaches Campaign (SBAC). JTF-East (JTF-E) is responsible for maritime ports and approaches across the southeastern United States; JTF-West (JTF-W) is responsible for southwest land border and the west coast of California; and, JTF-Investigations (JTF-I) functionally supports the other two JTFs.⁵⁹ The Secretary essentially established two regional operations task forces supported by a third, functional task force.

The Secretary established ten objectives for SBAC aimed at minimizing the risks associated with policing in a complex and ambiguous 21st century border security environment.⁶⁰ The JTFs were comprised of elements from CBP, ICE, U.S. Coast Guard (USCG) and U.S. Citizenship and Immigration Service (USCIS).⁶¹ Each JTF is led by a Director capable of administratively compelling cooperation and coordination of the Department's capabilities to degrade transnational organized crime without impeding the lawful flow of people and commerce across the nation's borders.⁶² Much like the strategic environment after the NSA47, unity of effort is constrained because each of the organizational components preserved individual Executive Agency status under HSA02. While a step in the right direction, the Secretary's SBAC plan and internal memorandums further demonstrate the de-risking phenomenon by avoiding Congress to explore reorganization options external to §872. While the Secretary's effort to administratively align the Department under one mission shows great organizational agility, it does not ensure long-term, sustained change or a safer homeland.

Research identified another particularly paralyzing factor inhibiting sustained unity of effort. DHS does not have its own authorization legislation or appropriation measures. The authorization and appropriation process works in two sequential steps: first, the enactment of authorization legislation creates or continues a government agency or program and enables appropriations measures; then, enactment of appropriations measures provide funds for the authorized agency or program.⁶³ As one example, the JTFs were codified into law under a provision within the FY2017 National Defense Authorization Act (NDAA17), DoD's annual authorization legislation.⁶⁴ Although the NDAA17 codified the JTFs into law and established that the next Directors will be

Presidential Appointees, it failed to realign Executive Agent authority from current Executive Agencies to DHS and/or the JTFs. Enacting DHS authorization and appropriation legislation would increase Congressional oversight through fiscal accountability and broaden the Secretary's scope to align the Department to address the full spectrum of threats.

Mark Sauter and James Carafano, authors of *Homeland Security: A complete Guide*, acknowledge that "Homeland Security is a widely distributed and diverse—but unmistakable—national enterprise."⁶⁵ The evolving full threat spectrum, coupled with hasty product of legislative compromises, erodes DHS' competitive advantage required to ensure a safe and secure homeland that is resilient against new attacks and best able to deal with human and natural disasters. Today, President Donald Trump and Secretary John Kelly enjoy a favorable House and Senate majority prepared to enact governmental changes enabling the people, policies and processes (P3) needed to reform DHS.

Recommendations

The three case studies demonstrate the transformative path for DHS to move beyond collaboration and cooperation and into a fully integrated organization. In a Harvard Business School case study on the transformation within the U.S. Veterans Affairs Department, Huckman, Travers and Buell establish a strong correlation between organizational design and results. They cleverly advocate "if you don't like the results that you are getting, then you need to change the design of the organization."⁶⁶ The organizational design of DHS is preventing the Department from realizing its full potential. This paper offers three overarching recommendations, with subset recommendations, to inform Secretary Kelly's calculus for implementing change that will

evolve the homeland security enterprise: enact authorization legislation and appropriation measures; reorganize the Department; and, broaden succession leadership capabilities. All recommendations require partnership with the House and Senate Committees on Homeland Security to develop and codify them into law.

Enact Authorization Legislation and Appropriation Measures for DHS

The ends, ways and means of the Department are incomplete without the space and authority to execute. DHS does not have overarching authorization and appropriation legislation codifying its ability to function. Leadership should work with Congress using NDAA17 as a framework of United States law to create legally binding authorization and appropriation legislation, notionally titled *National Homeland Security Authorization Act of 2018* (NHSAA18). Authorization and appropriation legislation would allow Congressional leaders to prescribe the political objectives for the Department and provide an overarching framework to guide the evolution of homeland security enterprise.

Reorganize the Department of Homeland Security

Congressional and Departmental leadership should analyze GWN86 legislation through a 21st century homeland security lens as a framework to develop a comprehensive plan to reorganize DHS. Notionally named, *the [Michael] McCaul[Ron]–Johnson Department of Homeland Security Reorganization Act of 2018* (MJA18) should, at a minimum, address these strategic issues: broaden the scope of §872; secure DHS as the singular Executive Agency for all departmental activities; create one comprehensive border security agency; employ a Joint Staff model; and, empower the JTF Directors. These recommendations are not mutually exclusive and are one course

of action (COA), opposed to options within a COA, within MJA18. Failing to enact these recommendations as a COA will continue preventing unity of effort.

Broaden the Scope §872 within MJA18

It is recommended that the scope of §872 be broadened within MJA18 to create the space and flexibility necessary to reorganize the Department. All of DHS' components were established by statute and legal opinions have concluded that congressional legislation is required to create or abolish its components. Analysis of the DoD case studies compared to the current strategic environment of DHS suggests that unity of effort could be achieved through legislative intervention. It is worth mentioning that the restrictive scope of §872 does seem rational when viewed through a post 9/11 lens. However, fifteen years after the creation of DHS, §872 is paralyzing the organization's ability to evolve beyond the middle seam of the threat spectrum.

Secure DHS as the Executive Agent for All Departmental Activities

It is recommended that MJA18 specifically identify DHS as the Executive Agency for all departmental activities. Previous analysis of the DHS IG's report on interoperability and integration within the Department identified that several components—like CBP and ICE—retained Executive Agency status under HSA02. The lack of Executive Agent power substantially limits the Secretary's ability to align the ways and means of the Department to accomplish the mission. Therefore, MJA18 should designate the Secretary as the singular Executive Agent for all of DHS and withdraw the Executive Agent status from the components that possess it.

Create the Homeland Security Operations Agency (DHS OPS)

It is recommended that CBP and ICE be abolished within the MJA18 in favor of creating the notionally named *Homeland Security Operations Agency* (DHS OPS). Two

of the foremost academic contributions on DHS reorganization were written by Christine E. Wormuth, Senior Fellow, CSIS and Daniel M. Gerstein of the RAND (Research and Development) Corporation. Wormuth posits that the homeland security enterprise is remarkably complex, organizationally and politically, and cautions against simply applying GWN86 legislation, as is, to DHS.⁶⁷ Gerstein advocates DHS reorganization as preemptive action, opposed to a reaction to another visible crisis, to prevent the same drift DoD experienced between NSA47 and GWN86.⁶⁸ Therefore, leaders should use GWN86 as the framework to move beyond collaboration and cooperation between disparate agencies with divergent mission sets to fully integrate homeland security operations based under a unified Departmental mission.

Establish a Joint Executive Staff (JES) led by a Chairman of the JES

It is recommended that a notionally named Joint Executive Staff (JES), headed by a Chairman, be established within MJA18. It is also recommended that the CJES be the principal homeland security advisor to the Secretary of DHS, but not have direct-line access on an organizational chart to the President of the United States or the National Security Council or Advisors. It is recommended that the CJES be selected by the Secretary as the most qualified person among the executive leaders of the DHS components—[notional] DHS OPS, USCG and USCIS—with no deference given to time in service. Lastly, it is recommended that the legislative language allow for the politically appointed CJES to be a career employee of DHS or a civilian.⁶⁹

It is recommended that the Office of the CJES be operated by a Joint Staff (JS). The JS should be selected by the Chairman from a list of the best qualified candidates represented equally amongst the components. The Wormuth and Gerstein studies support that a JS model would enable a unified culture where leaders think corporately

about the homeland security enterprise, rather than about only their own individual components.⁷⁰

Empower the JTF Directors

As previously mentioned, the JTF Directors were codified into law under a provision of the NDAA17. Regardless, the NDAA17 does not empower them with the appropriations required to achieve their missions, respectively. Therefore, it is recommended that the JTF Directors be empowered to give authoritative direction to all components under their command to carry out the mission assigned to that command. It is also recommended that the JES be responsible for supplying the JTF Directors with trained and equipped forces to accomplish the mission under their command. Lastly, the JTF Directors should have direct-line access to the Secretary and dash-line access to the CJES as displayed on the Department's organization chart.

Abolish JTF-I and Relocate Its Supporting Function under the Geographic JTF Directors

It is recommended that JTF-I, the only function-based joint task force, be absolved and absorbed under the geographic JTF Directors. The recommendation to create DHS OPS would dismember JTF-I's command structure. Further, all of the investigative functionality already exist today under the purview of the geographic JTF Directors. Therefore, JTF-I's investigative function should be permanently relocated under the command of the geographic JTF Directors within MJA18. Finally, Figure 1 notionally illustrates this sections proposed changes in an Organization Chart.

Notional Department of Homeland Security Org Chart

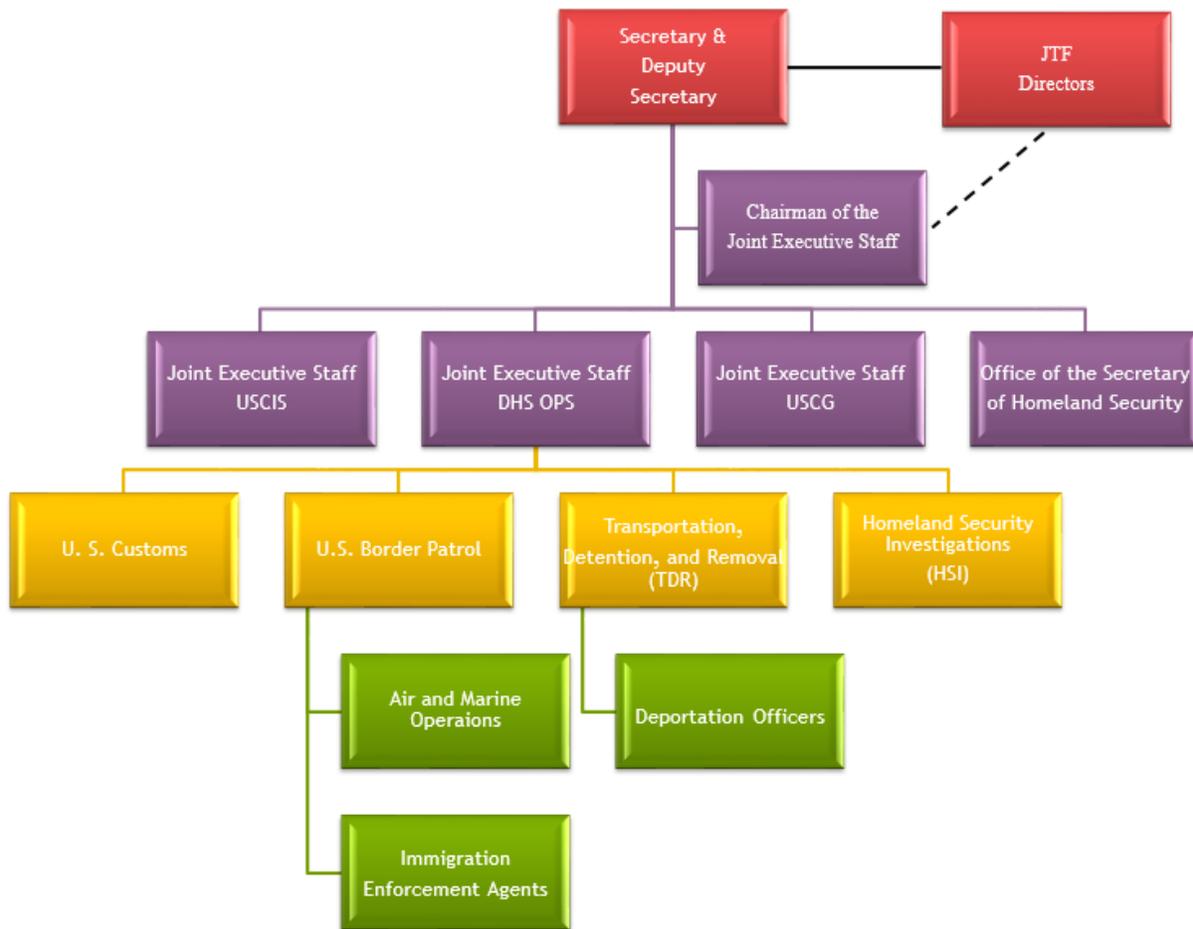


Figure 1. Notional Department of Homeland Security Org Chart

Developing Succession Leadership Capability

The principle objectives of developing DHS' succession leadership capability are to prepare individuals to lead joint forces and professionalize career leadership within the homeland security enterprise.⁷¹ There are countless worthwhile discussions that should occur regarding the full spectrum of leadership development for DHS employees, but the recommendations herein focus on employees positioned at the strategic-operational nexus opposed to the operational-tactical nexus. Comprehensive Departmental reform legislation should enable mid-level career employees to assume

command of joint operations within five years. This should not be considered an exhaustive list, but rather the impetus for a strategic conversation.

Joint Officer Management System

It is recommended that MJA18 mandate a Joint Officer Management System (JOMS) for DHS. In addition to time, developing a joint force requires comprehensive language that legislatively empowers and enables DHS leadership to capitalize on economy of force. Specifically, JOM should focus on the development and effective management of P3 that incentivize employee participation in the joint force environment.

Employee Education and Broadening Requirements for Joint Duty Promotion

It is recommended that DHS establish employee education and broadening requirements for all promotions at the strategic-operational nexus in DHS. Selections to General Schedule 15 (GS15) equivalent and appointments to Senior Executive Service (SES) positions within JOMS should be exclusively retained for those leaders who have successfully completed the appropriate professional education and broadening requirements set forth in MJA18. At a minimum, only those candidates who possess at least one Master's degree and one full year served in an officially designated joint duty assignment (JDA) billet should be considered for promotion to GS15. Further, only those who possess at least one Master's degree and no less than two years served in a JDA should be considered for SES candidacy. In order to properly incentivize education and JDAs, it is recommended that legislation specifically disallow exceptions or waivers to the requirements for a period of at least five years. Reviews and updates to the requirement process should be suspended until after the notional NHSAA23.

It is recommended that the Secretary design joint homeland security education curriculum to enhance the development of future leaders. In the interim, it is recommended that DHS more aggressively deploy future leaders to Joint Military Education Schools (JMES) to maximize exposure to joint environments. Additionally, it is recommended that DHS develop a key homeland security strategic issues list, or KHSSIL, from which the JMES students must conduct their graduate level research and thesis'. The KHSSIL would allow the Secretary to apply academic rigor to long term strategic issues while increasing the institutional knowledge of future leaders. Finally, DHS should prioritize placement of JMES graduates into JDAs immediately post-graduation. Prioritizing placement incentivizes education and clearly creates the path to strategic leadership positions.

A career progression model for DHS employees should include broadening opportunities. Broadening is defined as departmental positions that provide exposure to experiences outside the officer's core agency or functional area competencies.⁷² Examples of broadening include, but are not limited to, writing DHS doctrine to civilian-based fellowships to White House and Congressional fellowships. Leader exposure to broadening opportunities reinforces a unified culture where leaders think corporately about the homeland security enterprise. It is recommended that DHS commission a Federally Funded Research and Development Center (FFRDC) study to assess the feasibility and risks associated with broadening and how such opportunities could be exploited. DHS should include the FFRDC's recommendation(s) in the proposed MJA18.

Creating a JOM and incentivizing professional education and broadening experiences through legislation are steps in the right direction allowing DHS leadership to capitalize on economy of force. Senge noted organizations become learning organizations when "...people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspirations are set free and where people are continually learning how to learn together."⁷³ Broadening the aperture for joint force leadership development ensures that the next generation of senior leaders will possess the knowledge and experience necessary to best serve the people of the Department.

Conclusion

The NSA47, GWN86 and HSA02 case studies illustrate the complexities of effectively managing large, causally complex and constantly changing organizations. Changing the design of the organization while building succession leadership capabilities fundamentally neutralize the Department's asymmetric disadvantage against its adversaries. The framework exists to create the space necessary for the Secretary, in concert with Congress, to address the paralytic constraints that are preventing unity of effort. The recommendations are tools that the Secretary can utilize to develop a broader, more risk-adaptive strategy to minimize the effects of ambiguously loitering in the middle seam of the 21st century spectrum where the threats are not so easily definable.

The evolution of DHS in many ways mirrors the evolution of DoD; in the end, lessons were lost and traditions are winning. President John F. Kennedy once said "the greatest enemy of the truth is very often not the lie—deliberate, contrived, and dishonest—but the myth—persistent, persuasive, and unrealistic."⁷⁴ DHS leadership

under the Obama Administration allowed decision-making devoid of risk to be the enemy of the truth while promoting the myth that the Department is unified. If history indeed rhymes, how many more visible crises are required for legislative intervention to suspend DHS's strategic drift? Today, the political environment is ripe for change and Congress should enact comprehensive reform legislation allowing DHS to reorganize its structure and broaden its leadership succession capability to achieve the mission.

Endnotes

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¹⁸ Pub. L. No. 80-253, Title II, Sec 202(a), 61 stat., 500; Lederman, *Reorganizing the Joint Chiefs of Staff: The Goldwater-Nichols Act of 1986*, 14.

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for Domestic Preparedness; Federal Emergency Management Agency; Strategic National Stockpile and the National Disaster Medical System; Nuclear Incident Response Team; Domestic Emergency Support Team; National Domestic Preparedness Office; Chemical, Biological, Radiological, and Nuclear Countermeasures Program; Environmental Measurement Laboratory; National BW Defense Analysis Center; Plum Island Animal Disease Center; Federal Computer Incident Response Center; National Communication System; National Infrastructure Protection Center; Energy Security and Assurance Program; Secret Service; and U.S. Coast Guard.

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