

A Report by a Panel of the

NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

for the U.S. Congress and the Department of Homeland Security



ADDRESSING THE *2009*
PRESIDENTIAL TRANSITION
at the Department of Homeland Security

2008

National Academy of
Public Administration®



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June 2008

**Addressing the 2009 Presidential
Transition at the Department of
Homeland Security**

Panel

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FOREWORD

Since the terrorist attacks of September 11, 2001 and the subsequent creation of the U.S. Department of Homeland Security (DHS), the United States has made significant progress in the fight against terrorism, both at home and abroad. These efforts have continued to evolve as the Nation has adapted to new threats and new realities. The intelligence community's 2007 National Intelligence Estimate concludes that "the U.S. Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities."¹ Over roughly the last year, terrorist plots were disrupted in Great Britain, Denmark, Germany and Spain, as well as Fort Dix, New Jersey, John F. Kennedy Airport and elsewhere.

Evidence suggests that terrorists seek opportunities to take advantage of real or perceived weaknesses in our ability to detect, deter, prevent or respond to attacks and that they view elections and political transitions as periods of increased vulnerability. Terrorists may perceive the 3 to 6 months preceding and following a U.S. national election as a period of opportunity. Extended vacancies in political positions and changes in leadership in key DHS operating units—particularly when combined with terrorist motives to affect the outcome of the election or the success of the newly elected administration—could substantially increase the risk that a terrorist attack will be attempted in the United States.

This means that at any given point—during the general election contest, the period between the election and inauguration, and immediately following the inauguration—the President must have in place a cadre of leaders and advisors whom he or she trusts and who:

- Are politically empowered to act.
- Can fully grasp the significance of the available intelligence.
- Have the experience and mettle necessary to act on that intelligence.
- Are intimately familiar with the National Response Framework and the roles and responsibilities of the many players.
- Have established relationships with relevant private sector partners and government officials (both career and political) in their own department, in other federal departments, at the State and local level, and internationally who will need to mobilize resources to prevent or respond to a terrorist attack.

Having these foundations established and experience in place cannot be imparted by a briefing book; there will be no time for "on-the-job" training.

¹ Director of National Intelligence, *National Intelligence Estimate: The Terrorist Threat to the U.S. Homeland*. July 2007 at http://www.dni.gov/press_releases/20070717_release.pdf.


Imagine, for example, a terrorist attack on the New York City subway system similar to or even worse than the 2005 London attacks—explosive devices set off almost simultaneously in multiple locations underground, with large numbers of casualties, extensive and prolonged infrastructure disruption, including massive power outages and telecommunications disruption, and intelligence that suggests additional attacks could be planned. Now imagine that this occurs on January 20, 2009. Will the President’s new National Security Team, including the Secretary of Homeland Security, be prepared to trust the judgment of the career officials who seek approval to work with officials across the region or Nation to shut down airports, move troops onto city streets, or ban trucks from the tunnels and bridges that connect the city to the goods that are critical to daily life? Will minutes or days be lost to the process of understanding the full range of options available before decisive actions are taken?

While the focus, thus far, has been largely on the risk of terrorism, it is equally important that the Federal government is prepared to respond immediately to natural disasters. Like terrorists, Mother Nature cares little about our desire for a calm, orderly Presidential transition. A massive earthquake in San Francisco could cause uncontrollable fires, create gigantic plumes of toxic smoke, shut down both Oakland and San Francisco International Airports, and result in thousands of fatalities. DHS leadership must be prepared and able immediately to identify and prioritize the decisions that must be made, make those decisions, and mobilize and coordinate the deployment of resources across the Federal government—in Defense, Transportation, Housing, Treasury, and elsewhere—as well as supporting the efforts of State and local governments and the private sector.

The Academy Panel has made a number of important recommendations to help DHS with the upcoming Presidential transition. This report aligns recommended strategies with key events—the political conventions, the election, the inauguration and beyond. Identifying and filling critical positions, training new executives and working aggressively to get the next President’s homeland security team in place are vital steps that need to be taken. To succeed in these efforts, DHS also will need the support of Congress and the White House.

The Panel also focuses on two issues that, left unresolved, will continue to make it difficult for DHS to fulfill its mission. First, the Panel believes that there is more work to do to overcome resistance to DHS headquarters’ role in integrating the work of the individual components. This was one of the founding goals for the department. Second, the Panel notes the problems created for DHS by the multiple congressional oversight committees to which it reports. The Panel found that this oversight has stretched DHS resources, made it difficult to enact important legislation and created a potential for policy disarray.

The Academy was pleased to undertake this study. I would like to thank the Academy Fellows who served on the Panel; their insights and guidance were excellent. I also want to thank DHS executives and other stakeholders for their time and cooperation. Finally, I extend my appreciation to the study team for its hard work in producing this important and timely report.

A handwritten signature in dark ink, reading "Jennifer Dorn". The signature is fluid and cursive, with a large initial "J" and a long, sweeping underline.

Jennifer L. Dorn
President
National Academy of Public Administration

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ACRONYMS

2SR	Second Stage Review
Academy	National Academy of Public Administration
ATTF	Administration Transition Task Force
CBP	United States Customs and Border Protection
CIS	United States Citizenship and Immigration Services
CSIS	Center for Strategic and International Studies
DEA	Drug Enforcement Administration
DHS	United States Department of Homeland Security
DoD	United States Department of Defense
DSO	Deputy Secretary for Operations
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
GAO	Government Accountability Office
GSA	General Services Administration
HHS	United States Department of Health and Human Services
HSAC	Homeland Security Advisory Council
HSC	Homeland Security Council
HSPD	Homeland Security Presidential Directive
ICE	United States Immigration and Customs Enforcement
ICS	Incident Command System
IG	Inspector General
IPA	Intergovernmental Personnel Act
NIMS	National Incident Management System
NPPD	National Protection and Programs Directorate
NRF	National Response Framework
NRP	National Response Plan
NSC	National Security Council
OMB	Office of Management and Budget
OPM	Office of Personnel Management
PA	Presidential Appointment
PAS	Presidential Appointment Requiring Senate Confirmation
SAC	Special Agent in Charge
SES	Senior Executive Service
SL	Senior Level Executive
ST	Scientific/Professional Executive
TSA	Transportation Security Administration
TSES	Transportation Security Senior Executive Service
USCG	United States Coast Guard
USSS	United States Secret Service

EXECUTIVE SUMMARY

The U.S. Department of Homeland Security (DHS) was created in January 2003 to prepare for and respond to national emergencies, with an emphasis on preventing terrorist attacks. The largest federal reorganization since the creation of the U.S. Department of Defense in the late 1940s, DHS' establishment brought together 22 separate agencies and more than 200,000 employees to form the third largest agency in government. Melding the efforts of these wide-ranging and disparate organizations into an integrated and comprehensive approach to homeland security was the new department's stated goal.

Since its founding, DHS has undergone continuous change; it has built new organizations from the ground up, undertaken two major departmentwide reorganizations and absorbed new or expanded responsibilities that were not part of its original charter. The department also has been the focus of enormous public scrutiny, either because of its highly visible responsibilities—witness recent efforts to secure the southern border with Mexico—or due to a major mission breakdown, such as the response to Hurricane Katrina in 2005. The perception of the department and its ability to protect the homeland is poor, as demonstrated by surveys of both the public and DHS employees. This continuously changing environment, coupled with major ongoing operational responsibilities, has provided DHS leaders with a continuous “white water” management environment. With the 2008 Presidential election on the horizon, DHS leadership is about to turn over responsibility for managing this complex and challenging organization to a new team.

Recent history demonstrates that political transitions present an opportunity for terrorists to take advantage of real or perceived weaknesses in a nation's ability to detect, deter, prevent or respond to attacks. The final report of the National Commission on Terrorist Attacks upon the United States (9/11 Commission) raised concerns about the impact of future transitions on the government's ability to deal with terrorism. Due partly to the delayed resolution of the 2000 election, the incoming Bush administration did not have its deputy Cabinet officials in place until Spring 2001 or its sub-Cabinet officials in place until that summer. Historically, getting the Presidential team in position has been a slow process. The Commission strongly pushed for changes to the process so that the Nation is not left vulnerable to these types of delays in a post-9/11 world, particularly at DHS which soon will face its first Presidential transition.

With a forthcoming Presidential change on the horizon and concern that a departure of significant members of DHS' leadership team could further reduce the department's capabilities, congressional leaders thought it prudent to review DHS' senior staffing structure and composition, as well as assess and benchmark senior career training and development programs; these leaders were “concerned that the department and its components will not be able to function effectively when the change in administration occurs in 2009.”² Congress and DHS asked the National Academy of Public Administration (Academy) to look at these issues and provide guidance. This report is the result of the request. Chapter 6 details the Academy Panel's recommendations and a suggested timeline for implementation.

² Senate Report 110-37.

This study has focused on DHS' senior leadership cadre—political appointees and career civil servants—and the department's existing and anticipated plans to make the transition go smoothly. In addition to an extensive review of reports and data from DHS and outside sources, the study team interviewed 81 individuals representing each of DHS' major components, individuals with broad government experience at all levels and others from the private sector and academia with homeland security perspectives.

To provide helpful and practical guidance to DHS, the Panel proposes that the department take the following steps tailored to Presidential transition timeframes. Specifically:

- Now until this summer's national party conventions. Focus on quickly completing, updating and executing its transition plans; identify key operational executive positions; ensure that training and joint exercises are begun; and implement the hiring and training proposal in this report.
- From the national party conventions to the election. Consistent with the recommendations of the 9/11 Commission and "Sense of the Senate" provisions, work with Executive Branch agencies and Congress to reach out to the Presidential candidates to identify potential homeland security transition team members and help them obtain security clearances by Election Day.
- From the election to the inauguration. Work with the incoming administration, the Executive Branch and Congress to ensure that the new Secretary of Homeland Security is sworn in on Inauguration Day; that key executives are identified and voted on by the Senate as quickly as possible, recognizing that any day a critical position is vacant is a "gap" in our homeland security coverage; and that transition training and joint exercises are provided to executive appointees and nominees.
- Following Inauguration Day. Continue training of new appointees, nominees and careerists to build trust and operational performance, and reexamine current executive positions and allocations to support administration priorities. Within the first six months of the new administration, conduct a "capstone" scenario exercise to evaluate the effectiveness of transition planning, training and overall operational readiness.

The Panel also has overall observations that are important for framing the results of this study:

- The Panel has heard or reviewed many observations about DHS executive staffing, specifically that the department has too many senior executives and/or has too high a ratio of political appointees to career executives. No entity has provided a formula or guidelines for the specific optimum number of executives or political appointees in an agency, using agency size as measured by either staffing or budget. However, the Panel concludes that the total number of DHS executives and the percentage of political appointees are well within the norms of other Cabinet-level agencies. However, DHS must shift more executives to field locations in immigration and border management agencies and change non-career deputy officials, FEMA regional administrators and other officials to career executives.

Concern about the nation’s vulnerability during a Presidential transition stems from the potential for leadership gaps in the transition of DHS senior leadership, compromising the department’s ability to respond to an attack. There are several important elements to consider in this regard:

- Given that operational chains of command for DHS components will remain largely intact during the transition, the components’ ability to respond to crises should not be seriously compromised *on an individual agency basis*. These agencies should be able to meet their mission responsibilities with the same degree of competence as during a non-transition period. If the crisis involves the coordination of multiple DHS components, however, the absence of key headquarters leaders could significantly increase the risk of DHS and other agencies not being able to respond appropriately.
- The Secretary of Homeland Security is the principal federal official for domestic incident management and responsible for coordinating federal operations and response to terrorist attacks, major disasters and other emergencies. Coordination with other federal agencies, state and local governments, and the private sector is a critical DHS responsibility. Leadership gaps from one leadership cadre to the next could be very problematic if an incident occurs during the transition period.
- A loss of public confidence in DHS could result should a homeland security crisis take place when senior leadership is not completely in place or fully prepared.

This report and others have strongly urged DHS to take certain steps to provide a “seamless transition” from one leadership cadre to the next. The Panel was pleased to note that the department has taken some steps to help it to be well positioned for the transition. However, there remain important areas that must be addressed if the department is to be completely prepared. To the greatest extent possible, incoming DHS leadership—including the Secretary and key staff—must be in place on Inauguration Day or shortly thereafter. This requires the support and cooperation of other federal agencies with background check and clearance responsibilities, as well as the Congress given its confirmation role and responsibilities.

It is not surprising that DHS has not fully achieved its intended role—providing an integrated and comprehensive approach to homeland security—given the sheer scope of its mission and the difficulties it has faced since its founding in 2003. The Panel believes that the department’s key components still largely operate as “stand alone” entities, although important steps are being taken at headquarters and in the field to improve intra-departmental coordination and collaboration. However, to the extent that components operate independently in areas that call for a more collaborative approach, DHS operational efficiency or effectiveness will suffer and its stated objectives will remain out of reach. This reality will provide a major challenge for the leadership team appointed by the next President.

Exhibit 1 shows the Academy Panel recommendations which are discussed in greater detail in Chapter 6.

Exhibit 1: Academy Panel Recommendations for a Comprehensive Transition Program

Pre-Conventions <i>Now until Sept 4</i>			Pre-Election <i>Sept 4 to Nov 4</i>			Election to Inauguration <i>Nov 5 to Jan 20</i>			Post-Inauguration <i>Jan 20-forward</i>		
<i>May</i>	<i>June</i>	<i>July</i>	<i>Aug</i>	<i>Sept</i>	<i>Oct</i>	<i>Nov</i>	<i>Dec</i>	<i>Jan</i>	<i>Feb</i>	<i>Mar</i>	
DHS should: 1. Appoint full-time transition director 2. Develop a comprehensive transition plan 3. Enhance current transition initiatives 4. Identify all critical non-career executive positions 5. Ensure qualified executives temporarily fill all critical vacated positions 6. Develop a transition training plan with objectives, time frames, participants and resources 7. Implement training for career executives to serve in new roles during transition 8. Collaborate and share training with other Federal departments 9. Develop and implement training evaluation plan 10. Ensure SES allocations consider need for executives in field 11. Fill more FEMA positions with career executives 12. Fill vacant SES positions quickly			13. Executive Branch should reach out to Presidential candidates to name potential homeland security transition team by September to facilitate clearances by the election 14. DHS should work with relevant agencies to secure prompt security clearances for all transition team officials			15. President-elect should quickly designate, and Congress should vet and consider DHS Secretary; swear in on Inauguration Day 16. President-elect should identify appointees to critical PAS positions by December, and Congress should begin to vet and consider nominees 17. DHS should conduct training for potential executive appointees 18. DHS should plan a comprehensive scenario exercise with Federal, State, local and private sector partners			DHS should: 19. Continue joint training and operational exercises with career and non-career executives 20. Conduct an early comprehensive scenario exercise 21. Fill all deputy positions, various FEMA positions, and other key positions with career executives 22. Work with Congress to consider converting certain PAS positions to statutory term appointments		

CHAPTER 1

INTRODUCTION

The ability of the government to carry out its primary function of responding to the wishes of its citizens through executing the laws depends crucially on capable civil servants. And the effectiveness of these civil servants in the Executive Branch is intimately linked with the quality of the leadership of the executive branch, that is, Presidential appointees.

James P. Pfiffner, Professor
School of Public Policy, George Mason University

ORIGINS AND PURPOSE OF THIS STUDY

The responsibilities of the U.S. Department of Homeland Security (DHS) are among the most vital in government. The legislation creating the department charges it to:

- Prevent terrorist attacks within the United States.
- Reduce the vulnerability of the United States to terrorism.
- Minimize the damage, and assist in the recovery, from terrorist attacks that occur within the United States.
- Carry out the functions of entities transferred to the department, including by acting as a focal point regarding natural and manmade crises and emergency planning.³

As detailed in Chapter 2 of this report, the President also designated the Secretary of Homeland Security as the principal federal official responsible for domestic incident management and coordination to prepare for, respond to and recover from terrorist attacks, major disasters and other emergencies within the United States.⁴

In establishing DHS, Congress appreciated the difficulties of an undertaking of this magnitude and significance. The reality and severity of the threats to homeland security convinced Members that the difficulties inherent in the reorganization were worth the benefits that could flow from it. More than five years later, the department faces significant organizational and human resources challenges that directly impact its ability to carry out its responsibilities.

Transitions to a new President and administration, positive occurrences in our democracy, nonetheless present governance challenges of their own. The President's new policy and leadership team must absorb a huge amount of information and the timeframe for doing so is short. Meanwhile, members of the outgoing administration will leave with most non-career leaders departing by Inauguration Day. The time between the election and the inauguration is

³ P.L. 107-296, November 25, 2002.

⁴ Homeland Security Presidential Directive/HSPD-5, February 23, 2003.

less than three months, giving the incoming President very little time to put his or her new governing team together. The growing length of the appointments and confirmation process for those assuming Advise and Consent positions further delays the time it takes Presidents to get key leadership personnel on board and operating effectively.

Adding to these challenges is the concern that terrorists may attempt to take advantage of perceived vulnerabilities during the transition period. Terrorists attacked New York City in 1993, shortly after President Clinton first took office; New York City and the Pentagon in 2001, 8 months after President George W. Bush took office; Madrid, 3 days before Spain's 2004 national elections; London in 2005, 2 months after the British national elections; and Glasgow's airport in 2007, within hours of the appointment of a new British Prime Minister and Cabinet.

OBJECTIVES, SCOPE AND METHODOLOGY

Given the ongoing importance of DHS' mission and the special challenges posed by the 2008 election transition period, Congress asked the Academy to examine and report on the department's leadership and personnel readiness.

The Conference Report on the Emergency Supplemental Appropriations for FY 2007⁵ noted that:

The conferees agree with the Senate's concern that the management and administrative challenges facing the department will increase unless a stronger focus is placed on hiring, training and maintaining career leaders. In particular, the conferees are concerned that the department and its components will not be able to function effectively when the change in administration occurs in 2009.

Public Law 110-28, May 25, 2007, referred to House Report 110-27 and specifically made appropriations to

...the (DHS) Office of the Under Secretary for Management for an independent study to compare the DHS senior career and political staffing levels and senior career training programs with those of similarly structured Cabinet-level agencies.

DHS subsequently engaged the Academy to undertake the study requested by Congress.

Objectives

As directed by Congress and DHS, the Academy undertook a set of tasks. These tasks and the Academy's analysis for each of them appear in this report as outlined below.

⁵ House Report 110-107, April 24, 2007.

DHS Executive Profile (Chapter 3)

1. Assess the appropriateness of the overall number of executives for DHS, given its size and broad mission objectives.
2. Assess the department's allocation between career and non-career executives.
3. Compare the department with similarly structured agencies' career and non-career executives.
4. Identify gaps in the department's career senior leadership structure, including risks associated with changing leadership during a Presidential transition.

Transition Training (Chapter 4)

5. Assess the adequacy of career SES and other career development training programs as they relate to the transition.
6. Compare DHS' transition training programs with those of similarly structured Cabinet-level agencies.

Transition Plans—Leadership Continuity (Chapter 5)

7. Review DHS planning for the transition and propose changes to address any gaps.

Final Recommendations and Implementation Plan with Transition-Based Timeline (Chapter 6)

Through these tasks, the Academy's goal was to help DHS identify and remedy leadership and management gaps that currently exist or could arise during the Presidential transition. The final recommendations contained in this report include an implementation schedule to assist the department in addressing the gaps or potential gaps identified through this study.

Methodology

The Academy appointed six Fellows to the expert Panel directing and overseeing this study. Appendix A provides their names and biographies, including their relevant experience and expertise. Four Panel meetings were held during the 7-month engagement to guide the study and work of the Academy's project team.

Throughout the course of this study, which began in October 2007 and ended in April 2008, the project team conducted extensive research on homeland security issues, transition procedures, career versus political management issues and other relevant themes. Appendix B has a bibliography and list of studies reviewed.

Interviews were critical to the project's methodology. The project team met with 81 officials, including DHS executives from departmental and operating components and regional offices;

executives from outside agencies; members of the Homeland Security Advisory Council;⁶ former DHS officials; management officials from the Department of Defense, Department of State, Department of the Treasury, Department of Agriculture, Office of the Director of National Intelligence, Federal Bureau of Investigation (FBI), Office of Management and Budget (OMB), and Office of Personnel Management; and academics and other experts from various organizations. Appendix C has a comprehensive list of individuals contacted and interviewed.

The project team analyzed extensive information on DHS' executive resources. This included information maintained by the department's Chief Human Capital Office and Personnel and Payroll System, and personnel and payroll data from the Transportation Security Administration (TSA), which are maintained separate from DHS' other personnel data. Additional data included DHS requests for additional Senior Executive Service (SES) positions from OPM; the location and occupational mix of executive resources for three DHS components: United States Immigration and Customs Enforcement (ICE), United States Customs and Border Protection (CBP), and United States Citizenship and Immigration Services (CIS); the number of Federal Emergency Management Agency (FEMA) career and non-career executives over the past 10 years; the turnover of DHS career and non-career executives over the past 4 years; the ethnicity and gender profile of DHS executives; the critical position database developed by DHS for its succession planning program; and DHS' orders of succession

To compare DHS' executive profile to other departments, the project team analyzed data contained in FedScope, OPM's online database on federal civilian employment. FedScope provides information on the civilian workforce for all departments and agencies, except some intelligence agencies. The most recent data available at the time of the study was as of September 30, 2007. They provide information only on employees in filled positions and do not include details on some agencies covered by personnel systems other than title 5, U.S. Code. For example, TSA executive data are not separated from all other employee data; this limited the team's analysis of TSA executives. The team staff also analyzed some information from OPM's Executive and Schedule C system on other departments' executive profiles. These data provided information on vacant positions, but the team determined that they were not sufficiently current or reliable for detailed analysis. To assist in the analysis of other departments' executive profiles, the team used information from the Leadership Directory.⁷

The project tasks called for comparisons with similarly structured departments and agencies. The consensus among officials interviewed was that there were no departments similar to DHS. Some DHS law enforcement agencies can be compared to other such agencies; the team compared executive/employee ratios with ICE, the U.S. Secret Service, Bureau of Alcohol, Tobacco, Firearms and Explosives, Drug Enforcement Administration and FBI law enforcement. Other comparisons were made among DHS' headquarters offices and the Departments of State, Treasury, Justice and Defense, and overall with all 15 Cabinet-level departments.

⁶ The Homeland Security Advisory Council (HSAC) provides advice and recommendations to the Secretary on matters related to homeland security. It is composed of leaders from state and local government, first responder communities, the private sector and academia.

⁷ Leadership Directories, Inc. provides information on the leaders of major U.S. government, business, professional and nonprofit organizations.

The project team also analyzed DHS' departmentwide transition plan initiatives and training as provided by headquarters, including plans for transition training being developed by the Council for Excellence in Government.

CHAPTER 2

TRANSITION ENVIRONMENT AND CHALLENGES

Every federal agency faces challenges when transitioning from one Presidential administration to the next. For DHS, these challenges are compounded by the complexity and importance of its mission, the newness of the organization itself and the ever-changing landscape of operational issues with which it has to contend. To understand the challenges fully, it is important to be aware of the department's evolution, including its formation, significant reorganizations and shifts of responsibility among its components, changes to national incident response plans, and the multiple levels of Executive and Legislative Branch oversight. Further complicating the transition are the negative views of DHS held by its employees, and the public.

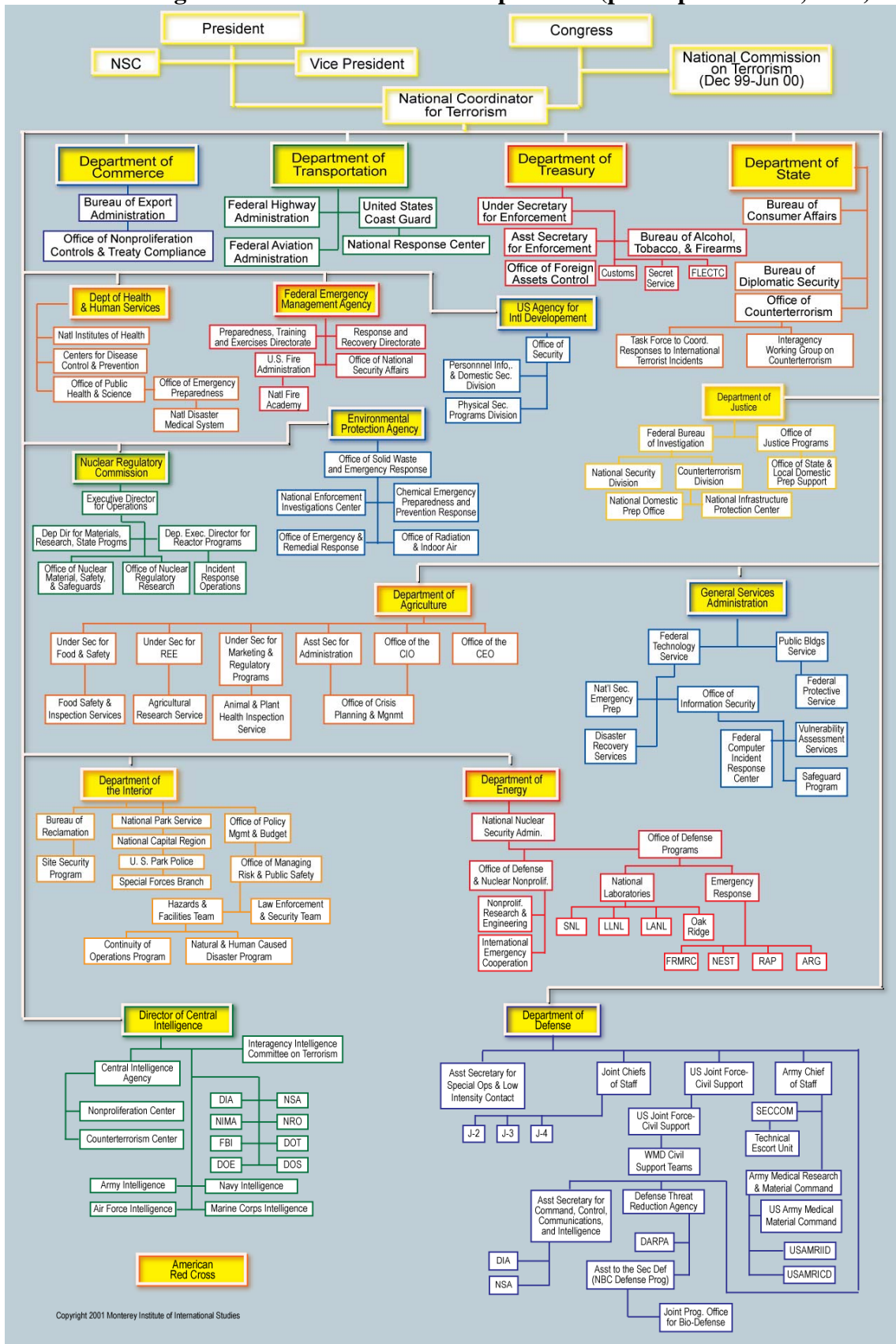
THE FORMATION OF DHS

The U.S. Department of Homeland Security (DHS) is charged with protecting the security of the American homeland. Its primary missions are to “prevent and deter terrorist attacks and protect against and respond to threats and hazards to the nation” and to “ensure safe and secure borders, welcome lawful immigrants and visitors, and promote the free flow of commerce.”⁸ Born in the aftermath of the September 11, 2001 attacks on the World Trade Center and the Pentagon, the department brought together government agencies responsible for domestic security.

The 9/11 attacks served as a sharp wake up call regarding the federal government's capability to prevent terrorists attacks on the homeland. There was widespread concern about the seeming ease with which the terrorists entered and remained in the United States and the inability of federal agencies to “connect the dots” concerning the evidence of the upcoming attacks. In October 2001, President Bush issued an Executive order establishing the Office of Homeland Security within the White House to coordinate counterterrorism efforts. Exhibit 2 depicts the confusing array of entities that made up the pre-9/11 organization for homeland security. It shows the agencies, programs and offices that had a role in anti-terrorism, counterterrorism and domestic efforts at that time, as well as the organizational relationships among them. President Bush selected Pennsylvania Governor Tom Ridge to head the office and lead the coordination efforts.

⁸ U.S. Department of Homeland Security Mission statement.

Exhibit 2: Agencies Terrorism Relationships Chart (pre-September 11, 2001)



Source: Center for Nonproliferation Studies

The public response to Governor Ridge's appointment was generally favorable. At the same time, there were concerns that this new position did not possess the authority or resources needed to centralize the homeland security function and that Ridge's advisory position gave him no control over the many agencies involved. The appointment also troubled some Members of Congress because their oversight role was minimized under the structure. Legislation based on the recommendations of the Commission on National Security/21st Century⁹ was soon introduced to establish a Cabinet-level Department of Homeland Security. The Bush administration initially opposed such a step; as support grew, however, the White House began its own design work and unveiled its plan in June 2002.

A small group of aides devised a plan which was reviewed only by senior White House officials prior to being approved by President Bush. The plan, which came as a surprise to the Cabinet officials most affected by it, was unveiled in June 2002 following 6 weeks of meetings. Many viewed the lack of open debate among key players, which was designed to expedite the process by limiting review, as setting in motion some of the organizational problems that plague DHS to this day.

Following several months of debate focused primarily on a new personnel system, Congress passed legislation establishing the new department along the lines proposed by the White House and the earlier congressional legislation. On November 25, 2002, the President signed into law the Homeland Security Act, which led to the largest federal reorganization since the creation of the Department of Defense in 1947. Governor Ridge was named the department's first Secretary.

The Secretary of Homeland Security was designated as the principal federal official for domestic incident management with responsibility for coordinating federal operations within the United States to prepare for, respond to and recover from terrorist attacks, major disasters and other emergencies. DHS coordinates the federal government's resources when any one of four conditions applies: (1) a federal department or agency has requested DHS' assistance; (2) the resources of state and local authorities are overwhelmed and federal assistance has been requested; (3) more than one federal department or agency has become substantially involved in responding to the incident; or (4) the Secretary has been directed to assume responsibility for managing the domestic incident by the President.¹⁰

DHS also supports state and local governments with planning, equipment, training and exercise activities; provides assistance to develop all-hazards plans and capabilities; and ensures that federal, state and local plans are compatible. The department coordinates with the private and nongovernmental sectors to ensure that planning, equipment, training and exercise activities are adequate and to promote partnerships to address incident management capabilities

⁹ The U.S. Commission on National Security/21st Century/Hart-Rudman Commission was chartered to review U.S. national security requirements for the next century. The Commission's report, published in September 1999, warned that, in the course of the next quarter century, terrorist acts involving weapons of mass destruction were likely to increase. "Americans will likely die on American soil, possibly in large numbers," it said.

http://en.wikipedia.org/wiki/National_Commission_on_Terrorism

¹⁰ Homeland Security Presidential Directive/HSPD-5. February 23, 2003.

DHS' First Organization

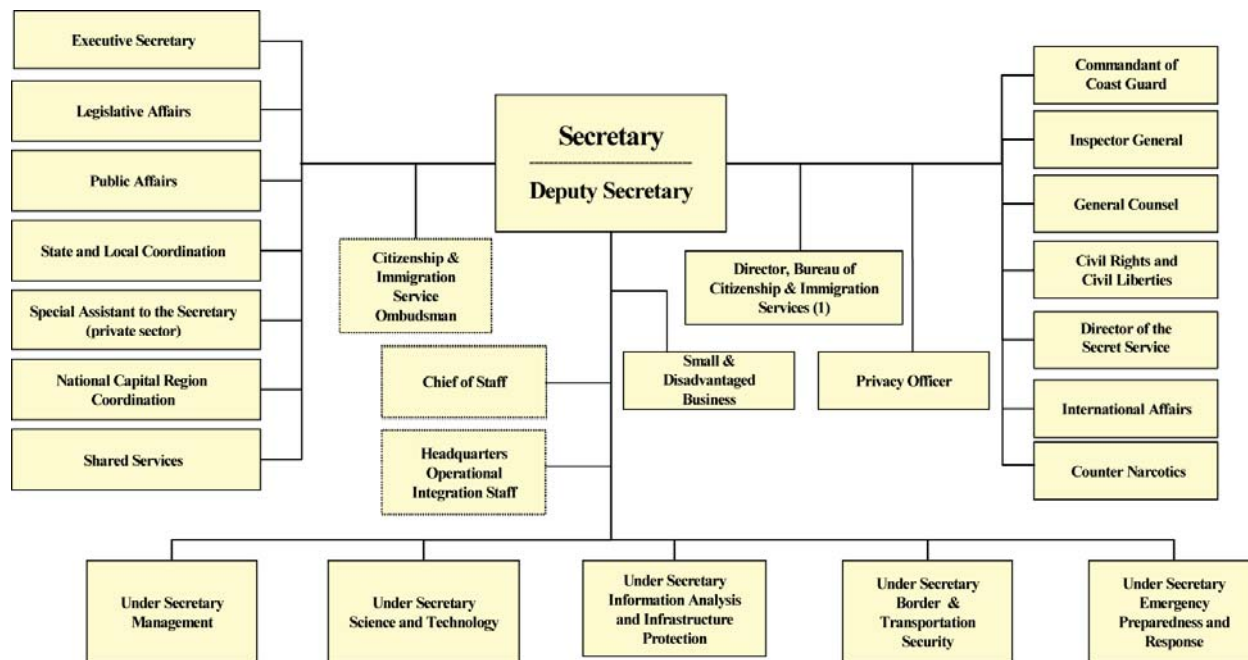
DHS initially organized operations into four major directorates: Border and Transportation Security, Emergency Preparedness and Response, Science and Technology, and Information Analysis and Infrastructure Protection. Exhibit 3 outlines the offices and components of each directorate and their legacy department.

Exhibit 3: Original DHS Organization

Directorate	Office or Component (Agency of origin shown in parentheses)
Border and Transportation Security	<ul style="list-style-type: none"> • U.S. Customs Service (Treasury) • Immigration and Naturalization Service (part) (Justice) • Federal Protective Service (General Services Administration) • Transportation Security Administration (Transportation) • Federal Law Enforcement Training Center (Treasury) • Animal and Plant Health Inspection Service (part)(Agriculture) • Office for Domestic Preparedness (Justice)
Emergency Preparedness and Response	<ul style="list-style-type: none"> • Federal Emergency Management Agency • Strategic National Stockpile & the National Disaster Medical System (Health and Human Services) • Nuclear Incident Response Team (Energy) • Domestic Emergency Support Teams (Justice) • National Domestic Preparedness Office (FBI)
Science and Technology	<ul style="list-style-type: none"> • Chemical, Biological, Radiological and Nuclear Countermeasures Programs (Energy) • Environmental Measurements Laboratory (Energy) • National Biological Weapons Defense Analysis Center (Defense) • Plum Island Animal Disease Center (Agriculture)
Information Analysis and Infrastructure Protection	<ul style="list-style-type: none"> • Federal Computer Incident Response Center (GSA) • National Communications System (Defense) • National Infrastructure Protection Center (FBI) • Energy Security and Assurance Program (Energy)

The U.S. Secret Service (Treasury) and the U.S. Coast Guard (Transportation) were included, but remained intact and reported directly to the Secretary. Immigration and Naturalization Service adjudications and benefits programs reported directly to the Deputy Secretary as the U.S. Citizenship and Immigration Services. Exhibit 4 shows DHS' initial organization chart.

Exhibit 4: DHS Organization Chart—March 2003



A DHS Inspector General (IG) report, issued 1 year following the department’s creation, noted that the “reorganization had elements of a merger, divestiture, acquisition, and startup.”¹¹ Progress was noted in numerous areas, but the report stated that integrating 22 separate components into a “single, effective, efficient and economical department” remained the biggest challenge. The report also focused on the difficulty of changing FEMA’s mission from one which was geared toward natural disasters to one which included the ability to respond to terrorist attacks. Contract management, grants management, financial management, information technology management, human capital management, intelligence matters, border security and transportation security all were cited as areas presenting significant challenges.

Fallout from the response to the Gulf Coast hurricanes in 2005, problems stemming from TSA-driven changes to airport security, perceived weaknesses in border security, control of illegal immigration and other issues led to a widespread view that DHS was failing at its fundamental missions. Given the extraordinary scope of its responsibilities, it was—and is—difficult to find many days when some aspect of DHS or its components did not make the news,¹² in an often unflattering light.

The 2005 Reorganization

On December 2, 2004, Secretary Ridge announced that he would resign his position effective February 1, 2005. Federal Judge Michael Chertoff was nominated by the President and later

¹¹ Review of the Status of Department of Homeland Security Efforts to Address Its Major Management Challenges. DHS IG Office of Audit. OIG-04-21, March 2004.

¹² For example, a search on Google for the week of January 31 to February 6, 2008 generated more than 500 news articles referencing DHS.

confirmed as the new Secretary of Homeland Security on February 15, 2005. Chertoff quickly initiated a Second Stage Review (2SR) of DHS' organization, operations and policies to be driven by six imperatives:

1. Increase preparedness, with a particular focus on catastrophic events.
2. Strengthen border security and interior enforcement and reform immigration processes.
3. Harden transportation security without sacrificing mobility.
4. Enhance information sharing with state, local, tribal and private sector partners.
5. Improve DHS stewardship, particularly with stronger financial, human resources, procurement and information technology management.
6. Re-align the DHS organization to maximize mission performance.

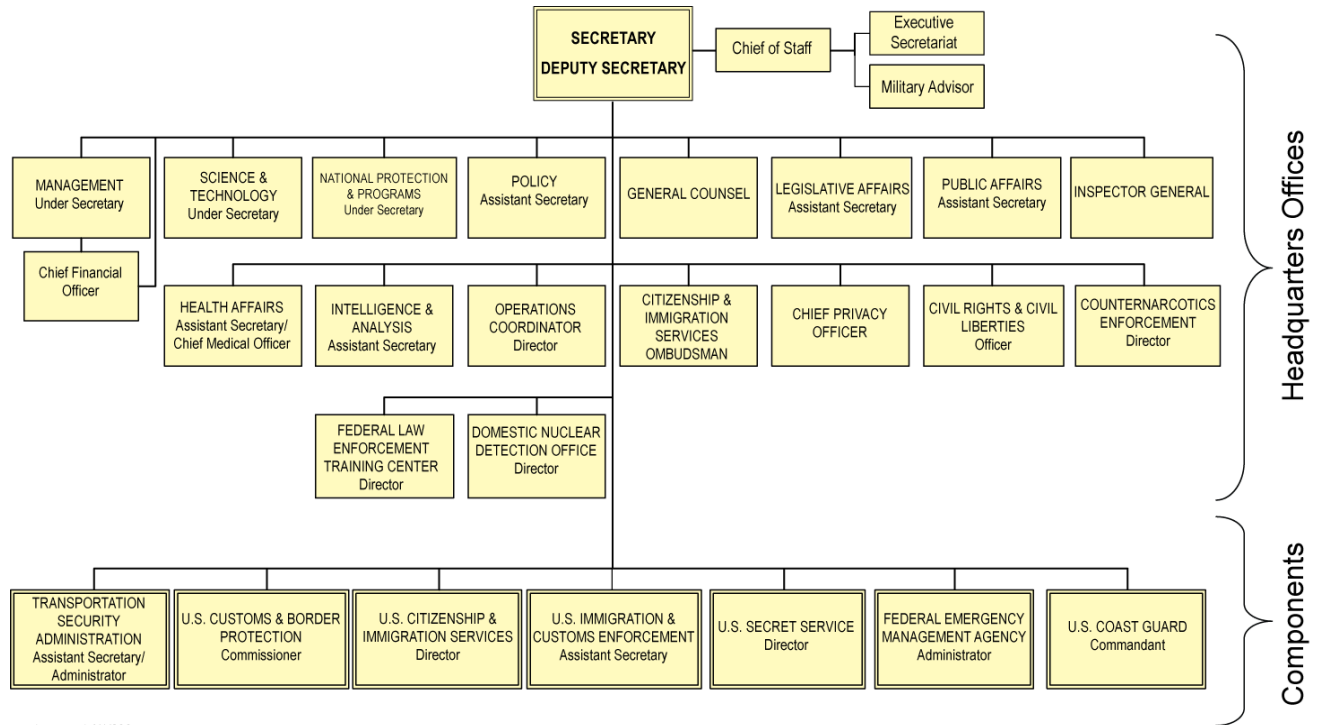
Numerous significant structural changes were made as a result of the 2SR review, including the formation of a new, departmentwide policy office; changes in how DHS manages intelligence and information sharing responsibilities; formation of a new Operations Coordination office and other measures to increase operational accountability; and a consolidation effort to integrate the department's preparedness mission.

A fundamental change took place when the four directorates with responsibility for managing the components were replaced with a structure in which all seven primary operational components report directly to the Office of the Secretary. A position of Director of Operations Coordination was created to work with DHS components and other federal agencies to ensure that actions were well coordinated and executed in a timely fashion. However, the Secretary said this new organization was not to "disrupt our operators in the field, nor will it interfere with component chains-of-command."¹³ This office was to serve as the hub for crisis management, as well. The resulting and current organization, shown in Exhibit 5, has 24 direct reports to the Secretary/Deputy Secretary.¹⁴

¹³ Statement of Secretary Michael Chertoff. U.S. Department Of Homeland Security. Before the Senate Committee on Commerce, Science and Transportation, July 19, 2005.

¹⁴ DHS' current organization is a result of 2SR, the Post-Katrina Act, and a January 2007 Sec. 872 notice.

Exhibit 5: Current DHS Organization Chart



Approved 4/1/2007

Legislation Strengthens FEMA's Role

There have been more recent changes to DHS' organization. The Post-Katrina Emergency Reform Act, signed by President Bush on October 4, 2006, gave FEMA a quasi-independent status similar to the U.S. Coast Guard. Specifically, the act transferred the following offices from the Preparedness Directorate to FEMA: the U.S. Fire Administration, Office of Grants and Training, Chemical Stockpile Emergency Preparedness Division, Radiological Emergency Preparedness Program and Office of National Capital Region Coordination. Second, the head of FEMA was renamed an Administrator and Deputy Administrator/Chief Operating Officer and Deputy Administrator for National Preparedness positions were created. Third, the act required that FEMA be led by no more than four Deputy Administrators, each of whom would be a Presidential Appointment Requiring Senate Confirmation (PAS) position. Fourth, several functions were left in the Preparedness Directorate, subsequently renamed the National Protection and Programs Directorate (NPPD). Fifth, the act created the Office of Health Affairs, led by the Chief Medical Officer, which includes the Weapons of Mass Destruction and Biodefense, Medical Readiness and Component Services Divisions.

National Response Plan / National Response Framework

Changes have been made to coordinate the nation's response to disasters, as well. Beginning with the creation of FEMA in 1979, the government developed a Federal Response Plan—later evolving into the National Response Plan (NRP)—which took a comprehensive “all hazards” approach to domestic incident management.

The plan was severely tested by the Gulf Coast hurricanes that struck Louisiana and Mississippi in 2005. In testimony¹⁵ on the national response to Hurricanes Katrina and Rita, then-Comptroller General David M. Walker stated that:

- Because the storms were not designated as a catastrophic incident,¹⁶ the additional provisions of the NRP were not triggered.
- The efforts of all federal agencies involved in the response remained disjointed because the Principal Federal Official's leadership role was unclear.
- The NRP framework did not yet have the types of detailed plans needed to better delineate capabilities that were required or how such assistance would be provided and coordinated.
- The NRP base plan and its supporting catastrophic provisions needed to be supported and supplemented by more detailed and robust implementation plans.

A 2006 DHS IG report¹⁷ noted that integrating the department's 22 components into a cohesive whole remained its biggest challenge. As for FEMA's performance during the Gulf Coast hurricanes, the report stated that earlier IG reports had pointed out weaknesses in some FEMA operations and that Hurricanes Katrina and Rita presented an unprecedented opportunity for fraud, waste and abuse. FEMA was widely criticized for its hurricane response efforts; though some systemic conditions were cited as contributing to poor performance, Members of Congress also raised concerns that problems might have stemmed from FEMA's move to DHS and the resulting organizational and budget changes.

GAO found an incomplete understanding of roles and responsibilities under the NRP, leading to misunderstandings, problems and delays. A contributing factor was the fact that Secretary Chertoff had become Secretary just 8 months earlier and much of the department's senior leadership had changed.

The problems highlighted by the Gulf Coast storms led DHS, working with a broad array of stakeholders at all levels of government, to develop a new, 90-page National Response Framework (NRF)¹⁸ as the successor to the 427-page NRP. The NRF was designed to:

- Be scalable, flexible and adaptable.
- Always be in effect.
- Articulate clear roles and responsibilities among federal, state and local officials.

¹⁵ Statement by Comptroller General David M. Walker on GAO's Preliminary Observations Regarding Preparedness and Response to Hurricanes Katrina and Rita to the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina, February 1, 2006.

¹⁶ A catastrophic incident is one that results in extraordinary levels of mass casualties, damage or disruption severely affecting the population, infrastructure, environment, economy, national morale and/or government functions.

¹⁷ Major Management Challenges Facing the Department of Homeland Security. Office of Inspector General. Office of Audits. OIG-06-14, December 2005.

¹⁸ The website for NRF, which is effective March 22, 2008, is <http://www.fema.gov/emergency/nrf/aboutNRF.htm>.

The NRF also restored FEMA’s authority to coordinate federal disaster operations. Management responsibilities during a disaster response remain with DHS headquarters officials, but FEMA makes operational decisions about deploying federal resources in most disasters. Additionally, the DHS Secretary no longer has to designate an Incident of National Significance to initiate an aggressive response. The NRF now spells out plans for dealing with different types of crises.

DEFINING DHS HEADQUARTERS’ ROLE

DHS’ creation was an enormous undertaking conducted in a highly charged environment over a very short period of time. During this period, some observers commented that the process needed to proceed more slowly and deliberately and include the input of the organizations involved. The most optimistic forecasts estimated that it would take 5 to 10 years for DHS to become fully functional. Headquarters’ difficulty fostering an integrated and comprehensive—“one DHS”—approach to homeland security is not surprising; nonetheless, it remains an elusive challenge for department leaders who recognize this as an important issue. Numerous reports suggest specific steps that DHS could take to advance this approach.

By both necessity and design, component organizations routinely work together in the field. The responsibilities of TSA, CBP, ICE and others require close cooperation and coordination on a number of issues. Efforts are being made to have corresponding component headquarters elements work in a more integrated fashion, but this effort has a long way to go.

Among the factors that combine to make integrating DHS component activities one of the most daunting tasks in government are the mix of organizational cultures (which include some of the oldest and youngest federal agencies); the reorganizations and multiple levels of Executive and Legislative Branch oversight; the mission challenges highlighted by the response to the Gulf Coast hurricanes of 2005; and the problems dealing with illegal immigration and border security.

In 2006, Secretary Chertoff asked the Homeland Security Advisory Council (HSAC) to provide recommendations “for creating, achieving and maintaining an empowering, energetic, dedicated, mission-focused culture within the department.” The report,¹⁹ issued in 2007, made several recommendations designed to help DHS integrate its overall approach to its mission and create a positive organizational culture:

- **Recommendation 1: DHS Headquarters Must Further Define and Crystallize Its Role.** *DHS leadership needs to ultimately define the role of headquarters so that the operational components can focus on their operational strengths, while the headquarters provides the overall policy, supports integrating processes where appropriate to leverage individual component strengths, and creates the organizational alignment necessary for overall DHS success. It is important that DHS headquarters not assume final operational responsibility for component missions but rather take responsibility for providing the effective vision, policies and resources to ensure the successful execution of all component missions.*

¹⁹ Homeland Security Advisory Council. Report of the Culture Task Force, January 2007.

- Recommendation 2: Implement Homeland Security Management and Leadership Models. *DHS should adopt a closed loop management model that sets the key relationships between strategic accountabilities, organizational units, performance expectations and management processes to achieve DHS goals. DHS should also adopt a leadership and training model, including “joint duty and training” experience that will help all DHS leadership to focus collaboratively on key leadership expectations and objectives*
- Recommendation 3: Establish an Operational Leadership Position. *The (HSAC’S Culture Task Force) believes there is a compelling need for the creation of a Deputy Secretary for Operations (DSO) who would report to the Secretary and be responsible for the high level department-wide measures aimed at generating and sustaining seamless operational integration and alignment of the components. We recommend that the position be a career federal employee in order to provide continuity and freedom from political influence.*

To bring about a more integrated approach, the report also suggested specific headquarters roles:

- Establish overall DHS strategy and annual operational and financial performance objectives.
- Insure DHS performance against operational and financial objectives through oversight of DHS component commands.
- Actively engage with DHS component commands in their strategies, investments and leadership development.
- Rely on DHS component commands for day-to-day execution of DHS objectives.
- Sponsor and lead DHS values, ethics and compliance standards.
- Sponsor initiatives that have DHS-wide impact on performance.
- Manage shared DHS services.
- Lead and coordinate interface with Congress and other governmental agencies and organizations.

DHS has taken steps to develop a common leadership development model that includes a departmentwide Senior Executive candidate development program and the promotion of joint duty assignments. However, the headquarters role remains unclear and DHS has not established a career Deputy Secretary for Operations.

Other studies have focused on the difficulties of creating a cohesive, integrated approach at DHS. A 2008 study on strengthening homeland security²⁰ suggested that improving the department’s planning and resource allocation processes could help integrate the budgets and policies of the individual components. It noted that when DHS was first formed, its staff understood that the

²⁰ Strengthening Homeland Security: Reforming Planning and Resource Allocation. Cindy Williams, Principal Research Scientist. Security Studies Program. Massachusetts Institute of Technology. Washington, D.C.: IBM Center for the Business of Government, 2008.

legacy components would be reluctant to give up budget and autonomy to the new department. As a result, DHS instituted a planning, programming, budgeting and execution system in order to create an effective, integrated process. The report suggested there is much to be done before this will be accomplished. The congressional budget process—with 86 committees and subcommittees having jurisdiction over different DHS components—is seen as a major contributor to this shortcoming.

As noted earlier, DHS' current organizational structure has all seven primary operational components reporting directly to the Office of the Secretary. An Operations Coordination Office works with component leadership and other federal agencies to help ensure that actions are well coordinated and executed in a timely fashion, but it has no role in coordinating field operations. FEMA officials commented that the role of the Operations Coordination Office should not be to coordinate operations as it would conflict with the role of FEMA National Response Coordination Center and the statutory role of FEMA to manage inter-agency operations. Other headquarters officials believed that additional coordination is needed.

With few exceptions, each component could stand on its own as an independent organization; there are very few integrated activities at headquarters. This raises questions about its ability to take a strategic approach to managing the components. An important step as been a recent effort to strengthen the operations coordination function (discussed in Chapter 5) to develop options for the Secretary should an event occur requiring coordination across components.

DHS is aware of the need for further integration in a number of areas. In her recent testimony before the House Committee on Homeland Security, Subcommittee on Management, Investigations and Oversight, Deputy Under Secretary for Management Elaine Duke identified key elements in DHS' strategy to create a more integrated department.²¹ These include

- Improving acquisition and procurement throughout the department.
- Strengthening the requirements and investment review processes.
- Acquiring and maintaining human capital.
- Seeking efficiencies across the enterprise in the use of resources.
- Making the key management systems, such as financial and human resources, world class.
- Acquiring funding and approval for DHS' consolidation at St. Elizabeth's West Campus and efficient realignment of all DHS off-campus locations.

²¹ Statement of Elaine Duke, Department of Homeland Security, Deputy Under Secretary for Management. *The Future of DHS Management*. Testimony before the House Committee on Homeland Security, Subcommittee on Management, Investigations and Oversight, April 9, 2008.

EXECUTIVE AND LEGISLATIVE BRANCH OVERSIGHT

The Homeland Security Council (HSC), the successor to the Office of Homeland Security, was created by Homeland Security Presidential Directive 1 on October 29, 2001. Led by the Assistant to the President for Homeland Security and Counterterrorism, its mission is to “ensure coordination of all homeland security-related activities among executive departments and agencies and promote the effective development and implementation of all homeland security policies.” As with the National Security Council, HSC has a full-time staff and is composed of the Cabinet Secretaries and White House senior officials with homeland security responsibilities. Given its policy coordination and advisory responsibilities, HSC interacts frequently with DHS and its establishment led to creation of a homeland security branch in OMB.

Congressional oversight of DHS has taken on extraordinary dimensions with 86 congressional committees and subcommittees having some responsibility for the department or its components. The impacts of this complexity are illustrated in a report by the Center for Strategic and International Studies (CSIS)²² which observed, “Congress has failed to remove a major impediment to effective homeland security: the balkanized and dysfunctional oversight of the Department of Homeland Security.” The report made several observations and recommendations for Congress:

- DHS is still responsible to everyone, which makes it accountable to no one.
- Homeland security needs to be guided by a smaller set of members of Congress, who can develop long-term expertise on homeland security issues and be responsible for developing a strategic and well-informed perspective that can guide and advise the department.
- Partial reform or piecemeal efforts will be ineffective. DHS will be insufficiently accountable unless true reforms are made to place the majority of oversight responsibility in one committee in each chamber of Congress. The current situation poses a clear and demonstrable risk to our national security.
- Both the House and Senate should each create strong standing committees for homeland security, with jurisdiction over all DHS components.

The 9/11 Commission noted an excessive number of congressional committees with oversight responsibilities for DHS and recommended that Congress create a single point of oversight for homeland security. In 2005, the Senate Committee on Governmental Affairs was given jurisdiction over matters related to DHS and renamed the Committee on Homeland Security and Governmental Affairs. The House made the Committee on Homeland Security a permanent committee that same year. While improvements, these changes have not resolved the issue of the excessive number of oversight committees as demonstrated by HSAC’s January 2008 report calling on Congress to “implement the 9/11 Commission recommendation to reduce the number

²² Untangling the Web: Congressional Oversight and the Department of Homeland Security. A White Paper of The CSIS-BENS Task Force On Congressional Oversight of the Department of Homeland Security, December 10, 2004.

of congressional oversight committees and subcommittees from its current unwieldy eighty-six.”²³

The report *Strengthening Homeland Security: Reforming Planning and Resource Allocation*²⁴ also cited several major problems for DHS caused by this complex congressional jurisdiction:

- It is difficult for the DHS Secretary to align resources to strategy. Component leaders who feel they are not getting their fair share can circumvent the process by going to one of their congressional committees of jurisdiction.
- Intersecting jurisdictions make it difficult to pass important authorizing legislation.
- DHS leaders report to many committees and subcommittees which opens the door to policy disarray as the department receives conflicting guidance from multiple committees or their staffs.
- There are numerous requests for testimony and information. From January to July 2007, DHS provided 195 witnesses to 141 hearings and presented more than 1,500 briefings to congressional committees.

Many interviewed during the course of this study cited the “excessive amount of oversight” that the department receives as an impediment to effectiveness.

Contemporaneous with the creation of the Department of Defense in 1947 was the formation of the Senate Committee on Armed Services and the House Armed Services Committee, the first-ever single committee in each body responsible for national defense. Just as these efforts a half century ago were meant to streamline and improve legislative oversight over military affairs, Congress now needs to reconsider its approach to homeland security.

VIEWS OF DHS

DHS employees rank their department at or near the bottom in most categories of government-wide surveys. Describing the results of OPM’s 2006 Federal Human Capital Survey, a *Washington Post*²⁵ article stated that, “The employees have spoken...and sent a jolt through the Department of Homeland Security, which scored last or almost last in job satisfaction, leadership and workplace performance...To a large extent, the 2006 responses by Homeland Security employees closely track what employees said in 2004, an indication that the department may face a significant morale problem in some of its bureaus.” Based on the results of this survey, the Partnership for Public Service and American University’s Institute for the Study of Public

²³ Homeland Security Advisory Council. Report of the Administration Transition Task Force, January 2008.

²⁴ Loc Cit.

²⁵ Homeland Security Employees Feeling the Blues. Stephen Barr. *Washington Post*. January 31, 2007.

Policy Implementation found that DHS ranked 29th out of 30 large departments and agencies in their 2007 Best Places to Work Rankings.²⁶

Although DHS consistently scores poorly in such surveys, employee perceptions vary widely from one component to another. The U.S. Coast Guard and U.S. Secret Service receive high marks as agencies where good performance is rewarded, that have good communications and offer opportunities for advancement. TSA, however, receives very low ratings in the same categories. OPM again will administer the Federal Human Capital Survey in Summer 2008, with results expected to be released in January 2009.

The public's view of DHS reflects similar concerns. According to one account, expectations for DHS were low from the start: "The first national opinion poll (December 2002) regarding the newly created Department of Homeland Security (showed that only) 13 percent of Americans polled by the Gallup Organization say they have confidence that the new department will make them 'a lot' safer. Nearly 4 in 10 Americans expect that the new department will not make the country any safer."²⁷

The 2005 Gulf Coast hurricanes and the corresponding DHS/FEMA response dealt a severe blow to both entities' reputations. Said one account: "Less than half of Americans in a national survey said they hold favorable views of the Federal Emergency Management Agency, a sign that the Bush administration's sluggish response to Hurricane Katrina continues to shape perceptions of the agency. FEMA came in last, for a second consecutive year, in the survey, which asked respondents to give their views of 22 agencies."²⁸

A recent Associated Press poll²⁹, summarized in Exhibit 6, illustrates the public's view of DHS and two of its major components, TSA and FEMA, as compared with other federal agencies:

²⁶ Partnership for Public Service and American University Institute for the Study of Public Policy Implementation. 2007 Best Places to Work Rankings <http://bestplacestowork.org/BPTW/about/>. This analysis uses data from OPM's Federal Human Capital Survey.

²⁷ Gallup Poll: Homeland department draws poll skepticism. Ann McFeatters. *Post-Gazette National Bureau*, December 4, 2002 <http://www.post-gazette.com/nation/20021204securenat2p2.asp>

²⁸ FEMA's Image Still Tarnished by Katrina. Stephen Barr. *Washington Post*, January 29, 2008.

²⁹ Conducted by Ipsos Public Affairs. December 17-19, 2007.

Exhibit 6: Public View of Federal Agencies

Executive Branch Agency	Favorable (percentage)	Unfavorable (percentage)	No Answer (percentage)
Postal Service	89	10	1
Federal Bureau of Investigation (FBI)	77	17	6
Department of Defense (DoD)	65	29	6
Social Security Administration (SSA)	64	32	4
Environmental Protection Agency (EPA)	63	31	6
Food and Drug Administration (FDA)	62	32	6
Department of Homeland Security (DHS)	60	34	6
Department of Education	59	38	3
Central Intelligence Agency (CIA)	58	30	12
Transportation Security Administration (TSA)	56	25	19
Internal Revenue Service (IRS)	56	39	5
Federal Emergency Management Administration (FEMA)	49	41	10

Source: Associated Press, December 2007

These views by the DHS’ employees and the public could further complicate efforts for a smooth transition.

FINDINGS

The primary objective of this study is to provide an assessment of DHS’ plans to address the Presidential transition. Much of that assessment, detailed in the next three chapters, focuses on specific steps that the department has taken with regard to executive staffing and training and transition planning. These steps, which take place in a highly challenging environment, are necessary but not sufficient given DHS’ organizational dynamics.

The Panel believes that the transition requires a strong reliance on career executives to play a key role in providing the stability needed as the senior political leadership turns over. Reliance on career civil servants to play the “bridging” role through this period should be an essential strategy for both current and future DHS political leadership. The department is taking steps to make this happen, but it is just as important for the incoming political team to embrace the approach if it is to be successful.

An important task for every agency is getting incoming non-career appointees to appreciate career executives as people who “care about the long-term health of their organizations and embody the institutional memory of their agencies”³⁰ and who can help implement the new President’s policy and organizational goals. It is critical for DHS and its mission to provide a focused national approach to homeland security. Both current DHS leaders and members of

³⁰ David Maranto, *Beyond a Government of Strangers: How Career Executives and Political Appointees Can Turn Conflict to Cooperation*, 2005: Lexington Press.

congressional committees with DHS oversight can help transmit this important message to the incoming administration.

The Panel believes that defining the proper role of DHS headquarters and taking an integrated approach to managing individual components will challenge the department's leaders for years to come. Nonetheless, it is an effort that must continue for DHS to meet the substantial goals set for it upon its creation. The issues discussed in the next three chapters—related to staffing, training and transition planning—are vital. At the same time, it is imperative to recognize that the broader task of integrating DHS' many missions and operating components is the key to its long-term effectiveness.

CHAPTER 3

DHS' EXECUTIVE PROFILE

One of this study's key tasks was to analyze DHS' executive profile as part of an overall analysis of the department's transition efforts. This chapter responds to the first four project tasks:

1. Assess the appropriateness of the overall number of DHS executives, given the department's size and broad mission objectives.
2. Assess the department's allocation of career and non-career executives.
3. Compare DHS with similarly structured agencies' career and non-career executives.
4. Identify gaps in the department's career senior leadership structure, including risks associated with changing leadership during a Presidential transition.

The following sections provide background information on DHS' executive profile, the adequacy of its executive resources, the extent to which career or non-career appointees fill executive positions, and gaps in the department's leadership structure. The comparison with other agencies—Task 3—is made in the first two sections. The Panel's findings are provided at the conclusion of the chapter and its recommendations are provided in Chapter 6.

DHS' TOTAL NUMBER OF EXECUTIVES

Like other departments, DHS has three broad types of executive positions:

1. Executive level positions that are either Presidential appointment with Senate confirmation (PAS) positions or Presidential appointment (PA) positions. These positions are established in statute.
2. SES positions that are either career-reserved (must be filled by a career appointment) or general (can be filled by either a career or non-career appointment). Non-career appointments to the SES cannot exceed 25 percent of the agency's SES position allocation—governmentwide, only 10 percent of SES positions may be filled by non-career appointees.³¹ Agencies also may use term appointments of up to three years to fill SES positions.
3. Senior Level (SL) and Scientific/Technical (ST) positions which are high-level positions that do not meet requirements for the SES.

As of March 20, 2008, DHS had 775 executive positions, of which 636 positions were filled and 139 positions were vacant. These positions are summarized in Exhibit 7.

³¹ DHS has 8 percent (57 positions) of its 695 SES positions filled by non-career appointments. All other references in this report to the percent of executives who are non-career include all non-career executives (PAS, PA and non-career SES).

Exhibit 7: Summary of DHS Executive Positions

Type of Position	Total	Filled	Vacant
Executive Level			
PAS (non-career)	20	19	1
PA (non-career)	6	4	2
<i>Total Executive Level</i>	26	23	3
SES/TSES			
Non-Career SES/TSES	^a	57	^a
Career SES/TSES	^a	481	^a
Term SES/TSES	^a	33	^a
<i>Total SES/TSES</i>	695 ^b	571	124
SL/ST			
SL	29	21	8
ST	25	21	4
<i>Total SL/ST</i>	54	42 ^c	12
Total All Executives	775	636	139

Notes:

- a) SES/TSES positions can be filled by non-career, career or term appointments. Thus, the only breakdown available for SES positions is when they are filled.
- b) OPM has authorized DHS with 536 SES positions, 29 SL positions and 25 ST positions. The department also has 150 additional TSA TSES positions for a total of 740 positions. DHS notes that, as of March 20, 2008, it had created nine additional “floater” positions to provide the time to fill executive positions.
- c) Three SL/ST positions are filled with term appointments.

Source: DHS Executive Resources

Exhibit 8 shows how these executive positions are distributed across DHS components.

Exhibit 8: Distribution of DHS Executives by Position and Component

Component	PAS	PA Non-Career	SES/TSES Non-Career	SES/TSES Career	SES/TSES Term	SL/ST	Vacant	Total Executive Positions	Total Civilian Employees
<i>Headquarters</i>									
Domestic Nuclear Detection Office		1		5			1	7	
Intelligence and Analysis	1		1	13		4	6	25	
Management	1		1	31	1	3	13	50	
National Protection and Programs Directorate	1	1	4	7		1	14	28	
Office of General Counsel			4	5		3	8	20	
Office of Health Affairs	1			1		7	2	11	

Component	PAS	PA Non-Career	SES/TSES Non-Career	SES/TSES Career	SES/TSES Term	SL/ST	Vacant	Total Executive Positions	Total Civilian Employees
Office of Inspector General	1			11			1	13	
Operations Coordination				4	1		1	6	
Office of the Secretary	3	1	14	3	2		5	28	
Policy	1		4	5	4	5	5	24	
Science and Technology	1		1	7	2	17	8	36	
Total Headquarters	10	3	29	92	10	40	64	248	3,417
<i>Operating Components</i>									
Customs and Border Protection	1		4	76	3		22	106	47,254
Citizen and Immigration Services	1		5	38			7	51	8,588
Federal Emergency Management Agency	4	1	15	34	4		19	77	16,119
Federal Law Enforcement Training Center				8			1	9	1,141
Immigration and Customs Enforcement	1		2	50	1		14	68	16,825
Transportation Security Administration	1		2	124	15		9	151	56,966
US Coast Guard ^a	1			12			2	15	7,716
U.S. Secret Service				47		2	1	50	6,587
Total Non-Headquarters	9	1	28	389	23	2	75	527	161,196
TOTAL	19	4	57	481	33	42 ^b	139	775	164,613

Notes:

- a) Coast Guard includes only the Commandant of the Coast Guard and civilian executives, not any other senior uniformed executives.
b) Three SL/ST positions are filled with term appointments.

Source: DHS Executive Resources Office as of March 20, 2008 (for executives); FedScope as of September 30, 2007 (for employees).

As shown in Exhibit 8, the great majority of DHS executives are SES members. The department had 139 vacancies in executive positions as of March 20, 2008. This total included one PAS

position, two PA positions, 124 SES positions,³² and 12 SL/ST positions. The SES vacancies included 93 career SES vacancies, 5 non-career SES vacancies and 26 SES positions that were not designated as career or non-career. The last section of this chapter has a more complete discussion of these vacancies.

ADEQUACY OF DHS EXECUTIVE RESOURCES

No clear criteria specify the appropriate number of senior executive positions in a federal organization. When assessing requests from departments and agencies for additional positions, OPM uses various broad criteria included in section 3132 of title 5, U.S. Code, in addition to its own criteria; it also consults with OMB about the resource implications of requested increases.

First, an agency must initially determine and persuade OPM that the position is classifiable above the GS-15 level, the highest level in the General Schedule.³³ This test is met if the proposed position meets the functional criteria set forth in 5 U.S.C. 3132(a)(2). Exhibit 9 outlines these criteria and shows examples of the types of responsibilities that support them.

³² Except where stated otherwise, the use of SES in this report refers to both SES and TSES positions.

³³ Classification of the grade of General Schedule positions includes such factors as the program scope and effect, the organizational setting, the supervisory and managerial authority exercised, the extent of personal contacts, the difficulty of typical work that is directed, and other conditions. 5 U.S.C. 5104(15) defines grade GS-15 level work as follows:

Grade GS-15 includes those classes of positions the duties of which are—

- (A) to perform, under general administrative direction, with very wide latitude for the exercise of independent judgment, work of outstanding difficulty and responsibility along special technical, supervisory, or administrative lines which has demonstrated leadership and exceptional attainments;*
- (B) to serve as head of a major organization within a bureau involving work of comparable level;*
- (C) to plan and direct or to plan and execute specialized programs of marked difficulty, responsibility, and national significance, along professional, scientific, technical, administrative, fiscal, or other lines, requiring extended training and experience which has demonstrated leadership and unusual attainments in professional, scientific, or technical research, practice, or administration, or in administrative, fiscal, or other specialized activities; or*
- (D) to perform consulting or other professional, scientific, technical, administrative, fiscal, or other specialized work of equal importance, difficulty, and responsibility, and requiring comparable qualifications.*

Exhibit 9: Criteria for Assessing Requests for SES Positions

SES criteria as set forth by 5 U.S.C. 3132(a)(2)	Specific Responsibilities Outlined by OPM
Directs the work of an organizational unit.	<ul style="list-style-type: none"> • Assesses policy, program and project feasibility. • Determines program goals and developing implementation plans. • Designs an organizational structure to promote effective work accomplishment. • Sets effectiveness, efficiency, productivity and management/internal control standards.
Held accountable for the success of one or more specific programs or projects.	<ul style="list-style-type: none"> • Obtains the resources necessary to accomplish the program or project goals and assuming responsibility for their effective use. • Deals with key officials from within and/or outside the agency to gain understanding and support for the program or project.
Monitors progress toward organizational goals and periodically evaluates and makes appropriate adjustment to such goals.	<ul style="list-style-type: none"> • Monitors work status through formal and informal means to evaluate progress toward objectives • Assesses overall effectiveness, efficiency and productivity of the organization. • Identifies, diagnoses and consults on problem areas related to implementation and goal achievement; and makes decisions on alternative courses of action.
Supervises the work of employees (other than personal assistants).	<ul style="list-style-type: none"> • Requires accomplishment of work through combined technical and administrative direction of others. • Constitutes a major duty occupying at least 25 percent of the position time. • Meets at least the lowest level of Factor 3 in the <i>General Schedule Supervisory Guide</i> based on supervision of non-contractor personnel.
Otherwise exercises important policy-making, policy-determining, or other executive functions.	<ul style="list-style-type: none"> • Reviews staff recommendations on policies developed to affect the organization’s mission; considers political, social, economic, technical and administrative factors with potential impact on the recommended policies; and approves the policies.

Source: OPM

To assess an agency’s request for additional SES positions (assuming the positions meet the functional criteria), OPM asks agencies to submit the title and organizational location for the specific position requested and to provide for each position the following information: mission-critical factors giving rise to the need; the source of funding to support the initiative; the outcomes anticipated from each additional executive position; the number of FTEs expected to report to the position; and an organization chart identifying all current and proposed SES positions. Agencies also are asked to prioritize current and proposed new positions, and to provide an analysis of “how the agency can best meet the highest priority needs by redirecting resources from lower priority areas.”³⁴ In the case of its last two requests for additional spaces in 2007, DHS did not include the prioritizing or analysis of redirected resources.

³⁴ Memorandum for Heads of Departments and Selected Independent Agencies, “Biennial Review of Executive Resource allocations for FY 2008 and 2009, OPM, January 31, 2007 attachment, “Supporting Requests for Additional Allocations, pp. 1–3.

Based on its review of the detailed justification, consultation with OMB and an understanding of an agency's SES and broader human resources management status, OPM advises the agency of its increased allocation of SES spaces and indicates which positions are approved and not approved. The written feedback to DHS for its March 2007 increase was limited with respect to why a position was not approved; in some cases, however, DHS learned that OPM believed the position description was not sufficient to support an SES classification.

A formal analytical assessment of the adequacy and appropriateness of DHS' SES allocations rightly relies on a global position management review that analyzes the agency's SES allocations in the context of established position management principles.³⁵ "Position management" is predicated on a comprehensive review of the existing organizational structure. Given the duration of this study, the Panel did not conduct an independent top-down review of the existing DHS structure and sub-structures, usually a 2-year process. Thus, a comprehensive determination of the sufficiency of the SES numbers must be tied to a deeper level review of the DHS structure and associated staffing levels.

The Panel based its assessment of the adequacy of SES resources on the leadership needed for new programs and required by workforce increases; an examination of DHS' 2SR operational review to obtain organizational information; an assessment of the demographic profile and current executive staffing levels of filled and vacant positions; an analysis of the staffing level of comparable field component executives; and a comparison with other similar Cabinet-level agencies. Neither OPM nor OMB provided substantive criticism of the last two DHS requests for an increased allocation.

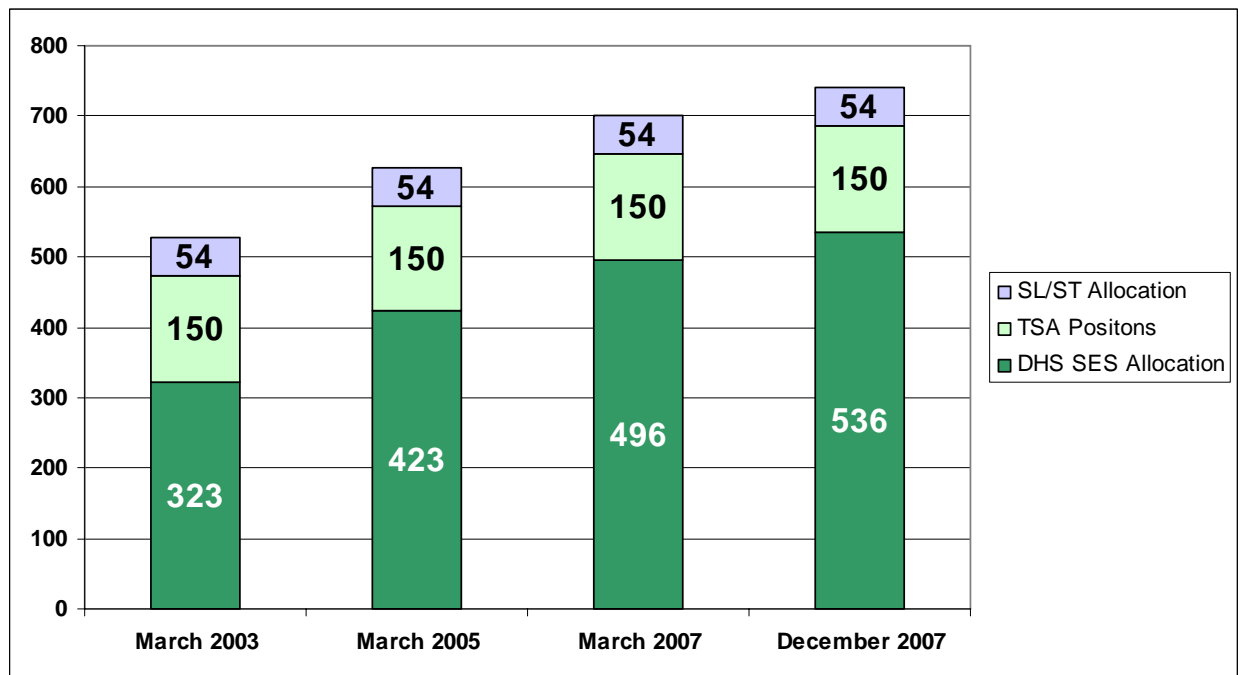
Increases in the Number of DHS SES Executives

Since its creation in 2003, DHS has rapidly expanded its number of SES positions. The department inherited a number of components from Justice and Treasury that were generally lower graded with fewer SES positions than other organizations. This dynamic, combined with the increased importance of homeland security generally and to border and immigration missions specifically, has resulted in DHS seeking and receiving approval for many new SES positions. As shown in Exhibit 10, the OPM allocation of SES positions has increased 66 percent, from 323 positions when DHS was created in March 2003 to 536 positions in December 2007. In addition, DHS has 150 TSES positions in TSA³⁶ and 54 SL/ST positions.

³⁵ Position management is the continuous and systematic process of assuring that organizations and positions are structured efficiently and economically. It is the series of steps that managers and supervisors go through to determine the type of organizational structure that is required to fulfill the function(s) assigned to a particular unit, how many positions are needed, and how positions should be designed.

³⁶ Although most senior executive service positions are authorized by OPM, TSA's positions are not. DHS has agreed with TSA that the number of the TSA executives (TSES) positions can range from 150 to 165 positions.

Exhibit 10: Increase in DHS SES Allocations



Note: In addition to the 740 positions authorized (536 SES, 150 TSA, and 54 SL/ST), DHS has 20 PAS positions that are not included in their allocations. DHS has also created 15 “floater” positions to help maximize the number of SES positions actually filled given the turnover in positions. Therefore the total number of executive positions at DHS is the 740 indicated in this Exhibit (Exhibit 11), plus the 20 PAS positions and the fifteen “floating positions” for a total of 775 as shown in Exhibit 9.

Source: DHS Executive Resources Office

DHS officials believe that a further increase in its SES allocation is needed. In an October 19, 2007 letter to Chairman Bennie G. Thompson, U.S. House Committee on Homeland Security, former Deputy Secretary Michael Jackson stated that, “Continued growth in DHS senior managerial levels is appropriate for our mission and growth trajectory.” He noted that management growth was needed to decrease reliance on contractors, implement mandates from the chemical security legislation and staff the recently authorized Office of Assistant Secretary for Health Affairs and congressionally reorganized FEMA. Responding to these concerns, OPM granted DHS an additional 40 SES positions in December 2007. Since that time, departmental components and offices have developed information to support the need for another 131 positions.³⁷ As of March 2008, DHS was determining whether it would seek more.

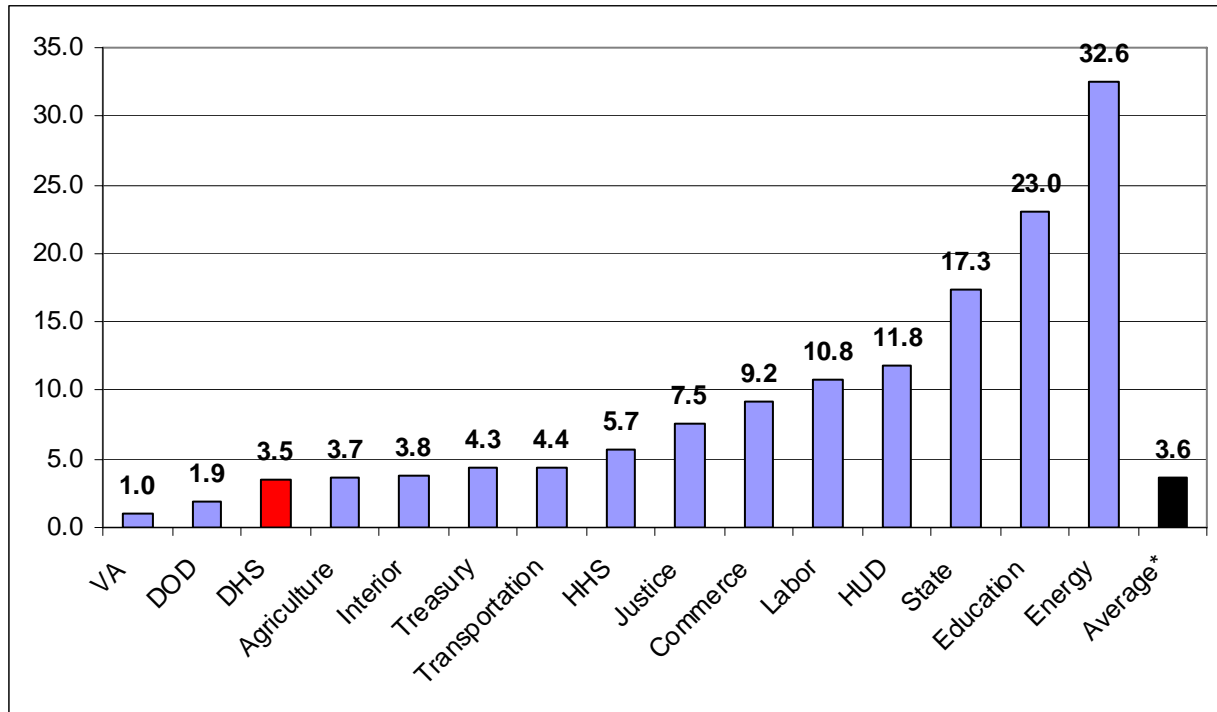
Number of DHS Executives Compared With Other Departments

A key aspect of this study was a comparison of DHS’ executive profile to that of other departments. There are various ways to accomplish this task; two criteria are the ratio of employees to executives and the dollar volume of budget authority that an executive oversees.

³⁷ DHS has indicated that the majority of these SES positions would be for career appointments, but could fill any general position with a non-career appointment.

DHS has 3.5 executives (SES, PAS and PA) for every 1,000 employees, fewer than all departments except DoD and VA. Exhibit 11 compares DHS' number of executives with other departments.

Exhibit 11: Number of Executives per 1,000 Employees



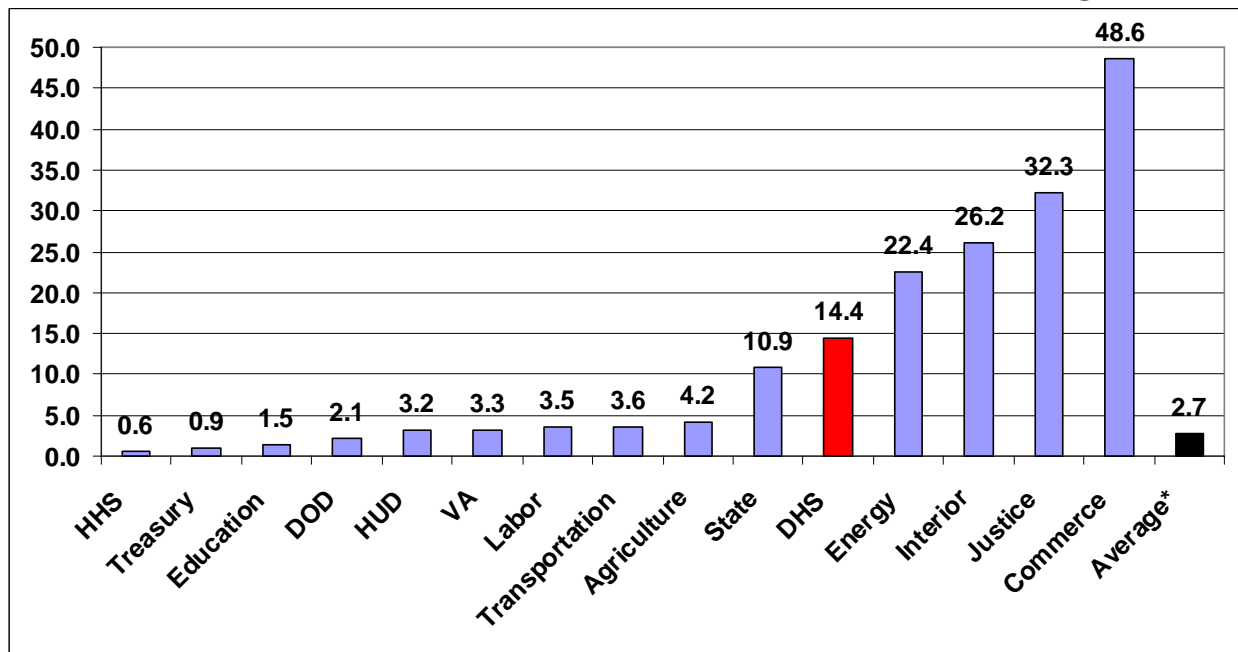
* Average is the total number of executives divided by the total number of employees divided by 1,000 for all 15 departments.

Source: FedScope as of September 30, 2007 adjusted for TSA executives, which are not identified in FedScope. FedScope data only include information on filled positions. Information on all executive positions should be included in OPM's Executive and Schedule C System, but this information is not current or complete.

Exhibit 11, which provides an overall comparison with other departments, demonstrates that DHS is on the low end of total executives per 1,000 employees on a department-by-department comparison. Compared with the governmentwide total of all department executives and all department employees, DHS' ratio is at the average. It is important to note that DoD, VA, State and HHS have a significant number of executives who are in compensation systems other than the SES and not included in this information. These include military leadership and executives at VA's Department of Medicine and Surgery, the State Department's Foreign Service, DHS' Public Health Corps and in medical and scientific positions at the National Institutes of Health.

Comparing executives to the budget of federal departments, the number of DHS executives overseeing each billion dollars of the budget exceeds those in ten departments and is less than those in four departments. At DHS, 14.4 executives oversee each billion dollars of the budget. Governmentwide, the average for the 15 Cabinet departments is 2.7 executives for each billion dollars.

Exhibit 12: Number of Executives for Each Billion Dollars of the Budget



* Average is the total number of executives divided by the total budgeted dollars divided by 1 billion for all 15 departments.

Source: Budget data are FY 2007 actual budget authority shown in the FY 2009 Budget of the United States; FedScope as of September 30, 2007, which includes only filled positions and is adjusted for TSA executives not identified in FedScope.

Again, such broad comparisons need to be viewed with caution given departments' different operating structures and missions. Beyond these general comparative analyses, consideration should be given to the fact that different departments have different types of responsibilities and workforces. For example, some agencies manage large amounts of grants, others conduct their work primarily through contractors and still others are significantly operational.

SES Positions in Border and Immigration Field Offices

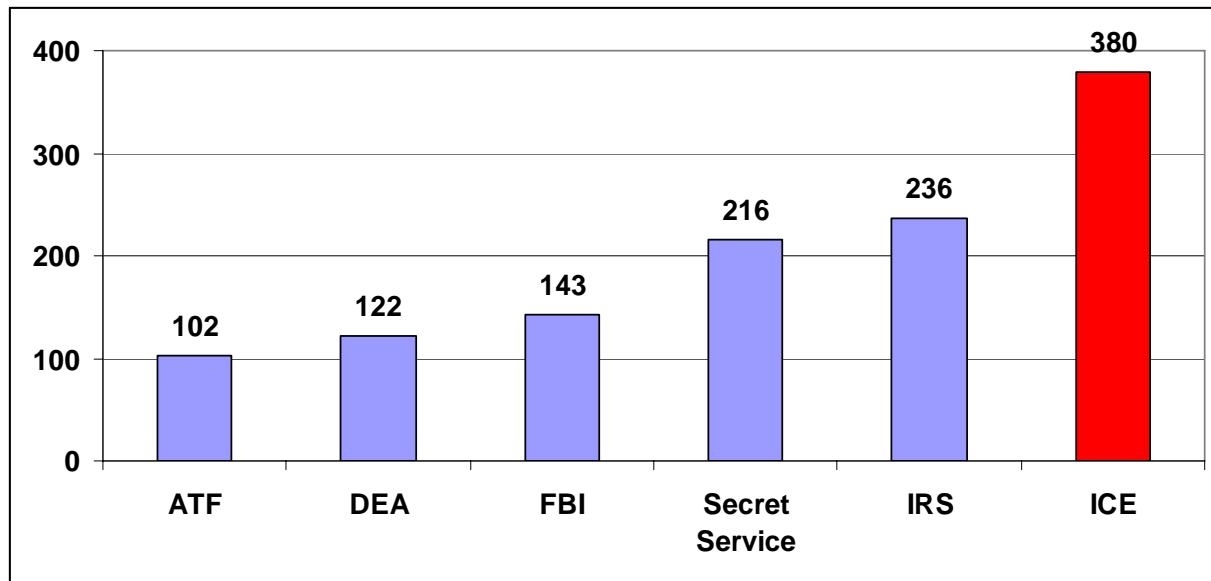
DHS officials interviewed said additional senior executive positions are needed in the field locations of Customs and Border Protection (CBP), Immigration and Customs Enforcement (ICE), and Citizenship and Immigration Services (CIS). Officials in these components stated that increased border enforcement and immigration responsibilities have resulted in the need for more field executives to lead the programs.

ICE is an investigative agency that is responsible for securing the United States by enforcing immigration and customs laws, protecting Federal buildings and other key assets, and providing law enforcement support in times of national emergency. The agency documented its needs for additional executives in a September 2007 "Senior Executive Service Position Request Strategic Plan" that provides a rationale for additional SES spaces and reflects concern over a "highly fragmented deployment of executive positions in the field and a shortage of executive positions to head critical headquarters and field program and leadership roles." With respect to consolidating executive leadership in top field offices, ICE believes that all Special Agent in

Charge (SAC) and Field Office Director positions should be at the SES level given their responsibilities and because they are at that level in such comparable law enforcement agencies as the FBI and DEA. Currently, only 16 of 26 ICE SACs are SES executives. For example, an ICE official said the FBI in Manhattan has one Assistant Director and six SACs, all of whom are SES. In contrast, the New York City SAC is the only ICE SES member in the New York area; the deputy and the SACs in New Jersey, Baltimore and Philadelphia are GS-15s.

ICE’s key occupation is Criminal Investigator, GS-1811, a common occupation in other law enforcement agencies. It has 6,049 criminal investigators, the largest occupation of its 16,975 employees.³⁸ Analysis shows that 5,695 agents are in the field, of whom only 15 are senior executives—a ratio of 1 executive for every 380 agents. The project team compared this ratio with five other agencies with more than 2,000 criminal agents. As shown in Exhibit 13, ICE has the highest number of field agents for each SES field executive of these agencies.

Exhibit 13: Comparison of the Number of Criminal Agents for Each Senior Executive



Source: FedScope as of September 2007.

CBP is responsible for protecting the Nation’s borders to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel. Its officials said they need 60 to 70 additional SES positions, noting that law enforcement needs a lower ratio of management to employees, especially along the southern border where its mission has expanded rapidly. CBP officials told the project team that some field locations have a GS-15 supervising very large offices.

Comparing CBP with other law enforcement agencies is imprecise because only several of its employees are criminal agents. Seventy percent are Customs and Border Protection Inspectors and Border Patrol Agents, 99 percent of whom are based in the field. However, only 7 SES Border Patrol Agents and 20 Directors of Field Operations and Port Directors are field-based.

³⁸ As of March 23, 2008, ICE had 17,295 on-board employees (includes full time and part time employees, those on LWOP, volunteers, etc.).

Overall, 33 field executives in CBP supervise 45,000 field CBP employees. The large border states have large numbers of employees with few executives, as shown in Exhibit 14.

Exhibit 14: CBP Executives and Employees in Key States

State	Senior Executives	Total Employees	Number of Employees for Each Executive
Texas	9	11,207	1245
California	6	8,001	1334
Arizona	3	4,787	1596
New York	4	3,527	882
Florida	2	2,878	1439
New Mexico	0	1,517	∞

Source: FedScope as of September 2007.

CIS, responsible for administering immigration and naturalization adjudication functions and for establishing immigration services policies and priorities, is the third DHS component voicing the need for additional field executives. Although their number of SES positions had grown from 15 to 50 positions, CIS officials reported that they could benefit from an additional twenty. They noted that most of those positions deemed necessary would be in the field, not headquarters.

CIS is a service organization and it is difficult to find exact comparisons with other federal agencies. Sixty-five percent of all CIS employees are in General Inspection and Investigation Compliance and Compliance and Inspection Support occupations and 95 percent of them are based in the field. Overall, CIS has 7,552 field employees with 15 field executives—a ratio of 1 executive for every 500 employees. Officials noted that 15 field executives are not sufficient to cover its four regions, 26 domestic districts, and three international districts. Some field organizations have from 600 to 1,000 employees with GS-15s managing the office.

Exhibit 9, shown earlier in this chapter, outlines the criteria that OPM considers when determining whether SES positions are warranted. Key responsibilities for field executive positions in CIS, ICE, and CBP meet several of them. For example, an ICE field director is responsible for directing district programs that call for securing the United States by enforcing immigration and customs laws; protecting Federal buildings and other key assets; providing law enforcement support in times of national emergency; eliminating vulnerabilities that pose a threat to the Nation’s borders; enforcing economic, transportation and infrastructure security; and significantly minimizing the potential threat of terrorist acts against the nation. This position meets four of the five broad criteria for an SES position, including directing the work of an organizational unit; being held accountable for the success of a program; monitoring progress toward organization goals; and supervising the work of employees.

Several factors support the need for more DHS SES positions in field locations. These include:

- leadership for new programs and programs that are enhanced by virtue of additional resources, authority, a higher priority status or a combination of these factors, examples being border security and immigration, identity security, cyber security and operations

- leadership required by a substantially increased workforce to ensure sufficient direction and oversight, such as Border Patrol Agents
- supplementary leadership, often in the form of deputy positions, to ensure sufficient depth and continuity
- appropriate classification for certain GS-15 positions that have grown in responsibility and authority to the point that they should be established as an SES position
- the lack of equivalency with other agencies regarding executive level law enforcement positions

As noted earlier, DHS components have submitted requests for an additional 131 SES positions. These requests are being reviewed in the Office of the Under Secretary for Management for possible submission to OPM, yet the department has not decided whether to pursue additional ones at this time. If it does, this request will reflect not only component priorities but departmental ones based on which requested positions most clearly align with the department's priority programs, taking funding sources, congressional interest and other factors into consideration. In late 2008, OPM will conduct a biennial review of SES allocations that will provide DHS an opportunity to request additional spaces.

CAREER VERSUS NON-CAREER EXECUTIVES

An analysis of DHS' career/non-career executive profile was another key study task. There has been significant debate over the appropriate balance between non-career and career employees in government agencies. On the one hand, it is argued that reducing the number of political appointees drawn from outside the civil service deprives the President of the ability to bring new energy, perspective and responsiveness to federal programs. In addition, it is believed that top political leaders, such as Cabinet Secretaries, require an immediate staff that is trusted, loyal and politically aligned with the President's agenda. On the other hand, those in favor of reducing the number of political appointees—or replacing them with career executives—have pointed to the management advantages of career executives; that is, their subject area expertise, public management experience and longer tenure arguably are beneficial to continuity and the efficient operation of government programs.

OPM has not developed specific criteria for the types of positions that career appointments or non-career appointments should fill. It has outlined the criteria for the type of position that should be designated career-reserved and therefore must be filled with a career appointment. Such positions are created to “ensure the impartiality or the public's confidence in the impartiality, of the government.” Career reserved positions “involve day-to-day operations, without responsibility for or substantial involvement in the determination or public advocacy of the major policies of the administration or agency.” Career officials must occupy various occupations, including adjudication and appeals; audit and inspection; civil or criminal law enforcement and compliance; contract administration and procurement; grants administration; investigation and security matters; and tax liability.

Using the definition of career-reserved positions, it can be posited that positions potentially to be filled by non-career appointees are those that, as a function of their duties, require commitment to the policies of the President and administration they serve. Non-career appointee qualifications are not scrutinized against the same executive criteria as career appointees. The overarching consideration for the latter is their potential to implement and/or execute the duly established policies of the President and administration.

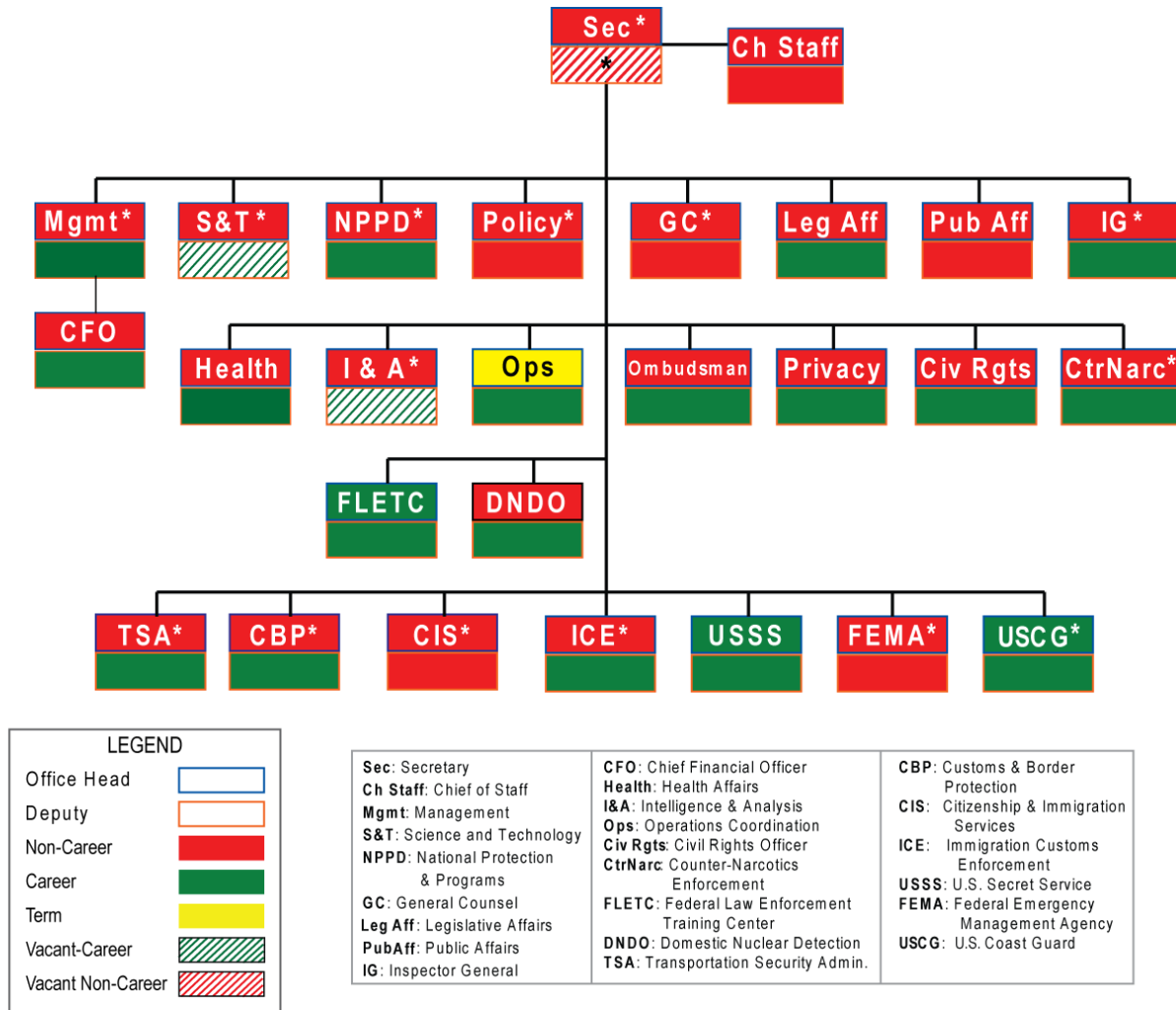
Nearly all non-career executives will leave as a result of the Presidential transition. At DHS, approximately 11 percent (83 of 775) of all executive positions are non-career. About 13 percent (80 of 636) of filled executive positions are non-career. This distribution will change somewhat as DHS implements executive staffing plans related to the transition. Acting Deputy Secretary Paul Schneider stated in the January 19, 2008 issue of the *DHS Leadership Journal*, "As part of (transition) planning, we're filling some of the top jobs previously held by political appointees with career professionals....By promoting dedicated civil servants who've proven their mettle, we're not only building for the future, but are helping ensure that during the transition...our department is prepared." Examples of this approach are the appointments of career deputies in CBP and TSA. In addition, career appointees filled three FEMA Regional Administrator positions.

It is interesting to note that some positions currently filled by non-career SES appointees would have been filled by career appointees if sufficient candidates had responded to merit staffing announcements; examples include the Chief of Staff and Assistant Director for Public Affairs positions at ICE. DHS officials noted that some post-Katrina Regional Administrator jobs at FEMA were filled on a non-career basis rather than career in order to hire qualified persons on an expedited basis.³⁹ Hiring a non-career employee or a term employee can take just a few weeks; in contrast, DHS' career executive hiring process averages several months when using an open announcement/competitive process. However, non-career employees cannot receive recruiting or relocation incentives which are available to career executives.

DHS' 80 non-career executives fill key executive positions, including Secretary, Deputy Secretary, Under Secretaries, Assistant Secretaries, deputies and other key officials. Exhibit 15 shows the 54 DHS executives filling the head and deputy positions based on the department's organization chart. Of the 54 positions, thirty are non-career.

³⁹ FEMA officials point out that the Regional Administrator positions have largely been non-career appointments because various Administrations have wanted to reserve the positions for non-career appointments.

Exhibit 15: DHS Senior Leadership Positions by Type of Appointment



* PAS Appointment

Source: DHS Executive Resource Data as of March 20, 2008.

As depicted in Exhibit 16, the large operating components have fewer non-career executives than headquarters offices. FEMA is the exception; its executive profile is discussed in the next section.

Exhibit 16: Career/Non-Career Profile of Filled DHS Executive Positions

Component	Non-Career	Percent Non-Career	Career	Percent Career	Term^a	Total
<i>Headquarters</i>						
Domestic Nuclear Detection Office	1	17%	5	83%	0	6
Intelligence and Analysis	2	11%	17	89%	0	19
Management	2	5%	34	92%	1	37
National Protection and Programs Directorate	6	43%	8	57%	0	14
Office of General Counsel	4	33%	8	67%	0	12
Office of Health Affairs	1	11%	8	89%	0	9
Office of Inspector General	1	8%	11	92%	0	12
Operations Coordination	0	0%	4	80%	1	5
Office of the Secretary	18	86%	3	14%	2	23
Policy	5	26%	8	42%	6	19
Science and Technology	2	7%	23	82%	3	28
Total Headquarters	42	23%	129	70%	13	184
<i>Operating Components</i>						
Customs and Border Protection	5	6%	76	90%	3	84
Citizen and Immigration Services	6	14%	38	86%	0	44
Federal Emergency Management Agency	20	34%	34	59%	4	58
Federal Law Enforcement Training Center	0	0%	8	100%	0	8
Immigration and Customs Enforcement	3	6%	50	93%	1	54
Transportation Security Administration	3	2%	124	87%	15	142
U.S. Coast Guard	1	8%	12	92%	0	13
U.S. Secret Service	0	2%	49	98%	0	49
Total Non-Headquarters	38	9%	391	86%	23	452
TOTAL DHS	80	13%	520	82%	36	636

Note:

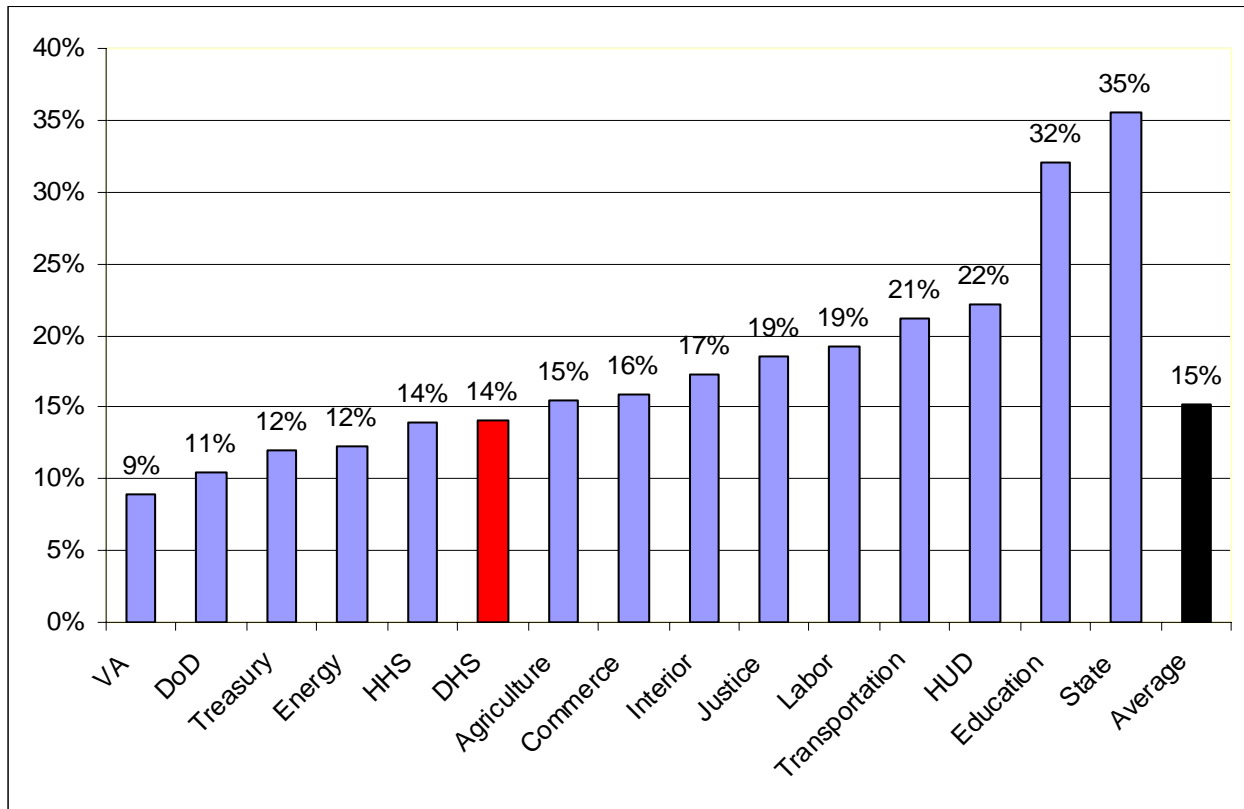
a) Term executive appointments at DHS have largely been used to fill temporary expert needs. The overwhelming majority of the incumbents in these positions have had long-term careers in the government. A small number of these executives have previously held political positions.

Source: DHS Executive Resources as of March 20, 2008.

Career/Non-Career Mix Compared With Other Federal Departments

To compare DHS’ career/non-career executive mix with other departments, the project team used information in OPM’s FedScope as of September 30, 2007. The data showed that 14 percent of DHS’ executives were non-career, which differs from more recent DHS data showing 13 percent. DHS’ percentage of non-career executives is slightly lower than the governmentwide average of 15 percent. Exhibit 17 compares the DHS’ percentage of non-career executives to other departments.

Exhibit 17: Percentage of Executives That Are Non-Career



Source: FedScope as of September 30, 2007 (for filled positions; adjusted for TSA executives not identified in FedScope). Accurate information from OPM on authorized executive positions is not available.

Compared with other departments, the percentage of DHS’ currently filled non-career executives (14 percent) ranks it as one of six departments with the lowest percent of non-career executives, alongside VA, DoD, Treasury, Energy and HHS.

In addition to determining the overall percentage of non-career executives, it also is important to show the percentage of key non-career executives in a department’s headquarters structure. Exhibit 15 depicts the 54 career/non-career positions on DHS’ organizational chart; of that number, 30 positions or 56 percent are non-career. The project team then analyzed the career/non-career mix of other departments based on their headquarters organizational charts: State, Justice, Treasury and Defense.⁴⁰ The results of this analysis are shown in Exhibit 18.

⁴⁰ These departments were chosen because they also have homeland security responsibilities.

Exhibit 18: Selected Department Senior Leadership Positions

Department	Non-Career Executives*	Percent Non-Career	Career Executives	Percent Career	Total Executives
DHS	30	56%	24	44%	54
State	57	66%	29	34%	86
Justice	44	59%	31	41%	75
Treasury	45	49%	46	51%	91
Defense	70	59%	49	41%	119

* Includes PAS, PA and non-Career SES appointments.

Source: OPM’s Executive and Schedule C System as of January 31, 2008 supplemented with information from Leadership Directory.

The percentage of key positions at these departments filled by non-career appointments range from 49 percent at Treasury to 66 percent at State. DHS’ 56 percent is similar to that of the other large departments with homeland security responsibilities.

Leadership Continuity and the Role of Career Executives

Various studies have highlighted the importance of leadership continuity. Because non-career employees generally stay in a position fewer than 2 years, longer fixed-term appointments established by statute or career executives must provide that continuity. For example, an Academy study for the FBI outlined options for organizing the bureau’s management functions and noted that, “Regardless of which option the FBI selects for organizing its management functions, it should address its difficulties with leadership continuity.” In describing the need for Chief Operating Officers and Chief Management Officers, GAO also spoke to the importance of leadership continuity and ways to achieve it. In a November 2007 report, GAO stated, “Given that organizational results and transformational efforts can take years to achieve, agencies need to take steps to ensure leadership continuity in the (Chief Operating Officer/Chief Management Officer) position.”⁴¹ It included term or career appointments as possible mechanisms to increase leadership continuity.

Fixed-term appointments established in statute can instill a long-term focus, but they also may reduce rapport with a new Administration’s non-career leadership team. Several term appointments for senior federal positions have been established to promote and enhance continuity and independence. These include:

- the 5-year term of the Chief Operating Officer of the Air Traffic Organization in the Federal Aviation Administration
- the 10-year term of the Director of the FBI
- the 3- to 5-year term of the Chief Operating Officer of Federal Student Aid in the Department of Education

⁴¹ U.S. Government Accountability Office, *Organizational Transformation: Implementing Chief Operating Officer/Chief Management Officer Positions in Federal Agencies*, GAO-08-34, November 2007.

- the 5-year term of the Commissioner of the Internal Revenue Service
- the 6-year term of the Commissioner of the Social Security Administration

Some experts interviewed by GAO said such fixed-term appointments could protect “the incumbent from undue political influence” and enhance the “continuity of leadership in the agency.”

Use of Career and Fixed-Term Appointments

Leadership continuity also could be enhanced if specific non-career leadership positions were converted either to fixed term or career appointments. Several officials, both inside and outside DHS, thought that several non-career positions should be filled with career executives. In January 2007, the DHS Homeland Security Advisory Commission Culture Task Force stated that the department should establish a Deputy Secretary for Operations to report to the Secretary and be responsible for high level departmentwide integration and alignment of the components. The task force report recommended that the position be a career executive to provide continuity and freedom from political influence. It was envisioned that this official also would be in a position of continuity to help drive organizational maturation and reinforce the culture required for the long-term success of DHS and its components.

In its January 2008 report, the DHS Homeland Security Advisory Council Administration Transition Task Force recommended that Congress and current DHS leadership “continue to reduce the number of senior political appointees so that there is a more even mix of career and Presidential appointed senior positions to maintain continuity and historical knowledge.” The task force did not identify specific political positions that should be redesignated as career.

One option is to convert some positions to fixed-term appointments, similar to those identified earlier in this chapter. For example, one official suggested that the Assistant Secretary of ICE be made a 5-year term position. It was noted that law enforcement positions are not meant to be partisan. In addition, as discussed in Chapter 2, one presidential candidate has suggested that the FEMA Administrator have a fixed term. These positions are largely operational and less policy oriented. PAS appointees may be chosen from career ranks. For example, Under Secretaries at the Department of Veterans Affairs have 4-year term PAS appointments and often are chosen from the non-partisan career executive ranks. Making a PAS position a fixed-term appointment requires a change in authorizing legislation.

Several DHS offices and components have indicated that career executives should fill certain non-career positions.⁴² These include one position in an operating agency, the CBP Assistant Commissioner for International Affairs and Trade Relations, and several positions in headquarters, specifically:

⁴²This information was developed as a part of DHS’ succession planning database. More information on this database is contained in Chapter 5.

- Deputy Under Secretary for Operations in Intelligence and Analysis
- Deputy Under Secretary for National Programs and Protection
- Director for Immigration Refugee and Asylum Affairs in the Office of Policy
- Director of the Visa Waiver Program in the Office of Policy
- Chief of Staff in Science and Technology
- Director of the Interagency Programs Division in Science and Technology
- Chief of Staff in the Office of the Under Secretary for Management
- Chief Human Capital Officer
- Chief Financial Officer

To provide greater continuity, some officials suggested that all Deputy Under Secretary positions, Deputy Assistant Secretary positions, and deputy positions in other DHS offices and components be filled with career executives. Currently, most offices have a career deputy, but there are exceptions. Offices that do not have a career deputy or second-in-charge position include FEMA, CIS, the National Programs and Protection Directorate, Office of Policy, Office of General Counsel and Office of Public Affairs. In addition, several offices have career deputy positions, but the positions are not filled, including Science and Technology, Intelligence and Analysis, the Office of Legislative Affairs and Office of the Chief Financial Officer.

Based on these data and analysis, the Panel believes it important that offices and components have top leadership that includes both career and political appointees. Each has an important role and set of responsibilities to carry out. An effective mix of career and non-career positions can ensure that these officials complement each other and create positive synergy.

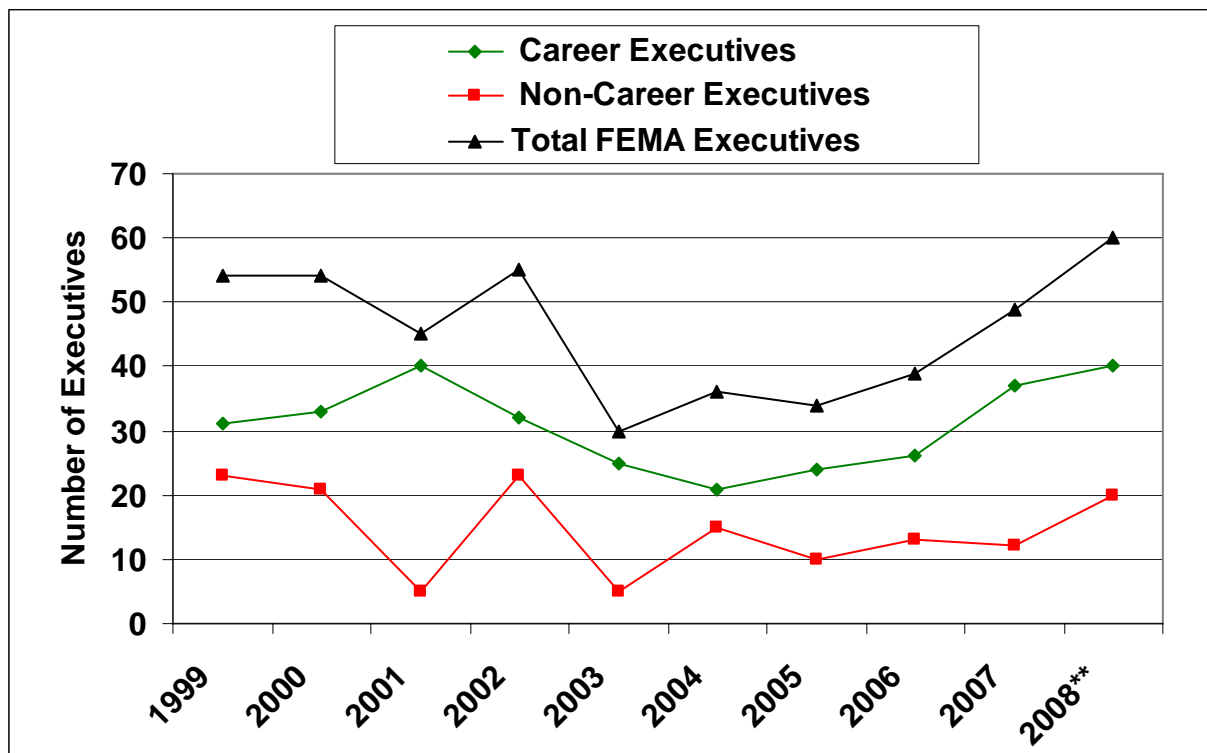
FEMA Non-Career Executive Positions

FEMA is the key DHS component that needs to address its number of non-career executives. As shown in Exhibit 16, FEMA stands out in terms of its number and percentage of non-career executives when compared to other department offices and components. It has 20 non-career executives, 4 term executives and 35 career executives. The 20 non-career executives include 6 of the 10 Regional Administrators. FEMA also has 19 vacant executive positions,⁴³ one non-career, 11 career and seven not designated. Nearly all current and former DHS officials interviewed said FEMA should have significantly fewer non-career executives; they specifically recommended that career executives fill Regional Administrator positions.

FEMA has a history of filling a large number of executive positions with non-career executives. Exhibit 19 shows that the number of career executives has remained relatively constant, but the number of non-career executives has fluctuated, primarily with the change in Administration in 2001 and DHS' creation in 2003.

⁴³ As of April 23, 2008, FEMA had 3 SES selections pending on-boarding in the next 30 to 40 days, 3 in final interviews; and 8 closed announcements in the ranking process.

Exhibit 19: FEMA Career and Non-Career Executives, 1998 to 2008



* Data as of September 30.

** 2008 data are as of March 20, 2008.

Source: FedScope (1998 through 2007); DHS Executive Resources (2008)

A position-based breakdown of FEMA's non-career positions indicates that as of March 20, 2008:

- Five are PAS positions and one is a non-career SES position designated by the President under the Stafford Act.⁴⁴
 - the Administrator and Deputy Administrator (PAS)
 - three top-level positions: Associate Administrator, Grants Program; Deputy Administrator for National Preparedness; and Assistant Administrator, U.S. Fire Administration (PAS)
 - Director, Small State and Rural Advocate/Director, Community Preparedness (Stafford Act)
- Fifteen are SES non-career positions (administratively determined):
 - nine Assistant Administrator, Deputy Administrator, and Director positions for major program areas
 - six Regional Administrator positions

⁴⁴ PAS and PA positions are all established in statute. The non-career SES position designated by the President is shown in the exhibits in this report as a PA position.

In the past year, three Regional Administrator positions were converted from non-career to career. One such position is currently vacant as of March 20, 2008.

The 1993 Academy report, *Coping with Catastrophe: Building an Emergency Management System to Meet People's Needs in Natural and Manmade Disasters*, found that FEMA had too many political appointees and recommended that non-career positions be limited to the Director and Deputy Director, and that a career Executive Director be appointed, as well. Fifteen years later, current and former FEMA officials interviewed agreed. Specifically, they viewed the Regional Administrator position as more appropriate for career appointment.

Views were more mixed on whether other FEMA non-career positions should be career. The agency has non-career appointees in several positions, including the Assistant Directors for Disaster Assistance, Disaster Operations, Mitigation, National Continuity Programs and National Capital Region Coordination. Similar positions for other operating components are career. These executives are responsible for primary FEMA programs and, with the exception of the National Capital Region Director, all have career deputies. As they are general SES positions, DHS has the authority to fill them with either career or non-career appointees.

FEMA officials themselves have indicated that a number of positions currently filled by non-career executives should be converted to career. Providing input to a DHS succession planning database, FEMA recommended that all of its Regional Administrator positions be converted to career executives, noting that the positions require:

- comprehensive knowledge of the principles, practices and organizations that affect the emergency management activities in the United States and of the operations, policy and program concerns of significant emergency management constituencies
- ability to work with diverse interests and viewpoints to achieve consensus on goals and objectives
- knowledge of organization and program management theories, principles and techniques
- ability to exercise leadership and manage a diverse and complex organization

FEMA officials believe that these skills can best be provided by a career executive who also would provide leadership continuity. They also noted that the Assistant Administrator of the U.S. Fire Administration and the Assistant Administrator of National Continuity Programs should be career.⁴⁵

GAPS IN THE DHS CAREER SENIOR LEADERSHIP STRUCTURE

Another critical study task was to identify gaps in DHS' career senior leadership structure, including risks associated with changing leadership during a Presidential transition. Because most of the non-career leadership will leave with transition, career executives must fill many

⁴⁵ In April 2008, FEMA began efforts to recruit a career executive to fill the position of Assistant Administrator, U.S. Fire Administration.

positions until new non-career executives are sworn in. DHS' plans to address leadership continuity are discussed in Chapters 4 and 5.

Vacant Executive Positions

A large number of vacancies is a major gap in DHS' career leadership structure. As noted earlier, there were 139 vacant executive positions as of March 20, 2008.⁴⁶ Most are for career SES, but there are three non-career positions: Deputy Secretary, Chief Information Officer and Chief Human Capital Officer.⁴⁷ The department has indicated that careerists will fill the other vacancies, senior executive positions, except for five positions being held for non-career appointments. Those 139 vacancies are spread across department offices and components; the largest percentage of vacant executive positions is in the National Protection and Programs Directorate. In addition, DHS has flagged 34 of the 139 vacant positions as critical. Exhibit 20 shows the distribution of these vacancies.

Exhibit 20: DHS Executive Positions

Component of Office	Total	Filled	Vacant	Percent Vacant	Vacant Positions That Are Critical^a
<i>Headquarters</i>					
Domestic Nuclear Detection Office	7	6	1	14%	1
Intelligence and Analysis	25	19	6	24%	2
Management	50	37	13	26%	4
National Protection and Programs Directorate	28	14	14	50%	7
Office of General Counsel	20	12	8	40%	0
Office of Health Affairs	11	9	2	18%	0
Office of Inspector General	13	12	1	8%	0
Operations Coordination	6	5	1	17%	1
Office of the Secretary	28	23	5	18%	0
Policy	24	19	5	21%	0
Science and Technology	36	28	8	22%	4
Total Headquarters	248	184	64	26%	19

⁴⁶ DHS components and offices have identified critical positions as a part of DHS' transition planning efforts. This initiative is discussed in Chapter 5.

⁴⁷ The positions all have acting officials serving in them. For example, the Deputy Secretary is currently filled by the Under Secretary for Management on an acting basis. In addition, the Chief Information Officer position was filled as of April 2008.

Component of Office	Total	Filled	Vacant	Percent Vacant	Vacant Positions That Are Critical ^a
<i>Operating Components:</i>					
Customs and Border Protection	106	84	22	21%	5
Citizen and Immigration Services	51	44	7	14%	1
Federal Emergency Management Agency	77	58	19	25%	1
Federal Law Enforcement Training Center	9	8	1	11%	0
Immigration and Customs Enforcement	68	54	14	21%	4
Transportation Security Administration	151	142	9	6%	2
U.S. Coast Guard	15	13	2	13%	2
U.S. Secret Service	50	49	1	2%	0
Total Non-Headquarters	527	452	75	14%	15
DHS TOTAL	775	636	139	18%	34

Note:

a) These positions were deemed critical in DHS' Critical Position Database, discussed in Chapter 5.

Source: DHS Executive Resources Database and Critical Position Database.

DHS is working to fill executive vacancies; in the past year, it has filled more than 150 executive positions. Keeping executive positions filled has been a challenge given the addition of new positions and a high executive turnover rate. The status of filling the current 139 vacancies is shown in the Exhibit 21.

Exhibit 21: Status of Current Executive Vacancies

Appointment Type	No Action	Pending Recruitment	Active Recruitment Process	Assessing Applicants	Candidate Selected	Total
SES Career	2	21	15	40	22	100
SES Non-Career	1	4				5
PA	2					2
PAS	1					1
SES Not designated	7	18			6	31
Total	13	43	15	40	28	139

Source: DHS Executive Resources as of March 20, 2008.

DHS received 40 new SES positions in December 2007; of this number 38 positions are vacant with sixteen pending recruitment, seven in the active recruitment process, nine undergoing assessment and six candidates being selected.

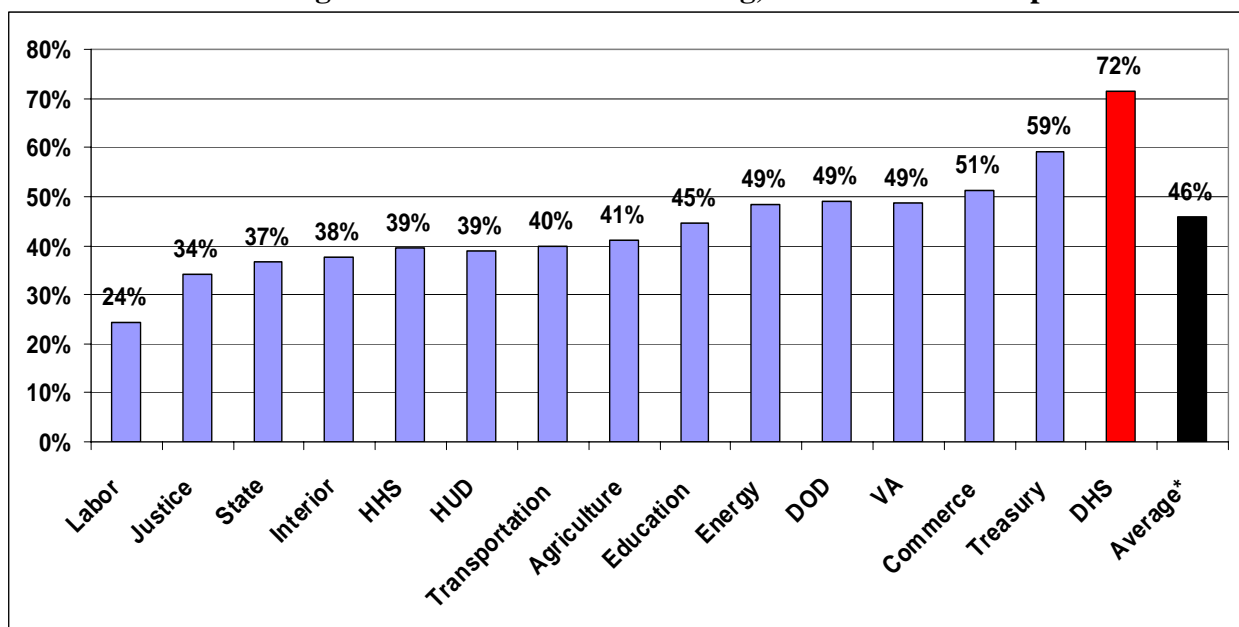
DHS Career Executives and Turnover

Another gap in DHS career executives results from the relatively short time that executives have served in their positions, partially attributable to a high turnover rate. Both non-career and career executives ranks have suffered excessive turnover. In 2007, scholar Paul Light noted that "Homeland Security has experienced extraordinary personnel turnover. In its first four years, the

department has gone through two secretaries...three deputy secretaries, eight under secretaries, three FEMA administrators, four TSA administrators, a dozen assistant secretaries, hundreds of senior executives...⁴⁸

Although non-career executives generally serve in their positions for shorter periods of time than career executives do, large numbers of DHS career executives also have left, mostly due to retirement.⁴⁹ Officials noted that many executives came to the department toward the end of their career and that the lack of clarity of the headquarters mission has caused others to find positions in other departments. Overall, 72 percent of DHS career executives left the department from October 1, 2003 to September 30, 2007, the highest rate of any Cabinet department. These data are shown in Exhibit 22.

Exhibit 22: Percentage of Career Executives Leaving, October 2003 to September 2007



* The average is for all 15 departments.

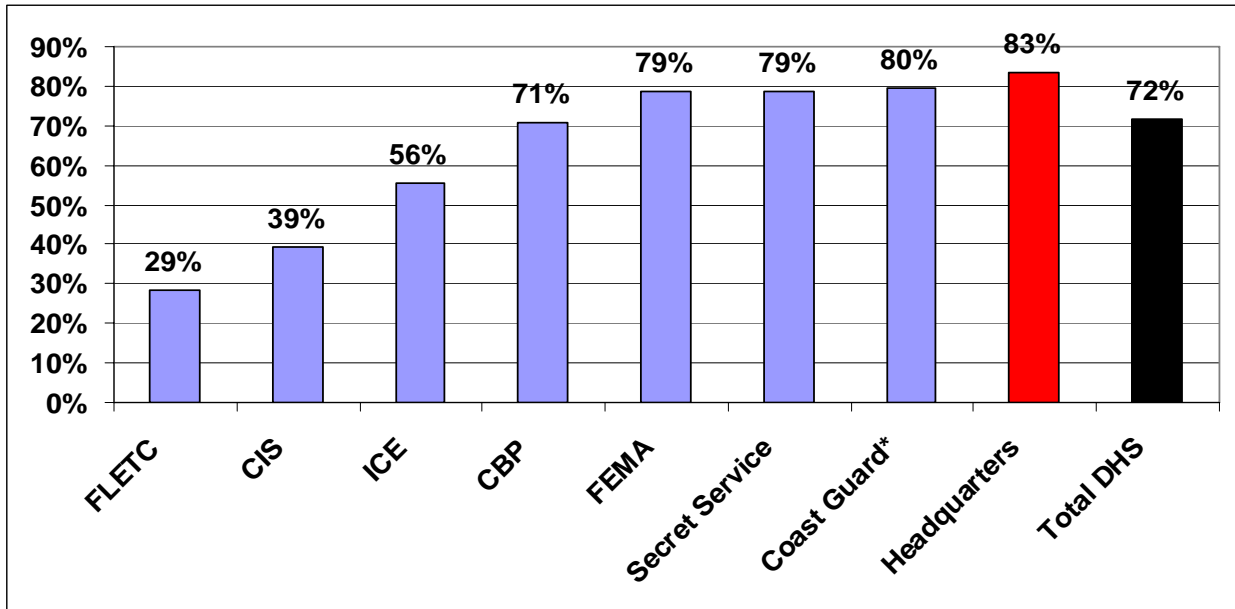
Source: Academy analysis of FedScope data.

Since the beginning of FY 2004, the turnover rate has been high for most DHS offices and components, but especially at headquarters and in the U.S. Coast Guard, U.S. Secret Service, FEMA and CBP. Exhibit 23 depicts the turnover rate for DHS headquarters and components.

⁴⁸ The Homeland Security Hash. Paul C. Light. Wilson Quarterly. Spring 2007

⁴⁹ Turnover is defined as the number of separations divided by the average number of executives employed. Separations are executives who transferred out of the department to another department, quit, retired, were part of a reduction-in-force, terminated, removed, died or separated for other reasons.

Exhibit 23: Percentage of Career Executives Leaving, October 2003 to September 2007, by DHS Component



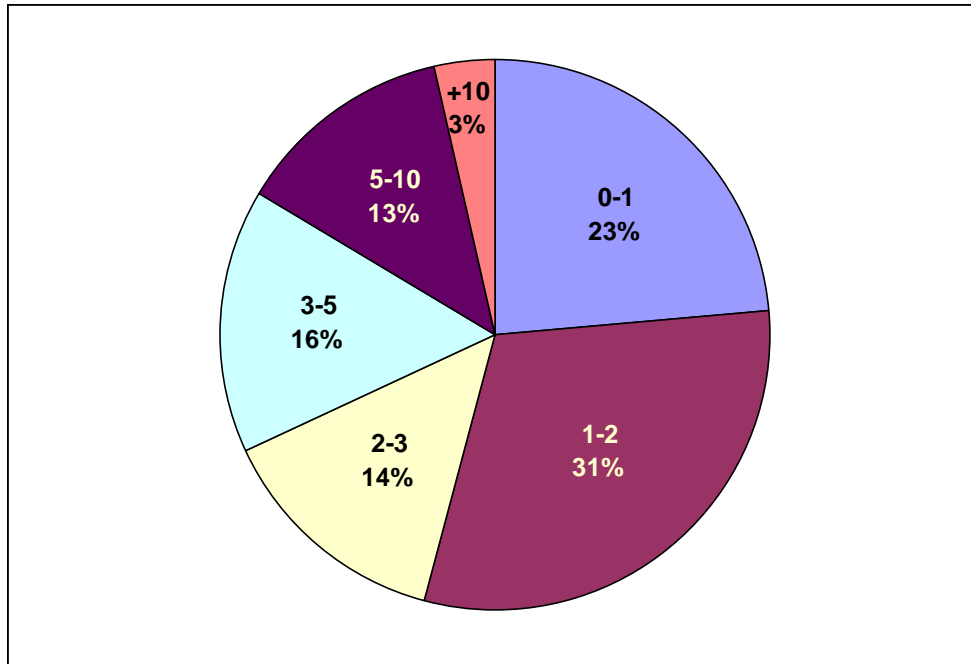
* U.S. Coast Guard data only include civilian executives, not uniformed service.

Source: FedScope (data do not identify TSA executives).

As a result of this turnover rate and because of the creation of many new executive positions, more than half of DHS career executives have been in their positions less than 2 years and two-thirds less than 3 years.⁵⁰ Exhibit 24 depicts this distribution.

⁵⁰ Time-in-position was calculated from the date of appointment to the current position for an executive until March 20, 2008.

Exhibit 24: Years in Position for DHS Career Executives



Source: Academy analysis based on DHS personnel data as of November 2007. The analysis does not include TSA executives; TSA executive appointment data were not available.

Ethnic and Gender Profile of DHS Executives

The relatively low number of minority and female executives is the last area of concern pertaining to DHS’ senior executive leaderships; the department has relatively fewer minority executives and female executives than most other federal departments. This is especially true for non-career executives, of whom 12 percent are female and 12 percent belong to a minority group.⁵¹ Further, 7 percent of career and non-career executives in headquarters offices are minority.

A diverse and inclusive workforce is a competitive advantage for achieving results. GAO’s model of effective strategic human capital management includes “empowerment and inclusiveness” as one of eight critical success factors. In its report describing that model, GAO noted:

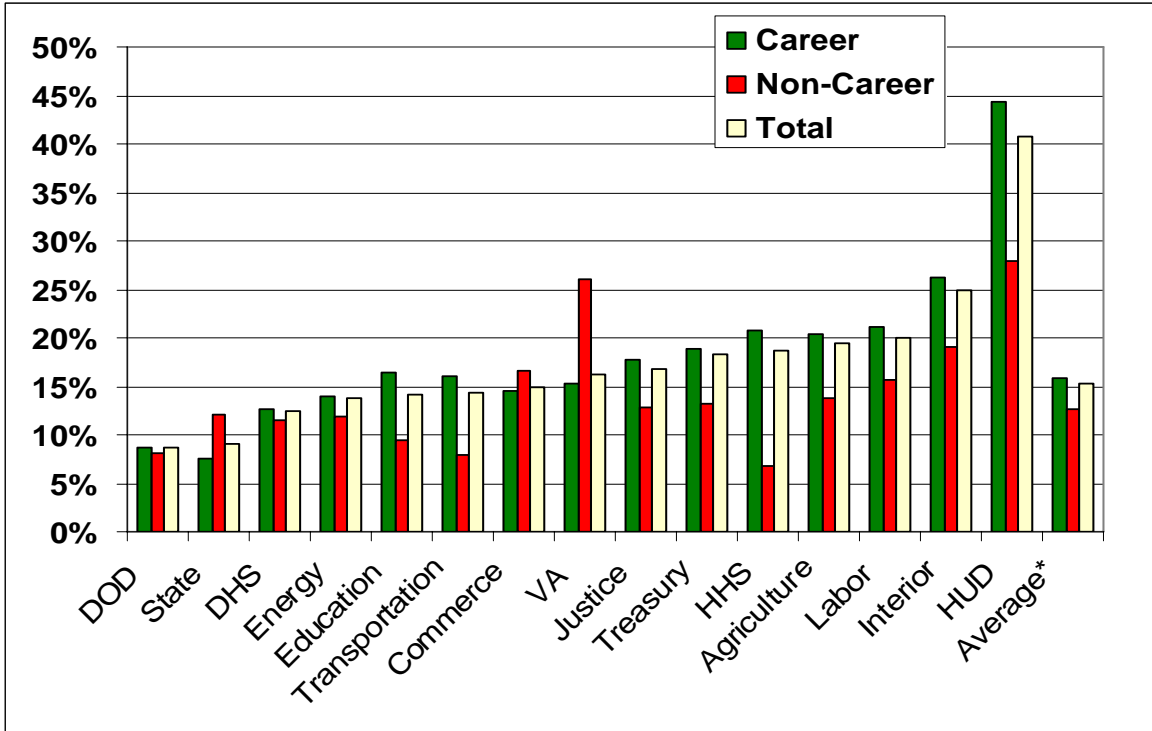
Organizations that promote and achieve a diverse workplace can attract and retain high-quality employees and increase customer loyalty. For public organizations, this also translates into effective delivery of essential services to communities with diverse needs.⁵²

⁵¹ These comparisons do not include TSA as data on executives are not available in FedScope.

⁵² U.S. Government Accountability Office, *A Model of Strategic Human Capital Management*, GAO-02-373SP, March 2002.

DHS has a lower percentage of minorities in executive positions than all other departments, except DoD and State. Exhibit 25 shows the percentage of career, non-career and total executives that are minority for the 15 departments.

Exhibit 25: Percentage of Career and Non-Career Executives That Are Minority

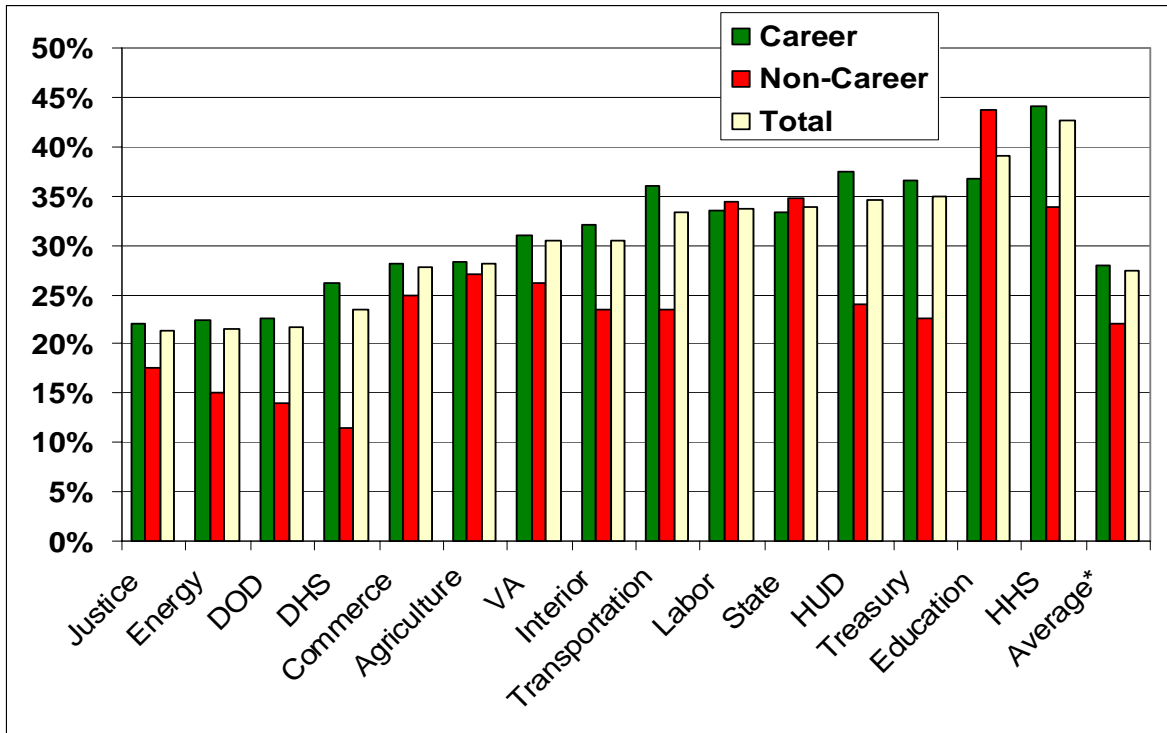


* Average is for all 15 departments.

Source: FedScope as of September 30, 2007. DHS data do not include TSA because its executives are not separately identified in FedScope.

DHS has a lower percentage of female executives than all but three departments: Justice, Energy and DoD. Exhibit 26 shows the percentage of female career, non-career and total executives in federal departments.

Exhibit 26: Percentage of Career and Non-Career Executives That Are Female



* Average is for all 15 departments.

Source: FedScope as of September 30, 2007. DHS data do not include TSA because its executives are not separately identified in FedScope.

A March 2008 report by the majority staff of the House Committee on Homeland Security noted the lack of diversity of DHS executives.⁵³ In releasing the report, the Committee Chairman stated that “the makeup of the department’s senior leadership must be reflective of the face of America.” The report concluded:

To realize its potential, become the agency Congress intended, and fulfill the expectations of the American people, DHS must actively seek to bring to bear divergent perspectives on every aspect of its operations. Failure to develop a culture that incorporates, recognizes, and promotes diversity as an organizational strength is not only counterproductive to the organizational goals but a disservice to the American taxpayer.

DHS has recognized that it must improve its executive diversity profile, and it has taken several steps to that end. The department recently designated its management council as DHS’ de facto diversity council to provide high level direction, priorities and support toward enhancing diversity. One of the council’s first actions will be to approve a departmentwide diversity strategy and implement a diversity action plan for FY 2008-2010.

⁵³ House Committee on Homeland Security Majority Staff, *The Department Of Homeland Security: Minority and Gender Diversity in the Workforce and Career Senior Executive Service*, March 2008.

FINDINGS

Task 1: Assess the appropriateness of the overall number of executives for DHS given its size and broad mission objectives.

The Panel did not conduct a position management review of DHS' organizational structure, but compared its executive structure to other Federal agencies to judge its appropriateness. Several important conclusions can be drawn based on this review:

- DHS' initial allocation of total senior executive slots was well below the number it ultimately would need to accomplish its mission. Additional executives were needed to deal with increases in staffing, the establishment of new organizations and new or expanded responsibilities that were not part of the department's original charter. As a result, the agencies which examine and approve agency requests for additional SES slots—OMB and OPM—have raised DHS' allocation of SES slots from 323 positions in March 2003 to 536 positions in December 2007.⁵⁴ The Panel believes these increases are warranted.
- Given changes in the border and immigration missions, there appears to be a shortage of senior executives in ICE, CBP and CIS field locations. Given its unfilled SES positions, DHS could consider using some open slots to fill executive positions in the border and immigration components or requesting additional slots from OPM.
- The DHS organizational structure has not stabilized. With two major reorganizations in 5 years, the department continues to struggle with headquarters' role in managing the components as a unified whole to better protect homeland security. As DHS refines its organizational and operating structure, the Panel believes it will have the opportunity to examine executive resources needs across the entire organization and components. As part of this process, the department will be able to structure positions and optimize supervisor and employee ratios at all levels.

Task 2: Assess the department's allocation of career and non-career executives.

The Panel finds that the overall allocation of non-career and career executives is reasonable. It is important that offices and components have top leadership that includes both types of appointees; as DHS has proposed, some shifts from non-career to career appointments are warranted. Non-career and career appointees have important and interlocking, if somewhat different, roles and responsibilities to carry out. An effective relationship between them can create a positive synergy for the department. The Panel believes that DoD's mix of career and non-career civilian executives and career military leaders enhances its leadership continuity. This career/non-career mix could provide a model for DHS'

The number of FEMA non-career appointments raises questions compared with other DHS components and on a position-type basis. DHS officials have identified numerous non-career

⁵⁴ In addition to the SES positions authorized by OPM, DHS has 150 SES positions in TSA and 54 ST and SL positions that DHS considers a part of its executive resources. The TSA, SL and ST positions have not been increased over this period.

positions that should be filled with career executives, including all Regional Administrators. FEMA officials agree that these positions should be filled with career appointments, but not Assistant Administrator positions, which they view as having significant policy roles.

Task 3: Compare DHS with similarly structured agencies' career and non-career executives.

Overall, DHS' executive profile is similar to that of other federal departments. Recognizing the limitations of overall average comparisons, the department has relatively fewer executives per employee than most others, yet more executives to oversee each billion dollars of the budget than most others. About 14 percent of DHS' executives are non-career, slightly less than the average percentage for all departments.

Task 4: Identify gaps in the department's career senior leadership structure, including risks associated with changing leadership during a Presidential transition.

Given the departure of non-career executives during the Presidential transition, DHS must rely more on its career executives. To be fully prepared, it needs to address the following gaps in its career executive leadership structure:

- There are numerous vacancies that need to be filled.
- Due to high turnover, DHS career executives have less experience relative to most other departments' executives. More than half have less than 2 years of experience.
- DHS must improve its diversity profile.

Filling critical positions with experienced executives poses a challenge to DHS during routine times. The challenge can become even more daunting during a Presidential transition when most non-career executives leave.

CHAPTER 4

DHS TRAINING FOR TRANSITION READINESS

Training and developing DHS executives are critical for ensuring that the department has sufficient executive capacity during the Presidential transition and beyond. Incoming executives must quickly gain an understanding of DHS and their respective roles related to homeland security, especially in the event of a major homeland security incident. Current DHS career executives, a number of whom may assume acting positions upon the departure of non-career executives, will need additional or refresher training on homeland security responsibilities. In addition, they may benefit from participating in crisis scenario tabletop exercises and training designed to build positive relationships with the new Administration's transition team and appointees. And, both non-career and career executives will need opportunities for interaction that will build trust among them.

DHS began addressing its transition leadership and training challenges in 2007, under the leadership of the former Deputy Secretary, former Chief Human Capital Officer, and acting Deputy Secretary. Accepting the recommendation of the Homeland Security Advisory Council,⁵⁵ it has taken major steps to design and implement a departmentwide leadership development program as a major pillar of the DHS University System. Individual leadership development programs, such as the SES Candidate Development Program and the DHS Fellows Program, further address the department's homeland security responsibilities and related executive roles.

Under the framework of its Preparedness Center, DHS provides courses related to specific aspects of homeland security and crisis management. As a key component of its transition planning and preparation, it is developing training focused on the knowledge and skills that new and current executives need to plan for and manage major incidents that threaten homeland security during the transition. The Council for Excellence in Government has been engaged to assist with transition training efforts.

This chapter addresses the fifth and sixth tasks posed by Congress and DHS for this study:

5. Assess the adequacy of career SES and other career development training programs as they impact transition readiness.
6. Compare DHS' transition training programs with those of similarly structured Cabinet-level agencies.

The Panel's findings are at the end of the chapter and recommendations are in Chapter 6.

⁵⁵ Homeland Security Advisory Council. Report Of The Culture Task Force, January 2007

DHS TRAINING AND DEVELOPMENT INITIATIVES

Two components of DHS' training and development programs are key to preparing DHS leaders to handle their transition responsibilities:

1. executive leadership development
2. homeland security and crisis management, including transition-specific training and cross-government collaboration

Executive Leadership Development

The department's overall learning and development strategy is carried out through a DHS University System established in 2007. Announcing the system, Secretary Chertoff noted its importance in streamlining and integrating DHS training and development programs and building a performance culture. The system is led by the DHS Chief Learning Officer located within the Office of the Chief Human Capital Officer.

DHS' executive development program, the Leadership Institute, is used to develop department employees at all levels and prepare DHS leaders by providing essential training at career milestones. The Leadership Institute includes the following programs:

- The **SES Candidate Development Program** develops executive level leadership competencies and core qualifications as part of an intensive 18-month course. The first program began in January 2007; a second one will begin in July 2008. Each program involves up to 30 managers and executives departmentwide. DHS plans to expand the program to help meet the continuing need for new executives. In addition, it was recently agreed that CBP and TSA would have their own SES development programs for specific mission-critical training due to their increased need for SES candidates. Their programs are reviewed and approved by the Chief Learning Officer to ensure conformity with department and OPM standards.
- The **Executive Leadership Program**, provided in cooperation with FEMA and the Naval Post-Graduate School, is designed for select DHS Senior Executives. The program enhances executives' capacity to identify and resolve homeland security issues, as well as build networks among the Nation's homeland security officials.
- The **DHS Fellows Program**, provided in cooperation with the Council for Excellence in Government, is designed to develop leadership skills via individual and team coaching, practical and experiential learning and job rotation. It is a 9GS--month program intended for GS-15, 14 and exceptional GS-13 employees. Succession and transition issues are covered.
- The **Strategic Studies Program**, offered in partnership with the National Defense University and U.S. Coast Guard, aims to improve strategic planning and analytical skills through a 4-month program for senior leaders.
- **Multi-Tier Leadership Development Courses** enable candidates to choose from a variety of DHS courses to enhance leadership skills and build new leadership

competencies. Several directorate and component leadership courses are included among the choices.

- The **Training, Education and Development Plan for DHS Chiefs of Staff** was launched in February 2008. Participants include the Chiefs and Deputy Chiefs of Staff across DHS, consisting of both career and non-career employees at the GS-15 and SES levels. A major component is “Preparedness/Contingency Tasks and Responsibilities,” which provides baseline training on such topics as the Incident Command System, Continuity of Operations, National Incident Management System, Multi-Agency Coordination System, National Infrastructure Protection Plan and National Response Framework.

Rotational assignments are a developmental initiative announced in November 2007. A DHS directive established a rotational assignments program for SES and TSES managers and supervisors, as well as participants in the SES candidate development, management development and career development programs. Rotational assignments are viewed as a vehicle for fostering greater information sharing and team building and for obtaining depth and breadth of experience. The Under Secretary for Management is responsible for the program’s overall direction, development and implementation, with operational assistance from the Chief Human Capital Officer. All employees in SES candidate development and selective management or career development programs must complete a rotational assignment prior to completing the program. Other SES members, supervisors and managers may participate in rotational assignments on an individual basis. To date, several DHS component offices have implemented rotational assignments, including the Office of the Under Secretary for Management, the Science and Technology Directorate, TSA, CIS, and ICE.

Training Related to Homeland Security and Crisis Management

The DHS University System houses the Preparedness Center, which provides training that specifically addresses homeland security and crisis management. The center’s goal is to establish a culture of preparedness throughout the department by offering programs that build knowledge and understanding of protection and response capabilities in a multi-threat/all-hazards environment. A number of DHS-recognized interagency and national preparedness training programs have been identified:

- The **Online DHS 101 Program** informs new employees of DHS’ organizational structure and provides information on component and directorate initiatives and programs.
- The **National Planning and Execution System Course** is a pilot training program that offers operational-level training related to planning for domestic incident scenarios. It is being developed in conjunction with the Office of Operations Coordination, Center for Domestic Preparedness and National Security Education Consortium.
- The **“All Medical Hazards” Program** consists of online training courses that offer information on medical challenges associated with homeland security, such as the avian/pandemic influenza.

- The **Terrorism/Counterterrorism (T/CT) Course** is a 40-hour program that is offered in cooperation with several directorates and offices from across the department. It is designed to establish baseline knowledge of terrorism and counterterrorism while gaining insights from experts in law enforcement, intelligence and policy, as well as authorities from academia and foreign embassies.
- The **National Incident Management System (NIMS), Incident Command System (ICS) and National Response Framework (NRF) database of approved training**, provided in partnership with the Emergency Management Institute and U.S. Coast Guard, offers departmentwide emergency management training which aims to develop NIMS, ICS and NRF knowledge and skills.

Transition Specific Training

Existing leadership and preparedness training programs address some homeland security needs related to the transition process, but they do not primarily focus on the skills that new and current executives need to plan for and manage major incidents that threaten homeland security during the transition. Consequently, DHS has undertaken several initiatives to meet that need. The following activities are provided specifically for DHS executives:

- The **DHS Leadership Conference**, held February 19–21, 2008, provided attendees with opportunities to interact, discuss and participate in presentations and demonstrations aimed at increasing the understanding of ways that the department fulfills its mission. Senior leaders, primarily career executives, received examples of front-line collaboration between department components and other agencies to bring greater effectiveness to homeland security programs. This conference was the first of several planned for 2008.
- A **DHS Transition Readiness Conference** for senior career leadership is planned for May 2008.⁵⁶ The purpose of this 3-day conference is to broaden the perspectives of senior career leaders about the department’s multiple missions: prevent, protect, respond and recover. The conference, to be held at the Federal Law Enforcement Training Center, also is designed to help participants gain an understanding of how DHS components operate on a daily basis and encourage relationship building that would be critical during a crisis. A FEMA-run incident management exercise will be given to career leaders who are expected to receive foundational understanding of Homeland Security Presidential Directives, NRF, the National Homeland Security Strategy and the department’s legal underpinnings. Specific attendees are being identified, and participation will be required.
- The **Training for New Executives** program, under development, is expected to provide a concentrated, 1- to 2-week training course for executives hired during the transition. It will include a half-day or day-long briefing by leaders from each component so that attendees can learn about DHS programs and functions and develop relationships. This training will be provided to new career executives throughout the transition, and will continue after the inauguration to include new non-career appointees.

⁵⁶ The conference was held the week of May 12, 2008.

Cross-Government Collaboration

DHS recognizes the importance of intra- and interagency relationships which support the homeland security mission. To facilitate the transfer of operational knowledge and the accompanying operational relationships and networks, DHS has entered into an interagency collaboration initiative led by the Council for Excellence in Government (CEG) to design and develop the training needed to transfer operational knowledge and identify and map relationships, protocols and interfaces among homeland security operational stakeholders. Ultimately, this training will deliver a knowledge transfer strategy that addresses DHS' relationship to the broader homeland security community. This includes DHS roles, responsibilities and operational procedures, as well as those of federal, state, local, and tribal entities with which the department shares responsibility.

Given that objective, CEG is expected to deliver an inventory and visual map of the operational protocol and the responsibilities of DHS, related federal agencies and state and local governments; and course curricula, training materials and workshop protocols for transition officials. The material will be designed to "ensure that the critical roles, responsibilities and protocols for emergency response will be understood, executed and coordinated seamlessly by DHS officials, other federal officials with homeland security responsibilities, state and local government officials, and private sector leaders."⁵⁷ This will be accomplished, in part, through discussions about DHS' future, tabletop exercises on incident scenarios and on-site training to learn what each entity's work entails. DHS participants will include career executives, transition officials and incoming appointees. Officials from other agencies, levels of government and the private sector will participate, as well. DHS staff and contractors will be the primary instructors.

In concert with FEMA and other DHS components, CEG will utilize the NRF and deliver multiple tabletop exercises during the time of the Presidential election campaign, inauguration and subsequent appointments of Senate-confirmed positions. DHS officials note that these exercises will enable inter-agency participants to practice their roles and build camaraderie with other key decision makers in a variety of emergency scenarios. DHS states that this effort will strengthen participants' knowledge of national security protocols and help to ensure that the nation is collectively prepared should a crisis arise.

CEG's work is guided by a bi-partisan panel of experienced practitioners and experts, led by Admiral James Loy, former DHS Deputy Secretary, and New York City Police Commissioner Ray Kelly. Appendix F lists the panel members. The project began February 15, 2008, and the training is to begin in mid-Summer 2008.

In addition, FEMA has scheduled several scenario exercises planned for the new Administration during the first half of 2009. For example, it plans three principal-level exercises for DHS executives in January, April and June 2009.

⁵⁷ Council for Excellence in Government summary of engagement.

CRITERIA TO EVALUATE TRAINING EFFORT

This Panel's assessment of DHS executive leadership development is based on the Academy's studies of executive development programs, such as those at the National Aeronautics and Space Administration and FBI,⁵⁸ the assistance provided to the World Bank in its self evaluation of executive development, and its 2003 study, "The 21st Century Federal Manager," which included a specific report on developing a leadership team.⁵⁹ These studies identify the following key dimensions of a successful leadership development program, and they are reflected in the department's leadership development program and courses offered through the Leadership Institute:

- Program leadership and governance roles are established. Specifically,
 - The program's mission, vision and guiding principles are communicated.
 - The program's offerings are competency based.
 - The program covers the continuum of leadership positions.
 - The program includes developmental experiences in other program areas and agencies.
- Leadership development is linked to succession planning.
- A Learning Management System (LMS) is used to communicate, deliver and manage training opportunities based on automated and web-based tools.

The Panel's assessment of DHS transition training related to homeland security and crisis management was guided by the work of Dr. Michael Watkins, a professor of organizational behavior formerly at the Harvard Business School,⁶⁰ who has identified essential elements⁶¹ of an organization's crisis response capacity. Dr. Watkins' work suggests that this training should include the identification of preset triggers to move the leader and the organization from peacetime activities to activities that are appropriate and responsive to a heightened threat level, such as command post operations, communication channels and resource availability.

OTHER AGENCIES' TRANSITION TRAINING

Top level executives were interviewed at the Departments of Agriculture, Defense, State and Treasury, the General Services Administration, the Office of the Director of National Intelligence, FBI, OMB and OPM. Appendix C has the complete list of interviewees. At the time of these interviews (January 2008), most departments had not yet begun to actively plan for the Presidential transition or slated special transition training for executive preparedness related

⁵⁸ National Academy of Public Administration, *NASA: Human Capital Flexibilities for the 21st Century Workforce*, February 2005; National Academy of Public Administration, *Improving the Governance, Efficiency and Effectiveness of Training at the Federal Bureau of Investigation*, November 2007 (Internal Use Only).

⁵⁹ National Academy of Public Administration, *Developing the Leadership Team: An Agency Guide*, December 2003.

⁶⁰ Dr. Michael Watkins is now with IMD, an international business school in Lausanne, Switzerland.

⁶¹ Watkins, Michael, *Your Crisis Response Plan: The Ten Effective Elements*, September 30, 2002; 2008 President and Fellows of Harvard Weekly Newsletter.

to homeland security. The interviewees were confident that the transition would be well managed and responsive to homeland security incidents because of their mature career executive leadership corps and extensive experience with transitions. Further, their executives and others with homeland security responsibilities have been and will continue to be involved with DHS crisis response and management training, such as FEMA training⁶² and the upcoming CEG workshops.

FINDINGS

Task 5: Assess the adequacy of career SES and other career development training programs as they impact transition readiness.

With respect to executive leadership development, the Panel finds that the program substantially reflects the key dimensions of a successful leadership development program. Specifically:

- Program leadership and governance roles are established through the Secretary’s strong support of the program and the University System’s Executive Steering Committee’s guidance and recommendations for program management and development; and the Chief Learning Officer, who is responsible for ongoing development and implementation.
- The program’s mission, vision and guiding principles are communicated through the department’s publication, “Establishing a Department of Homeland Security University System,” which the Deputy Secretary approved in September 2007.
- The program’s offerings are based on established leadership competencies.
- Key elements of the DHS leadership continuum are leadership development for non-supervisors, supervisory training, the DHS Fellow’s Program for managers, SES Candidate Development Program and Executive Leadership Program.
- The recently established rotational assignment program adds a vital dimension to programming by providing other developmental and stretch opportunities outside the classroom.
- The DHS succession planning effort, described in Chapter 5, illustrates the department’s initial efforts to develop a succession planning database to support executive development and deployment.
- DHS recently established its Learning Management System (LMS–DHScovey) to communicate, deliver and manage training opportunities based on automated and web based tools. It is envisioned that DHScovey eventually will link approximately nine major LMSs that support employee learning and professional development activities across the department.

⁶² FEMA’s Emergency Management Institute provides extensive training to government officials at all levels regarding emergency management. Training relates to the National Incident Management System, Disaster Operations and Recovery and the Multiagency Coordination system.

The Panel believes that the department's transition training and development efforts are consistent with executive development programs in most federal agencies. Its efforts also respond to a key recommendation of the Culture Task Force of the Homeland Security Advisory Council: to implement homeland security management and leadership models.

The Panel believes that DHS has a balanced set of transition-specific training programs underway. If implemented timely, they should help executives prepare to meet their homeland security responsibilities during the transition period. Training is planned for both new non-career and career executives, as well as for other governmental and private sector leaders. It is particularly noteworthy that the training focuses on the essential elements identified by Dr. Watkins:

- Understanding the various crisis management functions of DHS and its partners.
- Participating in crisis response scenarios.
- Gaining an understanding of the multitude of Homeland Security Presidential Directives, NRF and the National Homeland Security Strategy.
- Building trust between DHS career executives and new appointees and DHS and its partners.

This finding is based on the comments of DHS and non-DHS senior officials interviewed for this study; they emphasized the importance of this kind of training for new executives as they come on board and for current executives on an as-needed basis. Officials at the IBM Center for the Business of Government, OMB and DHS' National Protection and Programs Directorate and Office of Operational Coordination expressed especially strong views about the need for this kind of preparation. Several suggested that tabletop exercises related to various incident scenarios be an essential part of such training.

This transition-specific training, including CEG's workshops, was in the formative stage during the data gathering and analysis portions for this study. Consequently, detailed training plans or curricula were not available to review. However, the project team did receive the detailed Training, Education and Development Plan for DHS Chiefs of Staff created through a cooperative effort with the Secretary's Chief of Staff, numerous component Chiefs and Deputy Chiefs of Staff, and Chief Learning Officer. A review of this material indicates that DHS has the capacity to develop relevant training for executives related to their homeland security and crisis management responsibilities.

Although this positive beginning is commendable, substantial additional work is needed to ensure that the transition training efforts are fully developed, implemented and evaluated on a timely basis in order to reduce risks associated with the turnover of key executives during the transition. Specifically, a comprehensive implementation plan and evaluation plan are needed. DHS' transition training programs appear to be well conceived, and ahead of the transition training activities in other departments, but the department is racing the clock to have its programs in place in the coming months.

A comprehensive implementation training plan would specify the objectives, scheduling timeframes, participants and required resources for each training initiative, as well as the officials who are accountable for each training effort and the overall effort. The plan also could address unanswered questions concerning the relationship of CEG's cross-government collaboration workshops to other transition-related programs; the extent of participation in the workshops by other officials from other federal agencies, levels of government and the private sector; the relationship of ongoing FEMA scenario training to these programs; and the role that the Homeland Security Institute⁶³ might play in developing these new training initiatives.

In addition, DHS does not have an evaluation plan for its transition training. An evaluation of training, using the Kirkpatrick Evaluation Model⁶⁴ as a reference, could provide DHS with essential data regarding training effectiveness at the time training begins. At this point, the first two levels of evaluation are specifically relevant:

1. Assess reactions at the end of class with respect to whether objectives were met, performance of the trainer, training materials, content and coverage, as well as such administrative issues as length of training and the facility logistics. These data provide the basis for making immediate modifications to the training.
2. Establish a knowledge baseline on entering training and measure the level of learning following completion of the training through the use of pre- and post tests. The framework developed by Dr. Watkins and noted earlier in the chapter can be adopted to develop pre- and post-tests for DHS operational leadership knowledge and readiness.

The two advanced elements of the Kirkpatrick framework—change in on-the-job behavior and organizational or program results—would be appropriate for more long-term evaluation plans.

Further, the implementation plan could focus on ensuring that DHS training familiarizes new leaders with the emergency operations center and the communication channels and responses; includes a series of checklists that can be regularly updated to ensure that backup resources are readily available; and provides for debriefing participants in the various simulation exercises. A disciplined performance review of and feedback to new leaders during the scenarios would provide them with the opportunity to learn and improve their operational capability and leadership response.

The Panel believes that if DHS' transition training initiatives are implemented as planned, they should provide a balanced set of training initiatives for preparing new and current DHS executive

⁶³ The Homeland Security Institute (HSI) is a Federally Funded Research and Development Center established pursuant to the Homeland Security Act of 2002 that provides analysis and advice in homeland security policy development, decision-making, analysis of alternative approaches, and evaluation of new ideas on issues of significance.

⁶⁴ The four levels of Kirkpatrick's evaluation model essentially measure:

- Reaction of student. What they thought and felt about the training
- Learning. The resulting increase in knowledge or capability
- Behavior. Extent of behavior and capability improvement and implementation/application
- Results. The effects on the business or environment resulting from the trainee's performance

and their state, local, and private sector partners to deal with homeland security responsibilities during the transition.

The Panel finds that a “capstone” scenario exercise conducted within the first 6 months of the new administration could be of substantial value in evaluating and improving the capabilities of all homeland security partners to respond to and manage critical homeland security incidents. It would provide a real-time evaluation of the effectiveness of transition planning, training and overall operational readiness. White House direction of this event would ensure that it would be a priority activity and that sufficient resources would be provided for it. It should be nationwide in scope, involve all federal partners, state and local governments and the private sector, and include multiple scenario elements. This finding appears consistent with the two top-tier exercises that DHS conducts as part of its homeland security exercise program: the “Top Officials 4” exercise that took place October 15-17, 2007 and for which a national after-action conference was planned for April 10, 2008, and “National Level Exercise 2-08” scheduled for May 1-8, 2008.⁶⁵

Task 6: Compare DHS’ transition training programs with those of similarly structured Cabinet-level agencies.

When comparing DHS’ transition training programs with other similarly structured Cabinet-level agencies, the Panel finds that DHS is well along in its transition training when compared with other agencies, especially given that it is a young agency with a critical national mission and going through its first Presidential transition. To be sure, DHS has needed to begin its transition planning earlier than its more organizationally mature counterparts. Yet it also has undertaken important initiatives in many areas to ensure that its executives are prepared to meet their homeland security responsibilities during the transition. The Panel believes that other departments with homeland security responsibilities would benefit from the plans and preparations that DHS has made for transition training related to homeland security. There needs to be collaboration and sharing among entities with respect to training executives on preventing and responding to national incidents during this period.

⁶⁵FEMA, National Exercise Division Homeland Security Exercise and Evaluation Program, Quarterly Newsletter, Spring 2008, p. 8.

CHAPTER 5 TRANSITION PLANS FOR DHS

One of the most important elements of a Presidential transition to ensure the “operational continuity of homeland security”⁶⁶ are the plans developed by DHS and their successful execution. The department has taken major steps to begin to address the transition, the centerpiece of which is a strategy called “The Homeland Security Transition Concept of Operations,” also known as the “Five Prong Plan.”

This chapter considers the plan’s individual elements, issues that impact Presidential transition planning, and the transition efforts of individual DHS components. Also included is an analysis of the Secretary’s Operations Coordination and Planning Initiative, which would create a permanent Operations Coordination group in headquarters to coordinate efforts across DHS’ seven components, especially during a major crisis. This review also examines the gaps in DHS transition planning and addresses the seventh task posed by Congress and DHS.

7. Review DHS planning for the transition and propose changes to address any gaps.

The Panel’s findings are at the end of the chapter and recommendations are in Chapter 6.

DHS’ FIVE PRONG PLAN

The Five Prong Plan takes a wide-ranging approach to the elements necessary for a successful transition, including:

1. Orders of Succession: an updated Order of Succession for the Secretary and all headquarters offices and operating components
2. Succession Planning: a new succession planning program that lists critical positions with a succession risk and the identification of acting interim career officials for all non-career positions
3. Knowledge Transfer and Interagency Relationship Mapping: an interagency collaboration effort, led by CEG, which is designed to ensure that relationships, protocols and interfaces among homeland security operational stakeholders are clear and that the development of leadership training and other activities promote knowledge and relationships and facilitate the transition
4. Best Practices Study: the identification by the Homeland Security Advisory Council of transition best practices used by state and local governments and the private sector
5. Transition Guidance: the development of a transition guidance handbook

⁶⁶ Homeland Security Advisory Council. Report Of The Administration Transition Task Force. January 2008.

Orders of Succession

On August 13, 2007, President Bush issued Executive Order 13442 which provided the succession of officials who would assume the Secretary of Homeland Security's position "...in case of death, resignation or inability to perform the functions of the Office." A revision was needed due to the extensive departmental reorganization that took place in 2005 and 2007. The order lists the 17 positions that would succeed the Secretary, flowing from the Deputy Secretary to various Under Secretaries and Assistant Secretaries, the General Counsel, component heads, Chief Financial Officer, and finally to FEMA's Regional Administrators. All officials on the list are non-career, except FEMA's Regional Administrator in San Francisco, number sixteen in the order of succession.

Two months later, the Secretary of Homeland Security signed Delegation and Succession Order 0106 which specified orders of succession for the head of each operating components and the 17 headquarters offices. The number of successors for each office ranges from ten at FEMA and CBP to three at the Office of Counternarcotics Enforcement, which DHS considered appropriate given the relative sizes of those offices. The first successor is a career executive for 18 of the 24 components and offices. The exceptions are FEMA, CIS, the National Protection and Programs Directorate, Office of Policy, General Counsel's Office and Office of Public Affairs. The orders of succession is shown in Appendices D and E.

The orders of succession usually are for the top official in each organization, but there is no order of succession for the Deputy Secretary although this individual is critical to the operation of the department. As several officials noted, the Deputy Secretary is the key operational link to DHS offices and components and holds daily briefings and weekly meetings with their heads. As of October 27, 2007, the position was filled on an acting basis by the Under Secretary for Management. This position can only be filled in this manner for 210 days (until May 23, 2008), or until a nomination is submitted,⁶⁷ due to Vacancies Act requirements.⁶⁸

Succession Planning

Executive succession planning is the second prong of DHS' transition plan; it is designed to ensure a pipeline of successors for critical positions in the department and to identify senior career civil servants who would assume the responsibilities of non-career appointees during the transition.

To ensure a pipeline of successors for critical positions, a critical position succession planning template was developed to guide components and offices through the process of identifying critical positions with a high succession risk and potential steps to mitigate the risk. In a June 2007 memorandum, the Chief Human Capital Officer asked components and offices to fill out the template for "critical senior positions—those responsible for a major program, having

⁶⁷ Paul Schneider, Under Secretary for Management and Acting Deputy Secretary, was nominated for the position of Deputy Secretary on February 26, 2008. Elaine Duke, Deputy Under Secretary for Management, was in turn nominated to fill the position of Under Secretary for Management on April 3, 2008.

⁶⁸ Title 5 U.S.C. 3345-3349d.

significant budget responsibility or requiring unique competencies.”⁶⁹ For each critical position, components and offices:

- Defined the degree of criticality (high, medium or low) of the position to DHS’ mission, based on how large the effect of a 1- to 3-month absence would be.
- Identified the competencies necessary to fill the position successfully.
- Identified developmental assignments and training that likely would be found in a potential successor’s development plan.
- Determined how many internal candidates are ready now to fill the position, how many would be ready within 1 to 2 years, and how many would be ready within 3 to 5 years.
- Identified potential sources of external candidates for the position.
- Assessed the outlook for recruiting external candidates in the future based on recent experience, current economic climate, the existence of key competencies in other agencies or industries, and the salary comparability of the position with similar positions in other agencies and industries.
- Assigned a succession risk rating (high, moderate, or low) to the position.

A total of 479 positions were identified as critical—340 executives (SES and Executive Schedule) and 139 managers (GS-15s and 14s). Exhibit 27 compares the number of executive positions in each component considered critical with the total number of executives in that component.

Exhibit 27: Percentage of Executives Considered Critical by DHS Components

Component	Critical Executives	Total Executives	Percent Critical
<i>Headquarters:</i>			
Domestic Nuclear Detection Office ^a	7	7	100%
General Counsel	5	20	25%
Gulf Coast Reconstruction	0	3	0%
Health Affairs	1	11	9%
Inspector General	3	13	23%
Intelligence and Analysis	8	25	32%
Management	25	50	50%
National Protection and Programs	17	28	61%
Office of the Secretary	11	25	44%
Operations Coordination	5	6	83%
Policy	6	24	25%

⁶⁹ These general criteria were outlined in the June 2007 memo. In a summary of the critical position succession planning database, included in a March 2008 Chief Human Capital Officers’ Council document entitled “Collection of Human Capital Practices,” DHS noted the criteria for critical is: “Position involves leadership of a program area that is of significant importance to the department’s ability to accomplish its mission” and “Position is responsible for major operational areas and a short-term vacancy would adversely affect the ability of the department to accomplish its mission.”

Component	Critical Executives	Total Executives	Percent Critical
Science and Technology	13	36	36%
Total Headquarters	101	248	41%
<i>Operating Components:</i>			
U.S. Coast Guard	14	15	93%
Customs and Border Protection	52	106	49%
Citizenship and Immigration Services	6	51	12%
Federal Emergency Management Agency	28	77	36%
Federal Law Enforcement Training Center	8	9	89%
Immigration and Customs Enforcement	37	68	54%
U.S. Secret Service	10	50	20%
Transportation Security Administration	83	151	55%
Total Non-Headquarters	238	527	45%
TOTAL	339	775	44%

Note:

a) Domestic Nuclear Detection Office identified also identified an FBI detailee as critical.

Source: DHS critical position database.

As shown in Exhibit 27, the percentage of executives considered critical ranged from 0 and 9 percent at the Gulf Coast Reconstruction Office and Office of Health Affairs to 100 percent at the Domestic Nuclear Detection Office. DHS' large components ranged from 12 percent at CIS to 93 percent at the U.S. Coast Guard. Although some offices could have a significantly greater percentage of critical executives, some variance likely is due to different criteria being applied by different offices and components. Since the initial request for information, DHS has further defined that the criteria for critical are (1) that the "Position involves leadership of a program area that is of significant importance to the Department's ability to accomplish its mission," and (2) that the "Position is responsible for major operational areas and a short-term vacancy would adversely affect the ability of the Department to accomplish its mission."⁷⁰

This critical position database is designed to assist the components' efforts to ensure that critical positions are filled throughout the transition period. Many DHS executives interviewed said the database was useful and it had assisted them in succession planning. However, components have not developed action plans based on the information collected. Exhibit 28 provides examples of the types of information included in the database and the further analysis needed to address the information.

⁷⁰ This criteria was included in a March 2008 Chief Human Capital Officers' Council document entitled "Collection of Human Capital Practices."

Exhibit 28: Examples of Analysis Needed of Critical Position Database Information

Database Field	Information Requested	Analysis Needed
Difficulty of Finding Qualified successor	Consider the unique competencies needed to be successful in the position, as well as the ability to attract qualified candidates.	<ul style="list-style-type: none"> • What recruiting sources and strategy are needed? • Should recruiting bonuses be considered? • Are reemployed annuitants a source to be considered?
Appointment Status	Select “Political” or Career. If political, indicate if position could be converted to career.	<ul style="list-style-type: none"> • What criteria should be used to consider whether appointment should be career or non-career?
Readiness of Internal Candidates	Assess internal agency employees and identify the number of candidates in each category (i.e., ready now, ready within 1-2 years, or ready within 3-5 years).	<ul style="list-style-type: none"> • Do candidates need to go through an SES Candidate Development Program? • What assignments are needed to ensure candidate is ready to assume position?

The database also identifies recruitment challenges to filling several positions. For example, FEMA notes that the Regional Administrator position is “...difficult to fill due to salary comparability and extensive knowledge requirements.” DHS and FEMA need to assess whether recruiting incentives or other salary flexibilities would be helpful in filling these positions. Converting them to career appointments, as discussed in Chapter 3, would allow the use of these flexibilities because recruitment, relocation and retention incentives cannot be paid to non-career employees.

In addition to the database, DHS has challenges related to filling critical executive positions vacated by non-careers, filling positions vacated by career executives who move to take “acting” positions and filling current executive vacancies. Several tools are available to help meet these challenges, as described below.

Knowledge Transfer and Inter-Agency Relationship Mapping

As discussed in Chapter 4, the third prong of DHS’ transition initiative is being done in conjunction with CEG, which is developing a knowledge transfer strategy that addresses the relationships among DHS and federal agencies and state and local governments with homeland security responsibilities. The strategy will entail a mapping of homeland security responsibilities, as well as related training, workshops and operational exercises. CEG plans to have the mapping completed by April 15, 2008, the training curriculum and implementation strategy by June 1, 2008 and actual training workshops initiated by July 1, 2008. The initiative has been behind schedule and meeting the target dates will be a challenge.

Best Practices Study

The Homeland Security Advisory Council (HSAC), a group composed of leaders from state and local government, first responder communities, the private sector and academia, provides advice and recommendations to the Secretary on homeland security matters. The HSAC formed the Administration Transition Task Force to identify best practices for public and private sector

leadership transitions. The intent was to produce politically neutral recommendations that incorporated the expertise and experiences of organizations that had undergone transitions. The task force had 32 members and consulted with 13 subject matter experts.

The task force's January 2008 report had 39 recommendations distributed among seven topic areas: threat awareness, leadership, congressional oversight/action, policy, operations, succession and training. It assigned responsibility for each action to the outgoing Administration, incoming Administration or Congress.⁷¹ Several recommendations are directly related to the information and recommendations in this study, specifically those concerning leadership, succession planning and training. For example, the task force called for the new Secretary of Homeland Security to be in place on Inauguration Day, that new DHS appointees be identified early, that all non-career positions be backed up by career executives, and that briefing materials and tabletop exercises for new appointees be organized as early as possible. Appendix G has all of the task force recommendations.

Transition Guidance

Originally described as a "handbook" in the five-prong plan, transition guidance has evolved into "handbooks, memos and other communications" to provide guidance on the preparation of briefing materials for DHS, major programs and operational areas and other matters relevant at the time of a change in Administration. In addition, this initiative will result in guidance on security, records, property, contracts, finance, personnel benefits and IT access, as well as scheduled group and individual check-out briefings.

The following target dates have been identified:

- February 14, 2008: Identify component senior transition officer and deputies.
- March 31, 2008: Identify Under Secretary for Management core team for transition.
- April 30, 2008: Prepare guidance on development of briefing materials.
- May 30, 2008: Distribute guidance on development of briefing materials.
- May 30–December 31, 2008: Prepare briefing materials.
- November 30, 2008: Schedule out-briefs.
- Ongoing: Distribute guidance on administrative matters relevant to White House transition.

In addition to preparing briefing materials, it is critical that DHS reinforce them with training and operational exercises, as discussed in Chapter 4. The Deputy Under Secretary for Management has responsibility for this section of the transition plan. To date, headquarters offices and

⁷¹ The recommendations do not total to 39 because responsibility for five recommendations was assigned jointly to Congress and either the outgoing or incoming administration.

components have been asked to identify a senior career executive to serve as their senior transition officer and an official to serve as deputy.⁷² This initiative is on schedule.

OPERATIONS COORDINATION AND PLANNING INITIATIVE

The Secretary of Homeland Security has taken steps to create a permanent operations coordination and planning group to coordinate efforts across DHS components, especially during a major crisis. The effort called for full operation of the coordination capabilities and refined procedures for emergency management by June 1, 2008. The original interim deadlines and milestones included the following:

- December 12, 2007: presentation of a problem statement, vision statement and list of milestones for the time period between December 12 and the inauguration
- April 1, 2008: staff recruited, cleared, and ready to work
- April 1, 2008–June 1, 2008: operations tested and other necessary steps taken to becoming fully operational
- Within 48 hours of the President’s congratulatory call to the winner of the 2008 election: President-elect briefed on the heightened threat level and ways to best prepare for an emergency incident

This coordination team, staffed with career GS-14s and 15s, will develop options for the Secretary should an event occur that requires coordination across components. To ensure that deadlines were met, the work was begun by a temporary operations coordination group composed of one representative from each component.

Various DHS component heads believed that this initiative would benefit the transition. However, there is concern about the group’s specific role. One official noted that the problem statement and vision were being vigorously debated; some components believed the group could gain operational control over operations. There also was concern that the group could duplicate other coordinating mechanisms and might not be consistent with the NRF. This debate has delayed the problem and vision statement, which were to be completed by December 2007.

DHS officials noted that a letter was sent to DHS components in April 2008, outlining the overall strategy of the operations coordination and planning group. It was envisioned that the group’s 19 component detailees would be on-board that month, undergo an orientation and training program for 6 weeks and have initial operating capability by June 1. The second phase of the plan calls for additional component support to build toward an overall final operating capability prior to the end of Summer 2008.

⁷² This directive was aimed only at the headquarters offices that appear on the department’s organization chart; Chief Officers within USM are not being asked to designate senior or Deputy transition officers.

GAPS IN DHS TRANSITION PLANNING

Although DHS has begun to actively plan for the transition, numerous gaps remain. Specifically, the department and the administration have not begun to address the activities outlined in the “sense of the Senate” resolutions contained in the Intelligence Reform and Terrorism Prevention Act of 2004.

The Intelligence Reform and Terrorism Prevention Act of 2004

Responding to the 9/11 Commission recommendations, the Intelligence Reform and Terrorism Prevention Act of 2004 amended the Presidential Transition Act. It included several sense of the Senate provisions⁷³ to facilitate the early identification of national security officials by the next Administration, to conduct timely background investigations of those individuals, and to quickly consider the nominations. Specifically, the Act stated that:

- The President-elect should submit the nominations of candidates for high-level national security positions, through the level of Under Secretary of Cabinet departments, to the Senate by the date of the inauguration.
- The Senate should consider these nominations and vote to confirm or reject them within 30 days of their submission.
- The President-elect should submit to the FBI or other appropriate agencies the names of candidates for high-level national security positions through the level of Under Secretary of Cabinet departments as soon as possible following the general election.
- The responsible agency or agencies shall undertake and complete as expeditiously as possible the background investigations necessary to provide appropriate security clearances to candidates for high level national security position prior to the inauguration.
- Each major party candidate for President may submit, prior to the date of the general election, requests for security clearances for prospective transition team members who will need access to classified information to carry out their responsibilities as members of the President-elect’s transition team.
- Necessary background investigations and eligibility determinations to permit appropriate prospective transition team members to have access to classified information shall be completed, to the fullest extent practicable, by the day following the general election.

Early Identification of Key Appointees of the Next Administration

Given the critical nature of homeland security, the next Administration must give high priority to identifying key appointees for PAS and PA positions as soon as possible. As outlined in the Intelligence Reform and Terrorism Prevention Act, the Senate called for the nomination of

⁷³ A “sense of the Senate” resolution is not legally binding because it is not presented to the President for his signature. Even if a provision is incorporated into a bill that becomes law, it merely expresses the opinion of Congress or the relevant chamber. It has no formal effect on public policy and is not considered law.

candidates for high-level national security positions at the level of Under Secretary and above by Inauguration Day. At DHS, these positions would include the following:

- Deputy Secretary
- Administrator of FEMA
- Under Secretary for Management
- Under Secretary for Science and Technology
- Under Secretary National Protection and Programs Directorate
- Under Secretary for Intelligence and Analysis

Other key headquarters and field component positions should be identified by Inauguration Day and considered by Congress as quickly as possible. Specifically, operations leadership continuity is critical for the seven large operating components and the Operations Coordination Office. Since the 2005 Second Stage Review reorganization, nearly all operational responsibilities rest with the operating components, two of which are led by executives who will not depart during the transition (the U.S. Secret Service and U.S. Coast Guard). The Operations Coordination Office is responsible for working with component leadership and other federal agencies to ensure that actions are well-coordinated and executed in a timely fashion, without disrupting field operations or interfering with component chains-of-command.⁷⁴

Although the Academy Panel is not positioned to specifically identify the most critical DHS positions, the heads of these organizations are important and their appointment should be given priority status. Exhibit 29 profiles the key responsibilities of these components, the non-career/career executive profile and the plans for leadership continuity.

Exhibit 29: Key Operating Components Leadership Profile

Agency	Responsibilities	Executive Profile	Career Leadership Continuity Plans for the Agency Head
TSA	Protects the Nation’s transportation systems to ensure freedom of movement for people and commerce.	<ul style="list-style-type: none"> • PAS Assistant Secretary • 2 non-career executives • 148 career and term executives 	Career Deputy will assume responsibilities (number 2 on order of succession)
CBP	Responsible for protecting our Nation’s borders in order to prevent terrorists and terrorist weapons from entering the United States, while facilitating the flow of legitimate trade and travel.	<ul style="list-style-type: none"> • PAS Commissioner • 4 non-career executives • 101 career and term executives 	Career Deputy will assume responsibilities (number 2 on order of succession)

⁷⁴ Statement of Secretary Michael Chertoff. U.S. Department of Homeland Security. Before the Senate Committee On Commerce, Science and Transportation, July 19, 2005

Agency	Responsibilities	Executive Profile	Career Leadership Continuity Plans for the Agency Head
CIS	Responsible for the administration of immigration and naturalization adjudication functions and establishing immigration services policies and priorities.	<ul style="list-style-type: none"> • PAS Assistant Secretary • 5 non-career executives • 45 career executives 	Career Associate Director for Domestic Operations will assume responsibilities (number 3 on order of succession)
ICE	Responsible for securing the United States by enforcing immigration and customs laws, protecting Federal buildings and other key assets and providing law enforcement support in times of national emergency.	<ul style="list-style-type: none"> • PAS Assistant Secretary • 2 non-career executives • 65 career and term executives 	Career Deputy Assistant Secretary will assume responsibilities (number 2 on order of succession)
U.S. Secret Service	Protects the President and other high-level officials and investigates counterfeiting and other financial crimes.	<ul style="list-style-type: none"> • PA Director (has career status) • 49 career executives 	Director has traditionally stayed during transition
FEMA	Prepares the Nation for hazards, manages federal response and recovery efforts following any national incident, and administers the National Flood Insurance Program.	<ul style="list-style-type: none"> • PAS Administrator • 3 additional PAS executives • 1 PA executive • 15 non-career executives • 57 career and term executives 	Career Associate Deputy Administrator will assume responsibilities (number 4 on order of succession)
U.S. Coast Guard	Protects the public, the environment, and U.S. economic interests—in the Nation’s ports and waterways, along the coast, on international waters, or in any maritime region as required to support national security.	<ul style="list-style-type: none"> • Commandant is career military • Other military executives • 14 career executives. 	U.S. Coast Guard Commandant appointed to 4 year term in May 2006 and will stay into the next Administration.

Source: DHS Executive Resources and other DHS information.

Other headquarters offices have some operational responsibilities where leadership continuity is critical. Exhibit 30 provides information on them.

Exhibit 30: Key Headquarters Offices Leadership Profile

Office	Responsibility	Executive Profile	Leadership Continuity Plans for the Office Head
Directorate for National Protection and Programs	Works to advance the department's risk-reduction mission. Reducing risk requires an integrated approach that encompasses both physical and virtual threats and their associated human elements.	<ul style="list-style-type: none"> • PAS Under Secretary • 1 PA executive • 4 non-career executives • 22 career and term executives 	Director of U.S. Visit program is career executive (7 th in order of succession)
Directorate for Science and Technology	Is the primary research and development arm of the department. It provides federal, state and local officials with the technology and capabilities to protect the homeland.	<ul style="list-style-type: none"> • PAS Under Secretary • 1 non-career executive • 34 career and term executive 	Deputy Under Secretary is next in succession. It is designated a career executive and is vacant.
Office of Health Affairs	Coordinates all DHS medical activities to ensure appropriate preparation for and response to incidents having medical significance.	<ul style="list-style-type: none"> • PAS Under Secretary • 10 career and term executives 	Career Principal Deputy is next in succession
Office of Intelligence and Analysis	Is responsible for using information and intelligence from multiple sources to identify and assess current and future threats to the United States.	<ul style="list-style-type: none"> • PAS Under Secretary • 1 non-career executive • 23 career and term executives 	Career Deputy Under Secretary is next in succession
Domestic Nuclear Detection Office	Works to enhance the nuclear detection efforts of federal, state, territorial, tribal, and local governments, and the private sector and to ensure a coordinated response to such threats.	<ul style="list-style-type: none"> • PA Director • 6 career executives 	Career Deputy Director is next in succession
Operations Coordination	Is responsible for monitoring the security of the United States on a daily basis and coordinating activities within the department and with governors, homeland security advisors, law enforcement partners, and critical infrastructure operators in all 50 States and more than 50 major urban areas nationwide.	<ul style="list-style-type: none"> • Director is a limited term executive • 5 career executives 	Director's term expires in June 2009. Limited appointments are not renewable. The position could be filled by another term appointment of a different person, or by a career or non career appointment of the incumbent or different person

Office	Responsibility	Executive Profile	Leadership Continuity Plans for the Office Head
Office of Management	Is responsible for department budgets and appropriations, expenditure of funds, accounting and finance, procurement; human resources, information technology systems, facilities and equipment, and the identification and tracking of performance measurements.	<ul style="list-style-type: none"> • PAS Under Secretary • PAS CFO • 2 PA • 1 non-career executive • 45 career and term executives 	Career Deputy Under Secretary is next in succession
Office of Policy	The primary policy formulation and coordination component for DHS. It provides a centralized, coordinated focus to the development of Departmentwide, long-range planning to protect the United States.	<ul style="list-style-type: none"> • PAS Assistant Secretary • 4 non-career executives • 19 career and term executives 	No career employees are in the succession order. The fourth and fifth officials on the succession order are term officials

Source: DHS Executive Resources and other DHS information.

Of course, the Secretary and Deputy Secretary are the two most critical executives. Virtually all of the individuals interviewed recommended that the new Secretary be in place on Inauguration Day. Various studies have made the same recommendation. For example, HSAC’s Transition Task Force recommended in January 2008 that the incoming President-elect should “nominate and seek congressional approval of the new Secretary of Homeland Security as is done with the Secretary of State and Secretary of Defense on the first day of the new administration.” The Academy Panel supports this recommendation.

A key criterion for identifying critical positions is the position’s importance for an effective response to a crisis event. The President-elect and new Secretary of Homeland Security should be guided by this list and criteria as they make key appointments and work with the Senate to facilitate prompt Senate confirmation as required.

Transition Team Members and Security Background Checks

Another sense of the Senate provision called for the Presidential nominees to submit names of proposed transition team members prior to the election. As outlined in the Presidential Transition Act, transition teams are to assist the President-elect in “promot(ing) the orderly transfer of the executive power,” so as to “assure continuity in the faithful execution of the laws and in the conduct of the affairs of the federal government.”⁷⁵ The names of transition team candidates are to be submitted to the FBI or other appropriate agencies as early as possible in order to conduct timely background investigations so that the elected President’s transition team can begin work immediately after the election.

The report of HSAC’s Administration Transition Task Force contained recommendations consistent with the legislation and critical to helping to improve transition executive continuity. These included:

⁷⁵ Pub. L. No. 88-277, § 2, 78 Stat. 153 (codified at 3 U.S.C. § 102 note (1976)).

- Working with the Presidential nominees, their senior staff and the Senate, prior to the election, to establish an expedited process for handling appointments.
- Encouraging all Presidential nominees to identify members and organize homeland security advisory groups in preparation for the administration transition.
- Nominating and seeking congressional approval of the new Secretary of Homeland Security, as done with the Secretary of State and Secretary of Defense, on the first day of the new administration.

Conducting background investigations and adjudicating security clearances are a time consuming part of bringing transition team members or new executives on board. New appointees must have security clearances to be able to perform the full scope of their jobs. The Justice Department, FBI, OPM and DHS all are part of the clearance process. The Intelligence Reform and Terrorism Prevention Act specifically calls for early identification of key national security officials so that background investigations can be completed and decisions about security clearances made to permit transition team members to begin to perform their duties immediately after the election, and to facilitate prompt executive appointments following inauguration. Some transition team members could be nominees for key executive positions at DHS.

Historically, the FBI has been responsible for conducting background investigations for PAS and PA nominees, while DHS conducts background investigations for its own executives. It is not clear who would conduct the background investigations of officials who might serve on transition teams. DHS security officials noted that it is important that their components provide information on background investigation and security clearance needs so they can ensure adequate resources are devoted to these investigations. Typically, the security clearance process varies from 9 to 18 weeks if everything goes smoothly, but key executive appointments frequently require quicker response.

Developing a Plan to Address Succession Planning Challenges

The lack of a comprehensive plan to address succession planning challenges is an additional critical gap. The associated challenges include ensuring that qualified executives are responsible for the duties and responsibilities of all non-career positions vacated, and filling current executive vacancies. Tools are available to help meet these challenges, such as encouraging some non-careerists to temporarily remain in their positions and employing experts on a temporary basis through appointment authorities.

Identifying Career Executives To Fill Position or To Serve in “Acting” Roles

DHS has not identified specific career executives who could permanently or temporarily fill non-career positions vacated during the transition. The department’s transition initiatives provide a foundation for ensuring that non-career positions are filled, but they are not sufficient. For example, the orders of succession only identify the career official who would assume the duties of the Secretary and the 24 office and component heads. The succession planning database has more comprehensive information, but it does not include all non-career positions. Not only are

plans needed to identify who would fill all non-career positions temporarily, but others are needed to address vacancies created by career executives who temporarily fill the non-career positions. Such plans also need to include an assessment of career officials' knowledge and skills and the likelihood of leaving the department for retirement or other reasons.

Filling Current Executive Vacancies

DHS must focus on filling current executive vacancies. The combination of vacant positions, coupled with the movement of career executives into positions vacated by non-career officials, create numerous voids. In addition, career executives may leave DHS during the transition due to retirement or other reasons. The department should estimate the extent of this movement and plan ways to swiftly fill the resulting leadership voids, such as the appointment of SES Candidate Development Program graduates, recruitment and relocation incentives and temporary appointments.

Some Non-Career Executives Could Stay During Transition

The incoming Administration has several policy options related to the current Administration's non-career appointees. First, it may exercise its right to remove across-the-board all of the current Administration's appointees. Second, it may selectively retain some non-career appointees. Third, it may invite them to stay until further decisions are made. This last option could encompass keeping current appointees in place until their successors are on board or until the new Administration believes its own team is sufficient.

During the transition period, the incoming Administration will have the opportunity to identify non-career appointees it would like to retain. DHS has several non-career executives who are filling key leadership positions and have substantial experience related to homeland security. These could be good candidates to serve at the outset of the next Administration.

Use Temporary Appointments

Another option for quickly filling positions is to use various temporary appointment authorities to hire experts or former employees. Although this approach would not provide the same continuity as a career appointment would, it could be used to make more timely appointments extending through the transition period. DHS is making extensive use of SES term appointments to fill positions where a critical need exists. It has 39 SES term appointments of which at least thirty-three extend into the next Administration. Several serve in important positions, including Director of the Operations Coordination Office. Additional term appointments could assist with leadership continuity during the transition.

Other authorities could be useful in attracting executives for a temporary period. They are the reemployment of federal annuitants, the use of Intergovernmental Personnel Act (IPA) assignments and additional use of SES limited emergency appointments.

- Reemployed Annuitants and waiver of salary reduction. Agencies may hire individuals who have retired from the federal government and, with OPM's approval, waive the

reduction in the retiree's salary required by law. Normally, retired employees must have their salary reduced by the amount of any annuity. However, agencies may apply to OPM for a waiver of this reduction for such reasons as an emergency hiring need, severe recruiting difficulty or need to retain a particular individual uniquely qualified for a specific project. TSA has authority to waive the reduction of salary for a rehired annuitant without seeking OPM approval.

- IPA assignments. Agencies can bring in temporary assignees from federal, state and local governments, colleges and universities, and other not-for-profit organizations under the Intergovernmental Personnel Act Mobility Program. Assignees either are temporarily appointed to the federal agency or serve while on detail. Cost-sharing arrangements for mobility assignments are negotiated between the participating organizations. The federal agency may agree to pay all, some or none of the costs associated with the assignment. Such costs may include basic pay, supplemental pay, benefits and travel and relocation expenses.
- SES Limited Emergency appointments. A Limited Emergency appointment to an SES General position may be for up to 18 months and should be linked to "unanticipated" needs.

A Transition Plan and Director

In addition to its Five-Prong Plan, DHS has asked its components to identify a senior career executive to serve as the senior transition officer for his or her component, and designate a career official to serve as a deputy to the transition officer, including the identification of DHS Fellows and National Defense University graduates as deputies to the senior transition officers.

Other steps also need to be taken, such as identifying critical non-career positions that must be quickly filled by the next Administration, planning for background checks of transition team members prior to the election, and ensuring that there is a back-up for non-career executives until new executives are appointed. DHS needs to develop an overall transition plan that includes all of the needed transition initiatives with objectives, goals and timelines. It should encompass activities identified in this chapter, including all aspects of filling the leadership void by ensuring that career appointees temporarily fill non-career executive positions and laying out the plans to quickly fill the next Administration's key executive positions. The operational coordination initiative and all aspects of transition training discussed in Chapter 4 should be a part of the plan. Although DHS is identifying component transition officers and deputies, an overall full-time Transition Director who reports to the Under Secretary for Management has yet to be named. DHS officials said they plan to announce a full-time Transition Director by June 1, 2008.

FINDINGS

DHS' transition plans are positive and should help to reduce risks associated with the large number of key executives departing with the Presidential transition.

First, it is important to develop a list that identifies critical PAS executive positions that should be filled as quickly as possible by the new President and Secretary of Homeland Security. A key criterion should be the position's importance for an effective response to a crisis event. Several component heads and other positions could fit these criteria. The President-elect and new Secretary should be guided by this list and criteria as they make key appointments and work with the Senate, as provided in the Intelligence Reform and Terrorism Prevention Act, to facilitate prompt Senate confirmation where required. Most important are the two most critical executives: the Secretary and Deputy Secretary. Virtually all of the individuals interviewed and several other studies have recommended that the new Secretary be in place on Inauguration Day. In addition, a succession order for the Deputy Secretary is needed.

Second, the need for security clearances is a key obstacle to quickly appointing new non-career officials. It is vital that the Presidential candidates identify transition teams prior to the election. This will allow ample time for the appointees to complete background information forms and financial disclosure documents so that the processing of clearances and review of financial information can be accomplished prior to the election. The executive branch must facilitate the process so that transition team members are ready to fully perform their duties.

Third, a comprehensive strategy is needed to ensure that the most critical non-career positions are filled. DHS' transition initiatives provide a foundation for such a plan but they are not sufficient. The orders of succession only identify the career official who would assume the duties of the Secretary and the 24 office and component heads. The succession planning database has more comprehensive information, but does not include all non-career positions. Not only are plans needed to identify who will fill non-career positions, but also who will fill positions vacated by the career officials who serve on an acting basis. Such plans also must include an assessment of career officials' knowledge and skills and the likelihood of leaving the department for retirement or other reasons. As part of this process, the 139 vacant executive positions need to be filled as soon as possible. The combination of vacant positions, coupled with the movement of career executives into positions vacated by non-career officials, will create numerous voids that must be addressed.

Fourth, various personnel authorities—including the waiver of salary reduction for reemployed annuitants, IPA assignments and SES limited emergency appointments—would aid in temporarily filling key non-career executive positions and other executive posts. With respect to hiring retirees during the transition period, waiving the required salary reduction may be important to ensure that needed well-qualified federal annuitants are available.

Fifth, DHS has developed several transition initiatives, some of which have been completed with others in progress. It is important that DHS complete all ongoing transition initiatives. Formation of the operational coordination group is particularly important. There have been disagreements about the scope and responsibility of this proposed group and outstanding issues need to be resolved. Another initiative, the succession planning database, is designed to ensure a pipeline of successors for critical positions in the department. An action plan based on this information is an important next step for DHS' succession planning system.

Finally, DHS lacks an overall transition plan that includes all of the initiatives with objectives, goals and timelines. Such a plan should encompass all activities identified in this chapter, including all aspects of filling the leadership void, from ensuring that career appointees temporarily fill non-career executive positions to laying out the plans to quickly fill the next Administration's key executive positions. The operational coordination initiative and all aspects of transition training should be included. To develop and implement a plan, an overall Transition Director is needed to ensure that all aspects are carried out within the appropriate timeframes.

CHAPTER 6

RECOMMENDATIONS FOR A COMPREHENSIVE TRANSITION PROGRAM

Managing Presidential transition challenges and dealing with leadership gaps are critical tasks that DHS must confront. Against this backdrop is continued uncertainty and lack of clarity regarding headquarters' role which could become even more pronounced as many executives leave during the transition period. Ensuring a clear understanding and appreciation for the leadership role of DHS headquarters may be the single most important long-term task that the department has to effectively respond to or prevent a major disaster or terrorist incident.

In addition to leadership continuity, the Panel shares concerns expressed by the 9/11 Commission and others about the fractured nature of congressional oversight of DHS; the current approach imposes an inefficient and distracting use of resources for both Congress and the department. The Panel urges congressional leaders to take additional steps to consolidate oversight in the key authorizing and appropriations committees using the model that followed the creation of DoD in 1947.

Within this context, DHS has initiated plans for meeting the Presidential transition challenges and mitigating the risks associated with the departure of many key non-career executives. Chapter 3 provided information on DHS' executive profile. Chapter 4 discussed and analyzed DHS' transition training programs. And, Chapter 5 discussed DHS' current plans and identified areas—indeed, gaps—where additional plans and actions are needed.

This chapter provides the Panel's recommendations aimed at addressing DHS' executive profile and planning for the Presidential transition. These recommendations are organized according to a timeline covering the four major phases of the transition period—pre-conventions, pre-election, election to inauguration and post-inauguration—as depicted in Exhibit 31.

Exhibit 31: Academy Panel Recommendations for a Comprehensive Transition Program

Pre-Conventions Now until Sept 4			Pre-Election Sept 4 to Nov 4		Election to Inauguration Nov 5 to Jan 20			Post-Inauguration Jan 20- forward		
May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar
DHS should: 1. Appoint full-time transition director 2. Develop a comprehensive transition plan 3. Enhance current transition initiatives 4. Identify all critical non-career executive positions 5. Ensure qualified executives temporarily fill all critical vacated positions 6. Develop a transition training plan with objectives, time frames, participants and resources 7. Implement training for career executives to serve in new roles during transition 8. Collaborate and share training with other Federal departments 9. Develop and implement training evaluation plan 10. Ensure SES allocations consider need for executives in field 11. Fill more FEMA positions with career executives 12. Fill vacant SES positions quickly			13. Executive Branch should reach out to Presidential candidates to name potential homeland security transition team by September to facilitate clearances by the election 14. DHS should work with relevant agencies to secure prompt security clearances for all transition team officials		15. President-elect should quickly designate, and Congress should vet and consider DHS Secretary; swear in on Inauguration Day 16. President-elect should identify appointees to critical PAS positions by December, and Congress should begin to vet and consider nominees 17. DHS should conduct training for potential executive appointees 18. DHS should plan a comprehensive scenario exercise with Federal, State, local and private sector partners			DHS should: 19. Continue joint training and operational exercises with career and non-career executives 20. Conduct an early comprehensive scenario exercise 21. Fill all deputy positions, various FEMA positions, and other key positions with career executives 22. Work with Congress to consider converting certain PAS positions to statutory term appointments		

PRE-CONVENTIONS

To help address leadership continuity during the transition, the Panel recommends that DHS:

1. Appoint a full-time Transition Director reporting to the Under Secretary (or Deputy) for Management and responsible and accountable for the complete and timely implementation of the transition plan.
2. Develop a comprehensive transition plan that sets forth objectives, goals and milestones for each initiative and transition training, and ensures overall coordination of transition activities.
3. Enhance and continue to refresh existing DHS transition initiatives, specifically:
 - a. Develop an order of succession for the Deputy Secretary.
 - b. Complete implementation and address component disagreements with the Operational Coordination Initiative.
 - c. Analyze and complete the critical position database and develop action plans to ensure information in the critical position database is used.

4. Identify specific key high-level non-career executive positions for which leadership continuity is critical, consistent with the Intelligence Reform and Terrorism Prevention Act. The act called for early identification of individuals for the Deputy and Under Secretary positions by the incoming administration. At DHS, this would comprise the Deputy Secretary, Under Secretary for the National Protection and Programs Directorate, Under Secretary for Intelligence and Analysis, Under Secretary for Management, and Under Secretary for Science and Technology—all positions located in DHS' headquarters. It would also include the Administrator of FEMA. However, as discussed in Chapter 5, the Academy Panel believes that other positions also may be critical, including the heads of the major operational agencies.
5. Develop an overall plan to ensure that qualified executives are responsible for the duties and responsibilities of all non-career executive positions as they are vacated during the transition period, and to fill current executive vacancies on a timely basis. The focus should be on critical non-career positions. Among the options to achieve this.
 - a. Identify specific qualified career executives who will serve in non-career positions on an “acting” basis. This would include ensuring that back-ups exist for career positions vacated by those careerists filling in non-career posts. It is particularly important that key non-career positions are filled in FEMA, the National Protection and Programs Directorate, Office of the General Counsel, Policy Office, Office of Public Affairs, Office of Legislative Affairs and Office of Management, given the large number of non-career executives there who will leave during the transition.
 - b. Make new career appointments, as appropriate, to all headquarters deputy positions.*
 - c. Identify key non-career and career executives, particularly those with considerable homeland security experience and expertise, who would be willing to serve temporarily into the next Administration, subject to the consent of that Administration.
 - d. Consider other ways to temporarily fill vacant non-career leadership positions, including appointments of reemployed annuitants, IPA appointments and such other means as SES limited term and emergency appointments. This includes seeking delegated authority from OPM to waive the reduction in salary for reemployed annuitants for executives during the transition.
 - e. Maximize the use of existing authorities and human resources flexibilities to expedite the career hiring process for applicable current and additional executive vacancies.*

To enhance the transition training program, the Panel recommends that DHS:

6. Develop a comprehensive transition training plan that specifies the objectives, time frames, and participants, required resources for various individual training programs under development and officials accountable for each training effort.

* DHS should continue action on this recommendation during the entire transition period and into the next Administration.

7. Implement on-schedule transition training for career executives who may serve in “acting” roles and new career executives; ensure that training and joint exercises begin no later than Summer 2008.*
8. Offer other departments with homeland security responsibilities information and guidance with respect to plans and preparations it has made for transition training. There must be collaboration and sharing on training career and non-career executives to prevent and respond to national incidents during the transition. There also could be opportunities for collaboration with regard to executive staffing needs through the use of details and joint duty assignments.
9. Develop an evaluation plan for transition training; obtain participant reactions to and suggestions for the training; measure what participants have learned through pre- and post-tests.*

To address DHS executive profile issues, the Panel recommends that DHS:

10. Ensure that the allocation of SES positions adequately considers field executives needed, especially given the increased responsibility in the border protection and immigration missions at ICE, CBP and CIS. Consider using some of its current SES allocations—139 positions are vacant—to help meet this need. In addition, any additional requests for SES positions should include an appropriate number of field positions.*
11. Fill more FEMA executive positions with career executives to foster increased leadership continuity and expertise, especially the Regional administrator position. For some PAS and PA positions, this will require working with the Administration and Congress to revise the legislative requirements for these positions.*
12. Ensure that vacant SES positions are filled as quickly as possible, especially those most critical to crisis prevention and management as identified in the updated critical position database. In addition, new DHS executive appointments need to enhance executive diversity.*

PRE-ELECTION

The Panel recommends that:

13. Consistent with expressed congressional concern, the executive branch reach out to the Presidential candidates to urge them to submit (no later than September 2008) for background investigation the names of potential transition team members for homeland security. This should help to ensure that the transition team can begin its duties immediately following election day, access classified information, become familiar with key national security documents, including the National Response Framework, and develop a partnership with DHS career executives.

* DHS should continue action on this recommendation during the entire transition period and into the next Administration.

14. DHS work with relevant agencies to ensure background investigations are conducted and security clearances are granted to homeland security transition team officials.*

ELECTION TO INAUGURATION

The Panel recommends that:

15. The President-elect and Congress promptly identify, vet and consider the Secretary of Homeland Security-designate to ensure that he or she is sworn in on Inauguration Day.
16. The President-elect identify the nominees to PAS positions using information developed in response to recommendation 4. This should be completed no later than December 2008 to ensure that the Senate votes on key executives as expeditiously as possible; every day that a critical position is vacant, there is a “gap” in the nation’s homeland security coverage.
17. DHS ensure that transition training occurs for potential executive appointees which includes:
 - a. activities to build trust between career executives and new appointees
 - b. joint exercises related to homeland security crisis management with existing non-career and career executives
 - c. orientation to the department, administrative matters and ethical requirements
18. As directed by the White House, DHS plan and implement a comprehensive scenario exercise with agency partners, state and local governments and the private sector to be conducted early in the new Administration.

POST-INAUGURATION

The Panel recommends that the next DHS leadership:

19. Continue joint training and exercises related to homeland security crisis management with career executives and new appointees/nominees to strengthen their operational knowledge and build a culture of trust between career executives and new appointees.
20. As noted in recommendation 18, conduct a comprehensive scenario exercise early in the new Administration. This capstone activity will provide a real-time evaluation of the effectiveness of transition planning, training and overall operational readiness.
21. Promote leadership continuity and develop a strong working bond between political and career executives; work with the executive branch and Congress to continue filling several non-career positions with career appointees, including:
 - a. all deputy or similar “second-in-charge”

* DHS should continue action on this recommendation during the entire transition period and into the next Administration.

- b. various FEMA positions, including all Regional Administrators
 - c. other executives identified by DHS, including the Chief Financial Officer, Chief Human Capital Officer, and Director of the Interagency Programs Division in Science and Technology.
22. In consultation with Congress, consider converting certain PAS positions, such as the Assistant Secretary of ICE and the FEMA Administrator, to statutory term appointments.

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U.S. Office of Personnel Management
www.opm.gov/index.asp

U.S. Department of Homeland Security
<http://www.dhs.gov/index.shtm>

OTHER RESOURCES

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Frank Cilluffo, Advisor/Member
Glenda Hood, Advisor/Member; Chair, Administration Transition Task Force.
Herb D. Kelleher, Co-Chair, Private Sector Senior Advisory Committee
Michael Miron, Director, State and Local Officials Senior Advisory Committee
Candace Stoltz, Director, Private Sector Senior Advisory Committee
William H. Webster, Chair

SECRETARY ORDER OF SUCCESSION

**Secretary Order of Succession
As listed in Executive Order 13442 of August 13, 2007**

Order	Position Title	Appointment Type
1	Deputy Secretary for Homeland Security	PAS
2	Under Secretary for National Protection and Programs	PAS
3	Under Secretary for Management (as of January 31, 2008 vacant; currently acting as Deputy Secretary)	PAS
4	Assistant Secretary of Homeland Security (Policy)	PAS
5	Under Secretary for Science and Technology	PAS
6	General Counsel	PAS
7	Assistant Secretary of Homeland Security (Transportation Security Administration)	PAS
8	Administrator of the Federal Emergency Management Agency	PAS
9	Commissioner of U.S. Customs and Border Protection	PAS
10	Assistant Secretary of Homeland Security (U.S. Immigration and Customs Enforcement)	PAS
11	Director of U.S. Citizenship and Immigration Services	PAS
12	Chief Financial Officer	PAS
13	Regional Administrator, Region V, Federal Emergency Management Agency	Non-Career
14	Regional Administrator, Region VI, Federal Emergency Management Agency	Non-Career
15	Regional Administrator, Region VII, Federal Emergency Management Agency (vacant as of January 31, 2008)	Non-Career
16	Regional Administrator, Region IX, Federal Emergency Management Agency	Career
17	Regional Administrator, Region I, Federal Emergency Management Agency	Non-Career

Notes

- PAS = Presidential Appointee with Senate Confirmation
- Non-Career: Non-Career SES appointment through the White House
- Career: Career SES with competitive appointment

**DHS SUCCESSION ORDER AND ORDER FOR DELEGATION
FOR DHS OFFICES AND COMPONENTS**

Component/Position	Career Status (see notes at end of document)
U.S. Coast Guard	
Commandant	S
Vice Commandant*	C
Chief of Staff	C
Commander, Pacific Area	C
Commander, Atlantic Area	C
Federal Emergency Management Agency	
Administrator	S
Deputy Administrator and Chief Operating Officer*	S
Deputy Administrator, National Preparedness	S
Associate Deputy Administrator	C
Director, Office of Policy & Planning Analysis	N
Region V Administrator	N
Region VI Administrator	N
Region VII Administrator	N
Region IX Administrator	C
Region I Administrator	N
U.S. Secret Service	
Director	C
Deputy Director	C
Assistant Director, Administration	C
Assistant Director, Protective Operations	C
Assistant Director, Investigations	C
Assistant Director, Protective Research	C
Assistant Director, Human Resources and Training	C
Assistant Director, Inspection	C
Assistant Director, Government and Public Affairs	C
U.S. Immigration and Customs Enforcement	
Assistant Secretary	S
Deputy Assistant Secretary, Operations*	C
Director, Office of Investigations	C
Director, Office of Detention & Removal Operations	C
Director, Office of the Principal Legal Advisor	N
Deputy Assistant Secretary, Management	C
U.S. Citizenship and Immigration Services	
Director	S
Deputy Director*	N
Associate Director, Domestic Operations	C
Associate Director, National Security & Records Verification	C

APPENDIX E

Component/Position	Career Status (see notes at end of document)
Chief Financial Officer	C
Director, New York District	C
U.S. Customs and Border Protection	
Commissioner	S
Deputy Commissioner*	C
Chief, Border Patrol	C
Assistant Commissioner, Field Operations	C
Director, Field Operations, New York	C
Sector Chief, El Paso	C
Director, Field Operations, Houston	C
Sector Chief, Tucson	C
Sector Chief, San Diego	C
Director, Field Operations, Miami	C
Transportation Security Administration	
Assistant Secretary / Administrator	S
Deputy Administrator*	C
Assistant Administrator, Office of Transportation and Sector Management	L
Assistant Administrator, Office of Security Operations	C
Assistant Administrator, Office of Law Enforcement/ Federal Air Marshal Service	C
Federal Security Director, Los Angeles International Airport	C
Federal Security Director, Orlando International Airport	C
Management	
Under Secretary	S
Deputy Under Secretary*	C
Chief Financial Officer	S
Chief Information Officer	P
Chief Human Capital Officer	P
Chief Procurement Officer	C
Chief Administrative Officer	C
Science and Technology	
Under Secretary	S
Deputy Under Secretary*	C
Director, Office of Transition	C
Director, Interagency Programs	L
Director, Office of Innovation	C
Division Head, Office of Explosives	C
Division Head, Office of Borders & Maritime Security	C

APPENDIX E

Component/Position	Career Status (see notes at end of document)
National Protection and Programs Directorate	
Under Secretary	S
Deputy Under Secretary*	P
Assistant Secretary, Infrastructure Protection	P
Assistant Secretary, Cybersecurity & Communications	N
Assistant Secretary, Intergovernmental Affairs	N
Deputy Assistant Secretary, Infrastructure Protection	N
Director, U.S. Visitor & Immigrant Status Indicator Technology (US-VISIT)	C
Office of Policy	
Assistant Secretary	S
Deputy Assistant Secretary*	N
Assistant Secretary, Policy Development	N
Assistant Secretary, International Relations	L
Director, Screening Coordination Office	L
Office of Intelligence and Analysis	
Under Secretary, Chief Intelligence Officer	S
Deputy Under Secretary*	C
Deputy Under Secretary, Operations	N
Assistant Deputy Under Secretary, Intelligence	C
Assistant Deputy Under Secretary, Mission Integration	C
Assistant Deputy Under Secretary, External Communications	C
Office of Operations Coordination	
Director	L
Deputy Director	C
Director, National Operations Center	C
Chief of Staff	C
Director, Incident Management & Interagency Planning	C
Office of Health Affairs	
Assistant Secretary, Chief Medical Officer	S
Principal Deputy Assistant Secretary, Deputy Chief Medical Officer*	C
Chief of Staff	C
Associate Chief Medical Officer, Medical Readiness	T
Associate Chief Medical Officer, Component Services	C
Associate Chief Medical Officer, Weapons of Mass Destruction & Biodefense	C
Federal Law Enforcement Training Center	
Director	C
Deputy Director	C
Assistant Director, Training	C
Assistant Director, Field Training	C
Assistant Director, Training Innovation & Management	C

APPENDIX E

Component/Position	Career Status (see notes at end of document)
Assistant Director, Administration	C
Assistant Director, Chief Financial Officer	C
Assistant Director, Chief Information Officer	C
Senior Associate Director, Washington Operations	C
Domestic Nuclear Detection Office	
Director	P
Deputy Director	C
Assistant Director, Mission Management	C
Assistant Director, National Technical Nuclear Forensics Center	C
Assistant Director, Transformational & Applied Research	C
Assistant Director, Product Acquisition	C
Office of the General Counsel	
General Counsel	S
Principal Deputy General Counsel*	N
Deputy General Counsel	C
Associate General Counsel, General Law	N
Chief Counsel, TSA	C
Director of Field Legal Operations, Principal Legal Advisor, ICE	C
Office of Legislative Affairs	
Assistant Secretary	N
Deputy Assistant Secretary, Operations	C
Deputy Assistant Secretary, Senate Liaison	N
Deputy Assistant Secretary, House Liaison	N
Director, Intelligence & Analysis/Operations	N
Director, National Protection & Programs Directorate	C
Office of Public Affairs	
Assistant Secretary	N
Deputy Assistant Secretary	N
Director, Strategic Communications	N
Director, Internal Communications	C
Office of Inspector General	
Inspector General	S
Deputy Inspector General*	C
Counsel to the Inspector General	C
Assistant Inspector General, Audits	C
Assistant Inspector General, Investigations	C
Assistant Inspector General, Inspections	C
Citizenship and Immigration Services Ombudsman	
Ombudsman	N
Executive Officer	C
Chief, Programs, Policy, Strategy & Research	C
Chief, Intake Evaluations & Problem Resolution	C

APPENDIX E

Component/Position	Career Status (see notes at end of document)
Chief Privacy Officer	
Chief Privacy Officer	N
Deputy Chief Privacy Officer, Privacy	C
Deputy Chief FOIA Officer, Freedom of Information Act	C
Civil Rights and Civil Liberties	
Civil Rights and Civil Liberties Officer	P
Deputy Officer, Equal Employment Opportunity Programs	C
Deputy Officer, Programs and Compliance	C
Executive Officer	C
Office of Counternarcotics Enforcement	
Director	S
Chief of Staff*	C
Principal Asst Director	C

Notes

- S = Presidential Appointee with Senate Confirmation
- P = Presidential Appointee
- N = Non-Career SES or Schedule C
- C = Career
- L = Limited term appointee
- T = Scientific Professional
- * = First Assistant, pursuant to the Federal Vacancy Reform Act

DHS plans to update this Order of Succession in the summer of 2008.

Source: DHS Office of the Chief Human Capital Officer

**COUNCIL FOR EXCELLENCE IN GOVERNMENT
PANEL OF EXPERTS**

- Admiral James Loy, *Co-Chair*, Former Deputy Secretary, U.S. Department of Homeland Security.
- Ray Kelly, *Co-Chair*, Commissioner, New York City Police Commissioner.
- Prudence Bushnell, former Ambassador and Assistant Secretary of State for African Affairs and CEO of Sage Associates.
- Michael Byrne, former Senior Director, White House Office of Homeland Security and Senior Vice President for Emergency Management and Homeland Security, ICE International.
- Darrell Darnell, Director, District of Columbia Homeland Security and Emergency Management Agency.
- Glenda E. Hood, former Secretary of State, State of Florida and President, Glenda Hood and Associates.
- Major General Timothy K. Lowenberg, Adjutant General, Washington State, U.S. Air Force.
- John McLaughlin, former Acting Director and Deputy Director, Central Intelligence Agency.
- Henry Renteria, Director, California Governor's Office of Emergency Services.
- Michael Wallace, President, Constellation Generation Group.

RECOMMENDATIONS OF THE HOMELAND SECURITY ADVISORY COUNCIL ADMINISTRATION TRANSITION TASK FORCE

RECOMMENDATIONS

The recommendations are divided into seven broad categories. The ATTF recognizes that several of its recommendations could be aligned into multiple categories. The seven categories include: Threat Awareness, Leadership, Congressional Oversight/Action, Policy, Operations, Succession and Training. There is no rank order of recommendations within each category. We (ATTF) believe all constitute national imperatives and must be expeditiously implemented.

THREAT AWARENESS

Outgoing DHS Leadership should:

- Work with media partners to educate and inform the public that a period of heightened threat is likely before, during and shortly after the Presidential election and transition period.
- Clarify the meaning of “heightened threat” during the transition period by notifying all homeland security partners of historical patterns.
 - Provide timely and reliable dissemination of any credible threat reports to all Presidential and Vice Presidential nominees
 - Encourage issuance of one joint statement on heightened threat level from all Presidential nominees
- Enlist non-partisan/bi-partisan/neutral third parties and use public service announcements to assist in informing the public of increased threat levels and the rationale behind them.
- Develop contingency plans around the now common themes of Prevent, Prepare, Respond, and Recover.

LEADERSHIP

Outgoing DHS Leadership should:

- Provide the Presidential nominees with identified best practices and lessons learned domestically and internationally from analysis of incidents during leadership transitions.
 - Engage past White House Office of Homeland Security and DHS officials and transition teams at all levels of government (Federal, State, local) and the private sector.

- Engage the expertise of other Federal departments' transition efforts with particular emphasis on the efforts of National Security organizations (e.g., Defense, State and Justice Departments).
- Work with the presidential nominees, their senior staff, and the Senate, prior to the election, to establish an expedited process for handling appointments and confirmation to critical assignments (this goes far beyond the top three or four senior positions in the Department). Encourage, with incentives (i.e., bonuses), current appointees to overlap the new administration term until the transition process is complete and new appointees are in place.
 - Draft lists of potential candidates for appointed positions in early summer.
 - Identify ways to accelerate the processing and Senate confirmation of Presidential appointments.
 - Ensure an increase in OPM investigative and adjudicative manpower to quickly clear senior and second-tier appointees (i.e., down to a minimum of Deputy Assistant Secretary positions).
 - Perform updates rather than completely re-do the clearance history for people already holding clearances (at least for all but very top positions).
 - Develop a framework for engaging all Presidential nominees to ensure consistency on how they should interact with DHS and vice versa.
 - Ensure Departmentwide reciprocity for suitability that would allow for quicker movement between components.
- Encourage all Presidential nominees to identify members and organize Homeland Security advisory groups in preparation for the administration transition.
 - Offer time and expertise from DHS HSAC membership to all interested Presidential nominees and the President-Elect.
- Encourage, and where possible, obtain the commitment of current political appointees to remain until at least the end of the current administration. (Note: this recommendation is also under Congressional Oversight/Action)
- Hold personal meetings for outgoing leadership (Secretary, Deputy Secretary, etc.) with incoming leadership.
- Build and maintain a comprehensive list of DHS alumni of both political and senior career personnel for reference purposes.
 - Provide each incoming appointee, at the time he or she is nominated, with a complete list of recent predecessors/equivalents and their contacts (i.e. email, telephone, postal address, etc.).
- Implement further recommendation number one of the HSAC's Culture Task Force Report -- "DHS Headquarters Must Further Define and Crystallize Its Role."
- Prepare an outreach strategy to Federal, State, local, tribal and private sector leaders to accelerate the new senior leadership teams' ability to implement phone calls, meetings, etc. as soon as they officially assume their positions.
- Generate cost-benefit reports on the more controversial line items in the budget so that decisions can be made either to protect or remove prior to and through the transition process.

Incoming DHS Leadership should:

- Nominate and seek Congressional approval of the new Secretary of Homeland Security as is done with the Secretary of State and Secretary of Defense on the first day of the new Administration. (Note: this recommendation is also under Congressional Oversight/Action)
- Meet with Federal, State, local, tribal, private sector, and media partners to discuss transition details.
- Ensure the current career Deputy Under Secretary for Management remains in this position during the next administration. (Note: the ATTF commends the Department for quickly appointing a senior career individual to this position.)

CONGRESSIONAL OVERSIGHT/ACTION

- Act with the same sense of urgency in considering and expeditiously approving the new Administration's Secretary of Homeland Security as is done with the Secretary of State and Secretary of Defense. (Note: this recommendation is also under Leadership)
- Form a select bipartisan group from existing Senate oversight committees to expedite confirmation for all incoming DHS nominees for national security positions with the deadline being the start of the August 2009 recess. (Note: we [ATTF] are NOT asking Congress to form another Committee.)
- Continue to update the Transition Act of 1963 as amended to reflect post-9/11 realities.
- Implement 9/11 Commission recommendation to reduce the number of Congressional oversight committees and subcommittees from its current unwieldy eighty-seven.
- Pass a Fiscal Year 2009 budget for the Department of Homeland Security much sooner than the Fiscal Year 2008 budget was passed to avoid negative impacts on operations and training that can result from continuing resolutions. Congress should also review the Department's FY 2008 budget to ensure sufficient resources are available and allocated for transition activities. This must include pre-election and post-election transition crisis management exercises. Budget shortfalls should be supplemented where necessary.
 - Fund crisis exercises at adequate levels prior to the transition period.
 - Establish critical line items for the budget.
- Continue work to reduce (with outgoing DHS leadership) the number of Presidential-appointed senior positions at DHS. (Note: this recommendation is also under Succession)
- Provide early briefings and interactions with DHS Presidential nominees and appointees detailing Congressional expectations with respect to homeland security responsibilities.
- Interact with Presidential nominees in a bipartisan manner because homeland security is a non-partisan undertaking.
- Encourage incoming appointees to serve as consultants to DHS during their confirmation process.

- Encourage incoming DHS leadership to continue employing current appointees until they are replaced. (Note: this recommendation is also under Leadership)
- Discourage any reorganization of the Department prior to or during the transition period. (Note: this recommendation is also listed under Operations)
- Consider current political appointees with highly specialized and needed skills for appropriate career positions. (Note: this recommendation is also under Succession)

POLICY

Outgoing DHS Leadership should:

- Continue to encourage all homeland security partners to support and participate in transition efforts.
- Continue to enhance and build consensus among all partners (Federal, State, local, tribal, private sector, Congress, etc.) around policy issues that are a priority to the outgoing administration.
- Prioritize critical policies with measurable benchmarks that need to be addressed prior to the change in administration.
 - Provide the incoming administration detailed “End of Appointment”/Departure reports, including lessons-learned, organizational, operational and program successes/failures, and objective/non-partisan recommendations to move forward.
 - Engage and provide a process and templates by which Federal, State, local, tribal and the private sector authorities may submit to incoming DHS officials their list of priorities and compilation of ‘decisions made’ and ‘decisions needed.’
- Continue to support the active involvement of the Council for Excellence in Government and the National Academy of Public Administration to make recommendations at all levels of government and the private sector for transition efforts.

OPERATIONS

Outgoing DHS Leadership should:

- Continue to vigorously support the establishment of State fusion centers with both funding and personnel. Listen to their specific information requirements necessary to empower State and local collaboration during the possible heightened threat period at the time of transition and throughout the new administration.
- Offer operational briefings to Presidential nominees and their staff. Develop executive summaries of important issues for the nominees to consider.
- Develop a clear and concise communications strategy for transition planning and increase coordination through media representatives.

- Discourage any reorganization of the Department prior to or during the transition period. (Note: this recommendation is also listed in Congressional Oversight/Action)
- Take advantage of the period from January through November 2008 as an important time to establish and standardize processes and procedures in consultation with State, local, tribal and private sector authorities. Refrain from trying to implement hasty requirements the last few months of the Administration.

SUCCESSION

Outgoing DHS Leadership should:

- Continue to ensure all key positions currently filled by appointees have back up senior level career personnel for operational continuity and a more fluid transition process. This should also be coordinated with the Department's succession planning efforts to make certain that all key leadership positions are currently filled.
- Support and implement a cadre of individuals fully focused on transition with the leadership designation of Deputy Chief of Staff for Transition (DCST). Provide the DCST with a task force composed of representatives from each component and staff office.
- Generate a priority list of briefing materials and ensure they are in a consistent format, clearly and concisely written, well organized, and professionally presented.
 - Identify a departmental topic specialist for each functional area and major program and any associated working group assigned to it.
 - Make certain that incoming senior managers have quick references – issue papers – for each topic to prevent information overload.
 - List all of the existing cross functional working groups and the initiatives or programs on which they are working.
 - Allow personnel to do their jobs, as opposed to being consumed with briefings, through use of secure automated or web-based tools.
- Compile a list of all Presidential and Homeland Security Directives and strategies and show how each align or not with the others.
- Continue to reduce the number of senior political appointees so that there is a more even mix of career and Presidential appointed senior positions to maintain continuity and historical knowledge. (Note: this recommendation is also under Congressional Oversight/Action)
- Consider current political appointees with highly specialized and needed skills for appropriate career positions. (Note: this recommendation is also under Congressional Oversight/Action)
- *(ATTF) Note: The National Academy of Public Administration is providing key recommendations in this area.*

TRAINING

Outgoing DHS Leadership should:

- Organize tabletop exercises (based upon DHS's top ten scenarios) for new administration officials as early as possible and assure adequate funding, preparation, and delivery of same.
- *(ATTF) Note: The Council for Excellence in Government is providing key recommendations in this area.*