

Testimony of James R. Thompson
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Mr. Chairman and members of the committee. Thank you for the opportunity to testify before you on the topic of interagency national security reform and on how to promote greater interagency collaboration or “jointness” among agencies with national security missions. Inadequate levels of interagency collaboration have been identified as contributing to the failure of the government to apprehend the so-called Christmas bomber prior to his attempt to detonate an explosive on a civilian aircraft last Christmas Eve as well as to the shortcomings in agency performance in the 911 terrorist incident, Hurricane Katrina and the reconstruction of Iraq.

Recent discussion on how to promote greater cooperation and communication between agencies has centered on “joint duty”-like programs whereby executives accept temporary assignments in agencies with related missions. The idea is borrowed from the Goldwater-Nichols Act of 1986 which is credited with inducing high levels of cooperation among the armed services that contributed to successes achieved in the Gulf War and the invasion of Afghanistan and Iraq. The intent is that by emulating the military’s joint duty program, civilian executives will gain knowledge of the work practices, cultures and personalities of sister agencies which can facilitate long-term operational collaboration.

To date, the only formal civilian joint duty program is that created within the Intelligence Community as a consequence of the 911 commission and the Intelligence Reform and Terrorism Protection Act of 2004. Under the provisions of that program, as of October 2010, service in another intelligence agency will become a precondition for receiving an assignment to an executive-level position within the IC.

The balance of my testimony will focus on, 1) the lessons that the broader national security community can draw from the experience of the IC’s joint duty program to date, 2) suggestions on how the national security community including this committee can proceed to foster greater jointness among its members. Information on the IC’s experience is drawn from data gathered by my colleague, Rob Seidner and I for a 2009 report issued by the IBM Center for the Business of Government entitled, “Federated Human Resource Management in the Federal Government: The Intelligence Community Model.”

One of the lessons drawn from the IC’s experience with joint duty has to do with the highly collaborative process by which the program was designed. As a consequence of the ambiguous

authority provided the DNI under IRTPA, the DNI did not have the option of simply imposing a program on the other intelligence units community. Rather lengthy negotiations took place between ODNI and the agencies over how a joint duty program would work. The result was a “treaty” whereby each of the 17 agencies agreed to voluntarily abide by the agreed-upon provisions. The discussions provided a venue for give and take among the agencies such that a very high level of buy-in among the agencies was achieved and acceptance of the program seems firmly anchored both at the deputy and chief human capital officer levels within the IC. A danger however is that given the purely voluntary nature of the participation, any agency can, with appropriate notice to the DNI, withdraw from program.

A critical test for the program will come over the waiver provision. Under the terms of the joint duty program as agreed to by the agencies, only the DNI and the Under Secretary of Defense for Intelligence can issue waivers from the joint duty requirement. However, section 1018 of IRPTA states that the DNI cannot trespass on the authority of a cabinet secretary for example with regard to SES-level appointments. Thus an agency head would be within his/her legal rights to waive the joint duty requirement for an SES-level position within the agency even though such a waiver would abrogate the inter-agency agreement. A conclusion therefore is that while the DNI’s lack of line authority over the other intelligence units helped promote collaboration and buy-in, that same lack of authority leaves the program vulnerable to actions that put agency priorities ahead of community priorities. Clarification by Congress of the DNI’s role, for example by giving the DNI exclusive authority to waive the joint duty requirement could strengthen the program.

A second lesson that can be learned from the Intelligence Community’s experience is that the necessary human resources infrastructure needs to be in place prior to joint duty implementation. For example, officials will be loathe to engage in joint duty assignments if their pay and/or promotion potential will suffer as a result. The Intelligence Community spent a great deal of time and effort designing a common human resources framework including both performance management and compensation elements. As a result, when an individual goes on a joint duty assignment, s/he knows that his/her performance will be assessed according to the same performance elements, using the same rating levels and according to same performance management cycle regardless of where within the IC s/he serves.

The IC also collectively designed the National Intelligence Civilian Compensation Program whereby the agencies agreed to a common set of compensation rules. In our report we describe this as a “federated” system within which agencies are allowed some degree of design flexibility within a common compensation framework. With this, and with the common competency framework which has been developed, jobs across the IC are defined and paid in the same terms and transfers across agencies lines can occur in a relatively seamless manner.

As the committee contemplates actions that can contribute to the exchange of executives as a means of achieving high levels of collaboration within the national security community, attention should be paid to promoting compatible performance management and compensation systems.

A third lesson from the IC's experience with joint duty relates to training. The ODNI recognized early in the process the importance of training as a means of mitigating parochial attitudes on the part of intelligence officials. ODNI has initiated a Joint Leadership Development Program whereby all new employees, all new senior executives as well as mid-career officials from across the community participate in joint leadership training. The intent is that the training itself promote jointness as a means of mission fulfillment. There is also a recognition that simply proximity, as these officials from different agencies take classes together, can facilitate communication and collaboration. This training is provided by ODNI as part of the National Intelligence University and thus the content is controlled by ODNI which has a strong stake in promoting jointness. As the committee looks at promoting interagency collaboration within the national security more broadly, collective training opportunities should be given priority.

To conclude, I would like to offer some general observations about obstacles that currently exist to collaboration at executive levels within the government. The original vision of the SES was of a corps of generalists whose managerial abilities and training would enable qualify them to accept assignments across the government. However, as a result of the "stovepiped" nature of the federal bureaucracy, the vast majority of SES members spend their executive careers in a single agency. An alternative model would be to treat the SES as a corporate asset and to manage this asset accordingly. This implies that key SES slots would be assigned centrally rather than at the agency level.

The Security Professional Development Executive Steering Committee (SPDESC) created by E.O. 13434 and chaired by the Director of the Office of Personnel Management could serve such a purpose within the national security community. Agencies represented on the committee would still have a say in these appointments. However, community considerations would trump agency considerations in case of disagreements. Importantly, the loyalty of the participants would be to the community rather than to a specific agency and strong incentives for collaboration would be thereby created.