

ISSUE BRIEF

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Reforming DHS: Missed Opportunity Calls for Congress to Intervene

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Late last year, President Barack Obama announced that the Department of Homeland Security (DHS) would provide work authorization and protection from deportation to as many as 5 million unlawful immigrants. One of the side effects of that announcement is the distraction syndrome. In government, senior leadership focus on, at most, two or three issues at a time. When something as massive in scope and as controversial in nature as the immigration deferral is undertaken, it necessarily sucks all the air out of other initiatives and results in the harmful redirection of attention and resources from other pressing homeland security issues. In order to implement the President's sweeping order, DHS Secretary Jeh Johnson and other leaders at DHS will simply not have the time, money, or manpower to make important reforms to these other areas of critical importance. It falls to Congress to correct these misplaced priorities.

A serious problem at DHS is its management structure. For too long DHS has been characterized by disorganization, low morale, and a lack of clear lines of authority. It is time to fix the problem, lest Americans continue to be saddled with a dysfunctional agency. It is in everyone's best interest that DHS work as it was advertised, and it is *past* time for reform.

DHS Challenges

By any measure, DHS faces a number of challenges that it has yet to adequately address. DHS has been given a difficult mission and it has not yet been able to achieve the synergies required to carry out that mission. Some of the constraints are internal to the department, some are external. Whatever their source, they need to be addressed.

Americans should consider, first, the limitations imposed on DHS's capabilities by its failure to fully integrate the department's management structure. The Government Accountability Office (GAO) has characterized them this way:

While challenges remain for DHS to address across its range of missions, the department has made considerable progress in transforming its original component agencies into a single cabinet-level department and positioning itself to achieve its full potential. Important strides have also been made in strengthening the department's management functions and in integrating those functions across the department, particularly in recent years. However, continued progress is needed in order to mitigate the risks that management weaknesses pose to mission accomplishment and the efficient and effective use of the department's resources. In particular, the department needs to demonstrate continued progress in implementing and strengthening key management initiatives and addressing corrective actions and outcomes.¹

This paper, in its entirety, can be found at
<http://report.heritage.org/ib4336>

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Thus, for example,

because of acquisition management challenges, some currently deployed technologies were not appropriately tested and evaluated or do not meet intended requirements, such as Advanced Imaging Technology and explosives detection systems. Additionally, DHS does not have modernized financial management systems, affecting its ability to have ready access to reliable information for informed decision making. Further, human capital management challenges at DHS's Federal Protective Service, such as the lack of assurance that its contract guards received the training and certifications required to stand post at federal facilities, hampered the agency's ability to protect federal facilities.²

To put it in broader terms, of the 31 key actions and outcomes identified by the GAO as management challenges in 2010, as of December 2014 only six have been fully addressed by the department. Of the remaining, 16 are only partially addressed and seven more of the critical areas of concern have barely had remedial action "initiated."

The management weaknesses identified by the GAO have real-world operational effects. As he departed the Senate, longtime homeland security committee member Senator Tom Coburn (R-OK), identified several operational failures that are partially the result of management weaknesses. These include:

- DHS spent \$50 billion over the past 11 years on counterterrorism programs, including homeland security grants and other anti-terror initiatives, but the department cannot demonstrate that the nation is more secure as a result.
- As of December 2014, 700 miles of the southern border remain unsecured.
- DHS is not effectively administering or enforcing the nation's immigration laws, and only three in 100 illegal border crossers will ever be deported.
- DHS spends more than \$700 million annually to lead the federal government's efforts on cybersecurity, but struggles to protect itself, and cannot protect federal and civilian networks, from the most serious cyber attacks.
- DHS has spent \$170 billion in response to natural disasters since 2002, in part because of an increased federal role in which the costs of small storms are declared spending for "major disasters."³

Meanwhile, the consequences of weak management at DHS have taken a toll on the staff. Morale at DHS has cratered.⁴ A cautionary tale is the level of morale at the National Protection and Programs Directorate (NPPD), which handles most critical-infrastructure and cyber-protection duties in DHS. In 2014, the NPPD was ranked 308 of 315 subcomponents in the federal government.⁵ Pay was not the central issue—it was the lack of leadership, training, and performance-based rewards. Nor is the NPPD unique at DHS. Indeed, seven of the 15 lowest-ranked subcomponents to work for in the federal government are within DHS—including the Office of the Secretary and the Management Directorate. The three worst subcomponents are in DHS: Intelligence & Analysis, Immigrations and Customs Enforcement, and Science & Technology. DHS is also rated the worst large agency to work for (number 19 of 19), well behind the second-worst agency, the Veterans Administration.

1. U.S. Government Accountability Office, "Strengthening Department of Homeland Security Management Functions," GAO-13-283, February 14, 2013, http://www.gao.gov/highrisk/strengthening_homeland_security/why_did_study (accessed January 22, 2015).

2. Ibid.

3. U.S. Senate Committee on Homeland Security and Governmental Affairs, "Final Coburn Oversight Reform Finds Major Problems in DHS," U.S. Senate Committee on HSGAC, January 3, 2015, www.hsgac.senate.gov/download/?id=B92B8382 (accessed January 22, 2015).

4. Josh Hicks, "Morale is Abysmal at Homeland Security: Here's What the Agency Is Doing about It," *The Washington Post*, December 9, 2014, <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/12/09/morale-is-abysmal-at-homeland-security-heres-what-the-agency-plans-to-do/> (accessed January 22, 2015), and Jerry Markon, "DHS Morale Sinks Further Despite New Leadership at the Top, Survey Shows," *The Washington Post*, October 10, 2014, <http://www.washingtonpost.com/blogs/federal-eye/wp/2014/10/10/dhs-morale-problems-grow-worse-during-secretary-johnsons-brief-tenure/> (accessed January 22, 2015).

5. Partnership for Public Service, "The Best Places to Work in the Federal Government: National Protection and Programs Directorate (DHS)," 2015, <http://bestplacetowork.org/BPTW/rankings/detail/HS20> (accessed January 22, 2015).

Finally, no summary of the management problems at DHS would be complete without laying at least some of the blame at Congress's doorstep. As a recent report by the Aspen Institute makes clear,⁶ Congress has created a dysfunctional oversight system that hampers effective management of the department. A wide array of groups have echoed that concern, using descriptions like "balkanized and dysfunctional";⁷ "jurisdiction...carved up to accommodate antiquated committee structures";⁸ "duplicative and wasteful";⁹ and a "crushing ... failure."¹⁰ In the past, The Heritage Foundation has, accurately, called the system "byzantine."¹¹

Fixing the Problem

To reform DHS, Congress and DHS itself should:

- **Prioritize high-risk areas of concern.** As noted, in September 2010, the GAO identified 31 actions and outcomes that are critical to addressing the challenges within DHS's management areas and in integrating those functions across the department. None of these are in the least bit "sexy" in the same way that operational activities are, but all of them are vital to an effective department. They include challenges with acqui-

sition, information technology, and financial and human capital management that have resulted in performance problems and mission delays.

- **Focus on high-level managerial engagement.** The Secretary, Deputy Secretary, and Under Secretary for Management of Homeland Security must give daily evidence of their support for addressing the department's management challenges. Some progress has, in fact, been made for institutionalizing managerial control,¹² but as the fact that 23 of 31 critical areas remain substantially unaddressed demonstrates, more improvement is needed. DHS should also empower the Policy Department to help the Secretary drive organizational reforms.¹³ If DHS is unable to centralize management authority, Congress should act to reform the department.
- **Streamline congressional oversight.** Finally, DHS needs to invest resources in the education and persuasion of Congress so that oversight of the department is suitably streamlined. As the Aspen Institute put it, "DHS should have an oversight structure that resembles the one governing other critical departments, such as Defense and

6. The Aspen Institute Justice & Society Program, "Task Force Report on Streamlining and Consolidating Congressional Oversight of the U.S. Department of Homeland Security," September 2013, <http://www.aspeninstitute.org/sites/default/files/content/docs/pubs/Sunnylands%20report%2009-11-13.pdf> (accessed January 22, 2015).

7. CSIS-BENS Task Force on Congressional Oversight of the Department of Homeland Security, "Untangling the Web: Congressional Oversight and the Department of Homeland Security," Center for Security and International Studies/Business Executive for National Security (CSIS-BENS) *White Paper*, December 10, 2004, http://csis.org/files/media/csisis/events/041210_dhs_tf_whitepaper.pdf (accessed January 26, 2015).

8. "ICYMI: Homeland Security Experts Call for Reform of Congressional Oversight of DHS," Bipartisan Policy Center, May 21, 2014, <http://bipartisanpolicy.org/blog/experts-reform-congressional-oversight-dhs/> (accessed January 26, 2015).

9. Homeland Security Policy Institute/Center for Cyber and Homeland Security as quoted in The Aspen Institute, "Task Force Report on Streamlining and Consolidating Congressional Oversight."

10. Norman J. Ornstein and Thomas E. Mann, "When Congress Checks Out," Brookings Institution, November/December 2006, <http://www.brookings.edu/research/opinions/2006/11/01governance-mann> (accessed January 26, 2015).

11. Jessica Zuckerman, "Politics Over Security: Homeland Security Congressional Oversight In Dire Need of Reform," Heritage Foundation *Issue Brief* No. 3722, September 10, 2012, <http://www.heritage.org/research/reports/2012/09/homeland-security-congressional-oversight-in-dire-need-of-reform>, and Paul Rosenzweig, Jena Baker McNeill, and James Jay Carafano, "Stopping the Chaos: A Proposal for Reorganization of Congressional Oversight of the Department of Homeland Security," Heritage Foundation *WebMemo* No. 3046, November 4, 2010, <http://www.heritage.org/research/reports/2010/11/stopping-the-chaos-a-proposal-for-reorganization-of-congressional-oversight-of-dhs>.

12. For example, in May 2012, the Secretary of Homeland Security modified the delegations of authority between the Management Directorate and its counterparts at the component level to clarify and strengthen the authorities of the Under Secretary for Management across the department.

13. James Jay Carafano, Jessica Zuckerman, Matt A. Mayer, Paul Rosenzweig, and Brian Slattery, "The Second Quadrennial Homeland Security Review: Setting Priorities for the Next Four Years," Heritage Foundation *Backgrounder* No. 2766, February 12, 2013, <http://www.heritage.org/research/reports/2013/02/the-second-quadrennial-homeland-security-review-setting-priorities-for-the-next-four-years>.

Justice.” In other words, there should be a principal single committee that has primary jurisdiction over DHS legislation as well as principal responsibility for overseeing implementation.

Better Priorities for Homeland Security

In defending and justifying the President’s executive action on immigration, Secretary Johnson talked about the need to prioritize scarce resources for immigration enforcement. With DHS’s leadership now focused on implementing and defending the executive action, it has implicitly prioritized the President’s executive action over other important homeland security issues. With scarce time and resources to undertake other meaningful reforms, all Americans are at risk as important reforms are left behind.

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