



# Interagency Collaborative Arrangements and Activities: Types, Rationales, Considerations

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## Summary

Interagency collaboration among federal agencies with overlapping jurisdictions and shared responsibilities is not a new phenomenon. Attempts to foster cooperation among agencies, reduce their number in particular policy areas, or clarify the division of labor among them date to the early days of the Republic. Such arrangements are increasing in the contemporary era in number, prominence, and proposals across virtually all policy areas. The reasons for the current upsurge are the growth in government responsibilities, cross-cutting programs, and their complexity; certain crises which showed severe limitations of existing structures; and heightened pressure to reduce the size of federal programs and expenditures.

Recent congressional action reflects these considerations. In 2010, Congress directed the Government Accountability Office (GAO) (P.L. 111-139, 124 Stat. 29) to

conduct routine investigations to identify programs, agencies, offices, and initiatives with duplicative goals and activities within Departments and governmentwide and report annually to Congress on the findings, including the cost of such duplication.

GAO identified 34 such programs. The GPRA Modernization Act of 2010 (P.L. 111-352)[http://www.congress.gov/cgi-lis/bdquery/R?d111:FLD002:@1\(111+352\)](http://www.congress.gov/cgi-lis/bdquery/R?d111:FLD002:@1(111+352)) provides that the Office of Management and Budget's government-wide priority goals include "outcome-oriented goals covering a limited number of crosscutting policy areas." Legislative initiatives in the 112<sup>th</sup> Congress have also advanced across-the-board reviews (e.g., H.R. 155) or recognize shared jurisdictions and responsibilities among agencies. And House Rules for the 112<sup>th</sup> Congress call on its standing committees to include proposals in their oversight plans to eliminate "programs that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments." President Barack Obama has taken similar stands regarding overlapping programs—in his 2011 State of the Union Address, subsequent memoranda, and recent budget requests—and the executive has continued on-going arrangements or added new ones.

The broad concept of interagency collaboration contains at least six types of various activities and arrangements: collaboration (an exchange among relatively equal entities or peers, separate from collaboration's broad use), coordination, mergers, integration, networks, and partnerships. These categories often overlap with, supplement, or reinforce one another; and several different types may occur in the same organizational structure and endeavor. Complicating matters, the different types are not defined in public laws or executive directives, even though required in some. Because of this and other reasons, the terms have sometimes lacked consistency and precision, have been used interchangeably, or have been applied to more than one category.

Nonetheless, working definitions can be developed for the different types. All of these are surrounded by a number of rationales, intended to enhance collaboration, improve coordination, or clarify responsibilities and jurisdictions among agencies. The underlying objectives and expectations range from reducing policy fragmentation and mitigating competition among agencies, to enhancing efficiency and effectiveness, changing organizational and administrative cultures, and streamlining and improving congressional and executive oversight. Despite these appeals, concerns and questions have arisen over some of the rationales and their underlying assumptions as well as determining the success or failure of interagency efforts. This report—which will be updated as conditions dictate—examines the burgeoning field of interagency collaboration and presents a bibliography at the end, highlighting the broad subject as well as specific areas.

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## Introduction

Interagency coordinative arrangements and activities—called for in public laws, executive orders, and administrative directives—appear to be growing in number, prominence, and proposals throughout virtually all individual policy areas and across-the-board. Underlying this growth are several developments: the increase in governmental responsibilities, cross-cutting programs, and their complexity; the inadequate preparation for and response to severe crises (in particular, the 9/11 terrorist attacks and the 2005 Gulf Coast hurricanes); and heightened pressure to reduce or consolidate federal programs and expenditures.

This report examines formal interagency collaborative arrangements and activities, which are intended to enhance joint efforts and cooperation among independent federal agencies with shared responsibilities and overlapping jurisdictions.<sup>1</sup> The study examines the following:

- various types and understandings of collaborative activities and arrangements, as well as related concepts of interagency coordination, integration, mergers and reorganizations, networking, and partnerships;
- background of relevant efforts;
- rationales for interagency collaboration and the problems these are designed to address;
- concerns and questions about the rationales;
- difficulties in assessing interagency collaboration success or failure; and
- factors affecting the adoption, evolution, and impact of collaborative activities and arrangements.

This Congressional Research Service (CRS) study builds on and supplements an extensive collection of materials, covering various aspects of interagency collaboration, current and past, which are cited in the bibliography at the end of the report. That compilation identifies analyses of different subject and policy areas as well as different types of arrangements used among agencies. The relevant studies—both current and historical—come from congressional committees, CRS, executive branch entities, Government Accountability Office (GAO), governmental commissions, professional associations, and scholars.

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<sup>1</sup> This review examines *neither informal collaborative arrangements* (those operating without formal authorization, such as a public law, executive order, administrative directive, or memorandum of agreement) *nor intra-agency endeavors* (those falling exclusively within a department or agency). Both of these have significantly different parameters and arrangements to develop and enforce collaborative ventures compared to formal cross-agency arrangements. Informal arrangements, even if large in number and relatively stable over time, still lack officially fixed memberships and responsibilities; informal ventures, moreover, are difficult to identify and describe authoritatively. Intra-agency arrangements also differ importantly from interagency ones, in large part because the authority and resources held by the head of an agency over his or her own domain are more comprehensive and substantial than those held by the head of one entity over other independent entities engaging in collaborative enterprises.

## Various Types and Understandings of Collaboration

Interagency collaboration—as a way to enhance cooperation among agencies with shared responsibilities and overlapping jurisdictions—has been used in at least two different ways: to mean a distinct type of activity and arrangement, or broadly to cover one or more other related types (coordination, networking, integration, mergers, and partnerships).<sup>2</sup>

### Broad Interpretation of Collaboration

Representative of this latter view, the Government Accountability Office has adopted an encompassing characterization of collaboration for certain of its reviews:

For the purposes of this report we use the term “collaboration” broadly to include interagency activities that others have variously defined as “cooperation,” “coordination,” “integration,” or “networking.” We have done so because there are no commonly accepted definitions of these terms and we are unable to make definitive distinctions between these different types of interagency activities.<sup>3</sup>

GAO later added to this by defining “‘collaboration’ ... as any joint activity by two or more organizations that is intended to produce more public value than could be produced when the organizations act alone.”<sup>4</sup> This broad interpretation—which approaches the generic “cooperation”—led to the discovery of hundreds of examples of collaborative activities, even within a specialized area.<sup>5</sup> Other studies have estimated similar totals.<sup>6</sup>

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<sup>2</sup> For example, one public administration analyst has adapted collaboration to replace what had traditionally been considered public-private partnerships, because the latter have “become hopelessly ambiguous.... [As its replacement, collaboration] refers to joint efforts by public and private actors, each wielding a degree of discretion, to advance a goal that is conventionally considered governmental.” (John D. Donahue, “The Race: Can Collaboration Outrun Rivalry between American Business and Government?” *Public Administration Review*, vol. 70, Supplement 1, December 2010, p. S151.) This extension of collaboration, however, departs from more limited understandings of collaboration, even if vague. And this replacement would not necessarily make the concept of public-private partnerships—or their functional equivalent—clearer or more specific, instead it would blend them under a broadened notion of collaboration.

<sup>3</sup> GAO, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration Among Federal Agencies*, GAO-06-15, p. 1, note 2 and, for further explanation, pp. 6-7.

<sup>4</sup> *Ibid.*, p. 6. In so doing, GAO adopted language from Eugene Bardach, *Getting Agencies to Work Together: The Practice and Theory of Managerial Craftsmanship* (Brookings Institution: Washington, DC, 1998), p. 8.

<sup>5</sup> For example, in 2010, GAO found that more than 200 activities met its criteria for identifying ones that were important to improving interagency collaboration in the national security arena. GAO, *National Security: An Overview of Professional Development Activities Intended to Improve Interagency Collaboration*, GAO-10-108, 2010, pp. 3-4.

Despite the large and increasing number of interagency devices and efforts, they may still be absent in certain areas, including some critical ones. GAO, based on its survey of national security strategy and related matters, concluded that a lack of collaboration in some matters “hindered national security efforts.” GAO, *Interagency Collaboration: Key Issues for Congressional Oversight of National Security Strategies, Organizations, Workforce, and Information Sharing*, GAO-09-904SP, 2009, p. 1.

<sup>6</sup> Along this line, a 2002 CRS study identified seven distinct types or categories of coordinative devices, ones in which there was a lead agency or official guiding or directing an operation or project. These ranged from presidentially chaired councils, like the National Security Council; to a single official with some express powers over other agencies; to transfers of authority, personnel, and resources among agencies. Such transfers include interagency partnerships, field working groups, joint task forces, and joint operational centers (e.g., for intelligence or law enforcement purposes). All totaled, these interagency coordinative devices were projected to reach the hundreds, because of the large number of federal agencies involved in cross-cutting programs, in formal interagency devices, and in interagency (continued...)

## Different Types of Interagency Collaboration

At least six different types of collaborative arrangements and activities can be identified. Even though lacking agreed-upon, hard-and-fast, detailed definitions of these, generalized operational understandings or working definitions can be developed for the principal interagency activities and arrangements, separate from collaboration as a broadly encompassing concept. Designed to ensure or enhance cooperation among agencies with overlapping jurisdictions and shared responsibilities, these are

1. **collaboration**, an arrangement which relies, to a substantial degree, on voluntary or discretionary participation among the members, who are relatively equal or at least have parity in such an activity and arrangement;
2. **coordination**, an arrangement in which a lead agency or officer directs an operation, project, or program among one or more other agencies;
3. **merger**, an arrangement which merges or transfers all or parts of different agencies or their authorities, jurisdictions, personnel, and resources on a permanent basis to another organization, either a new or existing department, agency, bureau, office, or other entity;<sup>7</sup>
4. **integration**, an arrangement which brings together relevant parts of agencies on either a long-term or a temporary ad hoc basis, to carry out a particular operation, project, program, or policy; these endeavors, unlike mergers, involve non-permanent transfers of personnel, resources, or authority among relevant agencies;<sup>8</sup>
5. **networks**, an arrangement which involves the federal government and all or several other levels of government: federal, state, local, tribal, or, in some cases, foreign countries;<sup>9</sup> and

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(...continued)

agreements, especially covering narrowly focused, ad hoc, and recurrent joint enterprises. CRS Report RL31357, *Federal Interagency Coordinative Mechanisms: Varied Types and Numerous Devices*, by Frederick M. Kaiser.

<sup>7</sup> Most prominent among mergers and reorganizations, in part designed to improve interagency collaboration and coordination, are the establishments of the Department of Homeland Security in 2002 and the Department of Defense, then named the National Military Establishment, in 1947 (both are discussed further below). Other examples are independent agencies—such as the Environmental Protection Agency—some of which were in part created to improve collaboration. In addition to such traditional governmental agencies and departments are various organizational hybrids, which can be used to enhance collaboration. These range from public and quasi-public corporations to government-sponsored enterprises, research and development centers, agency-related nonprofits, and various other instrumentalities. For an overview, see CRS Report RL30533, *The Quasi Government: Hybrid Organizations with Both Government and Private Sector Legal Characteristics*, by Kevin R. Kosar; Lester M. Salamon, ed., *The Tools of Governance: A Guide to Organizational Design* (Oxford University Press: New York, 2002); and Thomas H. Stanton and Benjamin Ginsberg, eds., *Making Government Manageable: Executive Organization and Management in the Twenty-First Century* (Johns Hopkins University Press: Baltimore, 2004).

<sup>8</sup> Numerous integrative arrangements exist. Many of these are short-term, ad hoc joint field operations which, for instance, frequently arise in law enforcement, while others exist on a long-term basis, as with interagency centers for intelligence gathering, analysis, and dissemination.

<sup>9</sup> The Federal Emergency Management Agency (FEMA), for example, engages all levels of governments throughout the United States when putting the National Response Framework into operation. See FEMA, *National Response Framework*. Networks, along with public-private partnerships, are also prominent in medical care services, particularly Medicaid and Medicare.

6. **partnerships**, an arrangement which features public-private partnerships, with the public sector entities extending from the federal government to state, local, or tribal governments, as well as, in some cases, foreign governments; and with the private sector involving different types of entities: non-governmental organizations (NGOs), not-for-profit organizations, for-profit companies and firms, government-sponsored enterprises, and government-chartered corporations.<sup>10</sup>

These different types may overlap with one another, may exist in the same organizational structure, or may even be required in the same authorization (but without express definitions, distinctions, elaboration, or specification). Such endeavors can result in hybrids, in which several types of activities and arrangements exist in the same organizational structure.<sup>11</sup> Many of the examples cited herein combine different activities and arrangements (rather than a single type), which are difficult, if not impossible in some instances, to separate.<sup>12</sup>

<sup>10</sup> A variety of partnerships arise when a private sector entity supplements or replaces a government agency in carrying out a governmental activity or service. These can manifest “indirect government” or “third-party government,” not only through contracts and outsourcing with private parties but also through voluntary efforts by some. Such efforts provide a wide range of public goods and services, including grants, loans, vouchers, insurance, tax collection, and security for persons and facilities. See *The Quasi Government*, by Kosar; Salamon, ed., *The Tools of Government*; Stanton and Ginsberg, eds., *Making Government Manageable*; “Spotlight on Contracting Out and Privatization,” *Public Administration Review*, vol. 69, July/August 2009, pp. 668-726; and Jill Nicholson-Crotty, “Nonprofit Organizations, Bureaucratic Agencies, and Policy: Exploring the Determinants of Administrative Advocacy,” *American Review of Public Administration*, vol. 41, January 2011, pp. 61-74.

One long-lasting public-private partnership involves the American National Red Cross, with roles tied to the military services and currently to the Federal Emergency Management Agency. The American Red Cross is a statutorily chartered independent corporation, with express duties and functions in law, one of which is to assist the United States government in disaster relief operations. 36 U.S.C. secs. 300101-300102; 10 U.S.C. sec. 2602; 22 U.S.C. sec. 2601 note; and 42 U.S.C. secs. 5152-5153. See also CRS Report RL33910, *The Charter of the American National Red Cross: Current Issues and Proposed Changes*, by Kevin R. Kosar. Another partnership, which also includes integration, is connected with the Office of Protected Resources (OPR) in the National Oceanic and Atmospheric Administration (NOAA). OPR partners with, among others, the Animal and Plant Health Inspection Service, Department of Agriculture; U.S. Fish and Wildlife Service, Department of the Interior; Marine Mammal Commission; World Wildlife Fund; and the Department of State’s Bureau of Oceans, Environment and Science to support scientific, technological, and environmental initiatives in member countries of the Central American Free Trade Agreement. NOAA, OPR, *Partnerships*, available at <http://www.nmfs.noaa.gov/opr/about/partnerships.htm>.

<sup>11</sup> A public-private partnership, for instance, might also involve a coordinative process, in which the participants are directed by a lead agency or official. Or a single enterprise might contain both coordination and collaboration requirements. As an illustration, one public law calls upon State Councils on Developmental Disabilities to promote both forms of cooperation: “The Council may support and conduct activities to promote interagency collaboration and coordination to better serve, support, assist, or advocate for individuals with developmental disabilities and their families.” 42 U.S.C. sec. 15025. Another enactment—the American Recovery and Reinvestment Act of 2009—also adopts both concepts in the same provision, “requiring whether there are appropriate mechanisms for interagency collaboration relating to covered funds, including coordinating and collaborating to the extent practicable with the Inspectors General Council on Integrity and Efficiency.” P.L. 111-5; 123 Stat. 115. On such (often inseparable) combinations of different interagency activities, see Government Accountability Office, *Results-Oriented Government: Practices That Can Help Enhance and Sustain Collaboration Among Federal Agencies*, GAO-06-15, 2005, note 2, p. 1, and, for further discussion, pp. 6-7. *Federal Interagency Coordinative Mechanisms*, by Kaiser, reviews different federal interagency devices, which might incorporate more than one arrangement or set of activities.

<sup>12</sup> An illustration of a convergence of different types is one featuring a network but also involving other activities, including collaboration, coordination, and integration. Networking in field operations under combat conditions—an especially demanding site and setting—has been recounted by (retired) Army General Stanley A. McChrystal, who had commanded the U.S. Joint Special Operations Task Force (JSOTF) in Iraq from 2003-2008. Stanley A. McChrystal (Retired General), “It Takes a Network: The New Frontline of Modern Warfare,” *Foreign Policy*, March/April 2011, pp. 1-6. The JSOTF started with a small group (composed of 15 military personnel and one intelligence analyst) but (continued...)

Besides the multiple activities which can be involved in a single collaborative enterprise, other factors influence its interpretation and use, both of which vary. This condition arises, in part, because there are no commonly accepted definitions of the concepts as used in the public sector and there is no precise definition of any in law or executive order that applies across-the-board.<sup>13</sup> Complicating the absence of agreed-upon precise definitions, different interpretations—and terminology—for each concept may be based on traditions of their use among and within agencies, or over time. The understanding and use of these various concepts, for example, might differ meaningfully between the military and civilian sectors of government, given their different responsibilities, heritages, authority structures, organizational frameworks, and autonomy among the components. Moreover, the importance and frequency of use of a type of arrangement, as well as its purpose, are likely to differ among (and even within) individual agencies. This, in turn, could lead to different interpretations and resulting names. Public-private partnerships, for instance, might be more prolific and prominent in some domestic health care programs or international aid projects—or certainly different—than in military field operations.

Time is also a likely factor in the understandings taken on by these six concepts, because terms and their use and meaning change over different periods. The interpretations and implications of collaboration as it was used 60 or more years ago, for instance, might well differ from today's use. In addition, certain concepts, such as partnerships and networks, might have changed from an earlier period when fewer such arrangements existed or when their use in federal policy implementation differed.<sup>14</sup> Furthermore, the criteria adopted to identify various cooperative arrangements can vary or be extremely broad.

In other words, the terminology has been used on occasion inconsistently, imprecisely, interchangeably, or without differentiation among the activities.

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was changed, when the original arrangement was found to be inadequate. The task force initially coordinated with the military forces and civilian (particularly intelligence) agencies on the base. But General McChrystal found that

operational security procedures and cultural habits limited true synergy of their efforts against AQI [al Qaeda].... [He consequently determined that] a true network starts with robust communications collectivity, but also leverages physical and cultural proximity, shared purpose, established decision-making processes, personal relationships, and trust.... This insight allowed us to move closer to building a true network by connecting everyone who had a role—no matter how small, geographically dispersed, or organizationally diverse they might have been—in a successful counterterrorism operation .... [Based on this experience, McChrystal identified the] shared basic attributes that define an effective network. Decisions were decentralized and cut laterally across the organization. Traditional institutional boundaries fell away and diverse cultures meshed. The network expanded to include more groups, including unconventional actors. It valued competency above all else—including rank.

Ibid., pp. 3-5.

<sup>13</sup> A CRS search of Lexis-Nexis (conducted by Julia Taylor, January 14, 2011), for example, found 21 statutory adoptions of “interagency collaboration.” None of these, however, provided a definition of the concept, when searching for the phrases “interagency collaboration means” and “interagency collaboration is defined as.”

<sup>14</sup> Along this line, some studies have separated different types of cooperative enterprises in order to examine possible transformations. See Mark A. Abramson, et al., “Increasing Collaboration,” *Four Trends Transforming Government*, IBM Center for the Business of Government, 2003, pp. 14-15, available at <http://www.businessofgovernment.org>. In this study, the authors used information and analyses from the IBM Center for the Business of Government to analyze change over time. They reported that the “Center has also been tracking the evolution of the use of partnerships and networks as a new approach for how government works in diverse policy arenas—an approach that is very different from how government traditionally worked in the 20<sup>th</sup> century.” Ibid., p. 14.



## Distinguishing Between Collaboration and Coordination

Despite a reliance on an encompassing view of collaboration, a distinction has been made between it and coordination, a concept suggesting that a lead agency or official has formal authority over the process, product, and participants. According to one analysis,

It is useful to distinguish *coordination* from *collaboration* of multiple organizations. Interagency coordination might be defined as a specific form of collaboration that applies to particular cases and operations. By contrast to collaboration when multiple agencies may perceive mutual benefit in working together, coordination often is more of a top-down exercise. It takes place when a leader with authority over multiple organizations directs them to collaborate to achieve a specified joint purpose.<sup>15</sup>

This distinction can be developed further, although it need not be absolute or applicable in all collaborative and coordinative arrangements. Ideally, in this view, collaboration (but not coordination) recognizes a degree of voluntarism among the participants; even though required to become members of a collaborative arrangement, their actual participation could vary, based on their own determinations and not on directives from a lead authority. This situation reflects parity, if not equality, among them, producing a horizontal cooperative arrangement among peers. Under this interpretation, there could still be a degree of consolidated authority inside a collaborative enterprise; but it would not be as comprehensive, detailed, substantial, or formalized as it would among coordinative counterparts. A downside of a true collaboration enterprise—because there is no lead officer or agency in charge—is that some members might not participate adequately or at all, even to the point of jeopardizing the interagency enterprise.<sup>16</sup>

By comparison to collaboration, an interagency coordinative arrangement, in principle, situates a lead official or agency with formal authority to instruct, direct, or order other members. This setting produces a hierarchical structure. An agency or official is in charge and is responsible for the process, product, and other participants, who are not the equal of the lead in this enterprise.

Following this distinction, several examples demonstrate differences between collaboration and coordination. These examples also illustrate a wide range and level of either or both such arrangements. Such distinctions are manifested in high-level council responsibilities, department-to-department operational agreements, and agency head directives to other entities, as well as regularized and frequent interactions among a variety of participants.

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<sup>15</sup> See Thomas H. Stanton, *Improving Collaboration by Federal Agencies: An Essential Priority for the Next Administration*, (National Academy of Public Administration: Washington, DC, 2007), p. 3, who provides a fuller discussion of the differences (pp. 3-5); and Bardach, *Getting Agencies to Work Together*, p. 8.

<sup>16</sup> GAO found, for example, that one member of a tri-agency committee (set up to oversee and guide the Polar-Orbiting Environmental Satellite Program) failed to attend its meetings and sometimes contradicted the panel's decisions. The GAO review also determined that "it is extremely difficult for the Committee to navigate three agencies' competing requirements and priorities. Until these shortfalls are addressed, the Committee will remain ineffective." GAO, *Polar-Orbiting Environmental Satellites: With Costs Increasing and Data Continuity at Risk, Improvements Needed to Tri-agency Decision Making*, Report GAO-09-564, June 17, 2009, Highlights. A subsequent GAO review reported that the joint program was disbanded, with DOD and NOAA undertaking separate acquisition projects. GAO, *Environmental Satellites: Planning Required to Mitigate Near-term Risks and Ensure Long-term Continuity*, Report GAO-10-858T, June 29, 2010, Summary.

## **Examples of Collaboration**

A 2010 memorandum of agreement (MOA) between the Department of Defense (DOD) and the Department of Homeland Security (DHS) regarding cybersecurity reflects some of collaboration's main characteristics:

The purpose of this Agreement is to set forth terms by which DHS and DoD will provide personnel, equipment, and facilities in order to increase interdepartmental collaboration in strategic planning for the Nation's cybersecurity, mutual support for cybersecurity capabilities development, and synchronization of current operational mission activities. Implementing this Agreement will focus national cybersecurity efforts, increasing the overall capacity and capabilities of both DHS's homeland security and DoD's national security missions .... DoD and DHS agree to collaborate to improve the synchronization and mutual support of their respective efforts in support of U.S. cybersecurity. Departmental relationships identified in this Agreement are intended to improve the efficiency and effectiveness of requirements formulation, and requests for products, services, technical assistance, coordination, and performance assessment for cybersecurity missions executed across a variety of DoD and DHS elements.<sup>17</sup>

The MOA recognizes a common agreement of two departments, spelling out each one's specific responsibilities, obligations, and benefits (for the participants themselves as well as the program). Neither department, however, is given direct authority over the other in meeting these specified requirements or in accomplishing its goals; instead, the MOA relies upon each one to meet its commitments.

Another collaborative arrangement involves the Homeland Security Council. Created by the Homeland Security Act of 2002, the council is composed of the President, Vice President, Secretary of Homeland Security, Attorney General, Secretary of Defense, and such other individuals as may be designated by the President.<sup>18</sup> Its functions—largely advisory, based on exchanges among the members—are

to advise the President on homeland security matters . (1) assess the objectives, commitments, and risks of the United States in the interest of homeland security and to make resulting recommendations to the President; (2) oversee and review homeland security policies of the Federal Government and to make recommendations to the President; and (3) perform such other functions as the President may direct.<sup>19</sup>

An example of a collaborative arrangement also appears in legislation establishing an interagency committee to enhance certain vocational rehabilitation services research and training. The committee, as a whole, was called on to

promote interagency collaboration and joint research activities relating to assistive technology research and research that incorporates the principles of universal design at the

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<sup>17</sup> Department of Defense and Department of Homeland Security, *Memorandum of Agreement Between the Department of Homeland Security and the Department of Defense Regarding Cybersecurity*, Sections 3 and 4, p. 1, October 13, 2010, available at [http://www.dhs.gov/ynews/releases/pr\\_1286984200944.shtm](http://www.dhs.gov/ynews/releases/pr_1286984200944.shtm), which provides the link to the MOA. The MOA further spells out the responsibilities of the departments, creates special positions for relevant joint operations, and calls upon the deputy secretaries and other officials of both departments to oversee the activities.

<sup>18</sup> P.L. 107-296, Title X; 116 Stat. 2258-2259. See citations in the bibliography on Homeland Security Interagency Structure and Restructuring.

<sup>19</sup> DOD and DHS, *Memorandum of Agreement*, p. 1.

Federal level, and reduce unnecessary duplication of effort regarding these types of research within the Federal Government.<sup>20</sup>

A further illustration occurs in a statutory provision for grants to states for programs dealing with child abuse and neglect prevention and treatment programs. It authorizes grants “supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment.”<sup>21</sup>

A final example of collaboration (along with networking and partnerships) involves an information-technology enterprise under the Defense Information Systems Agency (DISA), named “Forge.mil” after its website. It involves a “private project collaboration [which] provides teams that require greater access control with their own secure, private, web-based collaborative software development environment offered as an on-demand fee for service capability.”<sup>22</sup> It is designed “to enable rapid development and deployment of new products and services on the Global Information Grid.”<sup>23</sup> In so doing, Forge.mil—which also reaches out to private sector contractors, who hold appropriate security clearances—provides a platform where “DoD employees can collaborate on open source and DoD community source software.”<sup>24</sup> In support of “net-centric operations and warfare, Forge.mil will enable cross-program sharing of software, system components, and services [and] promote early and continuous collaboration among all stakeholders (e.g., developers, material providers, testers, operators, and users) throughout the development life-cycle.”<sup>25</sup>

## Examples of Coordination

By comparison to this notion of collaboration, interagency coordination has been used to recognize a directed operation or activity, in which a lead agency or official has authority over other participants.

An example of this is the Secret Service’s lead status in National Special Security Events (NSSEs), high-profile, large-scale events requiring an especially high level of security.<sup>26</sup> The Presidential Threat Protection Act of 2000, building on an earlier presidential directive, reads,

When directed by the President, the United States Secret Service is authorized to participate, under the direction of the Secretary of the Treasury [now Homeland Security], in the planning, coordination, and implementation of security operations at special events of national significance, as determined by the President.<sup>27</sup>

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<sup>20</sup> 29 U.S.C. sec. 763.

<sup>21</sup> 42 U.S.C. sec. 5106a.

<sup>22</sup> *Forge.mil: Transforming the Way DoD Innovates IT*, p. 1, available at <http://www.disa.mil/forge>. See also Carolyn Duffy Marsan, “Collaborating in the Cloud,” *Government Executive*, vol. 43, February 2011, pp. 33-36.

<sup>23</sup> *Forge.mil: Transforming*, p. 1.

<sup>24</sup> *Forge.mil Community*, p. 1, available at <http://forge.mil/Community.html>.

<sup>25</sup> *Forge.mil FAQ*, p. 1, available at <http://forge.mil/Faqs.html>.

<sup>26</sup> P.L. 106-544, 114 Stat. 2716.

<sup>27</sup> *Ibid.* The language of the law simply authorizes the Secret Service “to participate” in certain activities, including coordination. But its undisputed lead role in practice exceeds what might appear to be a limited one on paper. The functions and duties at NSSEs—extending to presidential inaugurations, national political party nominating conventions, and major international summits held in the United States—cover physical security as well as (continued...)

The same enactment also grants the Attorney General specific cross-agency powers for apprehending fugitives, including the establishment of permanent interagency task forces under the direction of the U.S. Marshals Service. The law prescribes that

the Attorney General shall, upon consultation with appropriate Department of Justice and Department of the Treasury law enforcement components, establish permanent Fugitive Apprehension Task Forces consisting of Federal, State, and local law enforcement authorities in designated regions of the United States, to be directed and coordinated by the United States Marshals Service, for the purpose of locating and apprehending fugitives.<sup>28</sup>

Another illustration is manifested in a revamped program for the Chesapeake Bay's protection and restoration, with enhanced overarching authority residing in the Environmental Protection Agency (EPA).<sup>29</sup> President Obama's executive order setting up the relevant interagency arrangement reads,

A Federal Leadership Committee (Committee) for the Chesapeake Bay is established to oversee the development and coordination of programs and activities, including data management and reporting, of agencies participating in protection and restoration of the Chesapeake Bay. The Committee shall manage the development of strategies and program plans for the watershed and ecosystems of the Chesapeake and oversee their implementation. The Committee shall be chaired by the Administrator of the Environmental Protection Agency (EPA), or the Administrator's designee.<sup>30</sup>

A final coordinative example is the most far-reaching: it centers on the Director of National Intelligence (DNI), who has been granted extensive and substantial authority over the U.S. Intelligence Community, consisting of 16 departments and agencies. Established by the

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(...continued)

consequence management and involve other federal, state, and local governmental entities under the Secret Service's direction. In summarizing one of those efforts—security at the Nuclear Security Summit held in Washington, DC on April 9, 2010—the department wrote, “When an event is designated as an NSSE, the United States Secret Service assumes its mandated role as the lead agency for the design and implementation of the operational security plan.” Department of Homeland Security, *The Nuclear Security Summit* (DHS: Washington, DC, 2010), p. 1, available at <http://www.dhs.gov/journal/theblog/labels/secret%20service.html>. The statement also identified 23 other federal and local governmental entities which participated. Ibid. For further description of what NSSEs encompass, who participates, and in what capacity, see U.S. Secret Service, Office of Legislative Affairs, *National Special Security Events: Meeting the Counter-Terrorism Challenge* (USSS: Washington, DC, 2006), p. 1, and *National Special Security Events Fact Sheet*, (USSS: Washington, DC, 2003); as well as CRS Report RS22754, *National Special Security Events*, by Shawn Reese, and CRS Report R41189, *Homeland Security Department: FY2011 Appropriations*, coordinated by Jennifer E. Lake.

<sup>28</sup> P.L. 106-544, 114 Stat. 2718-2719.

<sup>29</sup> *Chesapeake Bay Protection and Restoration*, Executive Order 13508, issued by President Barack Obama, May 12, 2009, 74 FR 23099-23104, May 15, 2009.

<sup>30</sup> Ibid., p. 23099. EPA is the overall lead agency. It has authority to approve or disapprove plans issued by the six other federal members on the committee (i.e., the Departments of Agriculture, Commerce, Defense, Homeland Security, Interior, and Transportation) and to keep the plans' implementation on track down the line. Each of the other departments on the committee is given subsidiary areas of responsibility, as with the Department of Agriculture for agriculture practices to protect the Bay. In addition to the federal agencies, the overall program involves the six nearby states and District of Columbia, the Chesapeake Bay Commission (a tri-state legislative body), and various participating citizen advisory groups. For further information on this and other clean water organizational arrangements, see EPA, *Guidance for Federal Land Management in the Chesapeake Bay*, May 12, 2010, and *The Chesapeake Bay Program*, available at <http://www.epa.gov/region03/Chesapeake/indx/htm>.; and CRS Report R41594, *Water Quality Issues in the 112<sup>th</sup> Congress: Oversight and Implementation*, by Claudia Copeland.

Intelligence Reform and Terrorism Prevention Act of 2004,<sup>31</sup> the DNI—a principal part of “the most comprehensive reform of the U.S. intelligence community since it was created”—is “to serve as head of the of the intelligence community (IC) and principal adviser to the President on intelligence matters related to the national security and to oversee and direct the implementation of the National Intelligence Program.”<sup>32</sup> The DNI was established as an independent entity outside the Executive Office of the President and apart from any other agency (unlike the predecessor Director of Central Intelligence, who also headed the Central Intelligence Agency).

The Director of National Intelligence has certain budgetary, spending, and personnel powers that give him authority and leverage over the collective intelligence community as well as over individual components. Along with this, the DNI has been granted express statutory authority to direct and coordinate IC operations and activities, powers that are arguably unrivaled by any current or past interagency coordinative arrangement. Among other things, the Director of National Intelligence *shall*

- provide guidance for the development of the National Intelligence Program annual budget for each element of the intelligence community;
- ensure the effective execution of the annual budget for intelligence and intelligence-related activities;
- be responsible for managing appropriations for the National Implementation Program by directing the allotment or allocation of such appropriations through the heads of the relevant departments and agencies;
- monitor the implementation and execution of the National Intelligence Program by the heads of the elements of the intelligence community;
- establish objectives, priorities, and guidance for the intelligence community to ensure the timely and effective collection, processing, analysis, and dissemination of national intelligence;
- determine requirements and priorities for, and manage and direct the tasking of, collection, analysis, production, and dissemination of national intelligence by elements of the intelligence community;
- oversee the National Counterterrorism Center (and the DNI may establish other intelligence centers);
- prescribe, in consultation with relevant agency and department heads, personnel policies and programs applicable to the intelligence community that encourage and facilitate assignments and details to national intelligence centers and between elements of the intelligence community;

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<sup>31</sup> P.L. 108-458; 118 Stat. 3643-3365.

<sup>32</sup> CRS Report R41295, *Intelligence Reform After Five Years: The Role of the Director of National Intelligence (DNI)*, by Richard A. Best Jr.. See also Office of the Director of National Intelligence, *Reforming Intelligence: The Passage of the Intelligence Reform and Terrorism Prevention Act* (ODNI: Washington, DC, 2008); and James R. Clapper, Director of National Intelligence, *Open Hearing on the Worldwide Threat Assessment*, House Permanent Select Committee on Intelligence, hearing, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. February 10, 2011.

- make service in more than one element of the intelligence community a condition of promotion to such positions within the intelligence community as the Director shall specify;
- ensure the effective management of intelligence community personnel who are responsible for intelligence community-wide matters;
- ensure the elimination of waste and unnecessary duplication within the intelligence community;
- perform such other functions as the President may direct;
- have principal authority to ensure maximum availability of and access to intelligence information within the intelligence community consistent with national security requirements;
- protect intelligence sources and methods from unauthorized disclosure; and
- subject to the direction of the President, establish uniform standards and procedures for the grant of access to sensitive compartmented information of employees (direct and contract) of any federal agency or department and ensure the consistent implementation of those standards and procedures throughout such agencies and departments.<sup>33</sup>

### **Qualifications on the Distinction Between Collaboration and Coordination**

Distinguishing between collaboration and coordination on paper, however, is complicated in practice. A collaborative effort—where centralized authority is absent and participants are relatively equal—might still find that some participants, following the cliché, “are more equal than others.” Along this line, a single agency or officer may take the initiative in setting priorities, formulating plans, guiding activities or operations, and, in effect, determining the agenda for the entire collaborative enterprise. Or some of the participants may defer to or be co-opted by others, particularly if the others are perceived as more well-versed or experienced in an area or more powerful.

By comparison, a coordinative effort—despite the formal powers given an officer or agency to lead and direct a project—might not result in adequate compliance among the participants. The lead official (at least in his or her view) might not have sufficient authority and resources to carry out the mandate or expectations setting up the coordinative enterprise. Alternatively, a substantial amount of collaboration might occur within a formal coordinative arrangement. A lead officer, for instance, might consult meaningfully with other participants in determining broad policies and processes, as well as specific assignments and duties. In fact, such determinations might be made by some or all of the participants, not just the lead officer, even when the coordinative enterprise is still at the planning stage. Or the consultation among the members might result in the lead officer, at least in some situations, ratifying decisions made by the collective membership.

Along with these qualifications, some examples reveal ambiguity between collaboration or coordination, especially when practiced by entities given the same informal title. Cases in point are the so-called “czars,” a frequently used (but misleading) name covering different types of

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<sup>33</sup> P.L. 108-458, 118 Stat. 3644-3651.

government officials. The common characterization of “czar,” which exaggerates their influence, fails in some cases to distinguish between two categories of presidential appointees who engage in coordinative vis-à-vis collaborative roles.<sup>34</sup> One category consists of appointees who are confirmed by the Senate and have statutory authority to coordinate, that is, to conduct and direct interagency activities and operations. The Director of National Intelligence and the Director of the Office of National Drug Abuse Policy are primary examples. A second category consists of appointees who are not Senate-confirmed and who lack specific statutory authority to direct interagency efforts. Officially, they are confined to collaborative roles. Nonetheless, they might still wield power across agency lines—and engage in real coordination among agencies—under certain situations and circumstances. Key among these, for instance, are the support given them by the President and their leadership role in crisis situations or major policy initiatives. A prime illustration of such a position was the Director of the Office of Homeland Security, created by executive order in 2001, in the immediate aftermath of 9/11.<sup>35</sup>

## Background of Relevant Efforts and Concerns

### Heritage and Antecedents

Interagency collaboration and other types of formal cooperative ventures have a long and varied heritage. Throughout much of the history of the U.S. government, efforts to enhance cooperation among agencies and to strive for a proper division of labor among agencies have been undertaken. Historical and contemporary examples of shared responsibilities and overlapping jurisdictions, leading to interagency collaborations, abound.<sup>36</sup> These differ, however, along several dimensions: major or minor; long-term or short-term; involving many entities or just a few; successful in accomplishing their purpose or unsuccessful; and operating under different rationales and restrictions.

An early example was the federal government’s response to the Whiskey Rebellion or Insurrection in 1794. In this precedent-setting case, President George Washington, accompanied by Secretary of the Treasury Alexander Hamilton, led a militia force (of nearly 13,000 troops) to rescue several Treasury agents and safeguard others as well as to enforce the excise tax on liquor.

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<sup>34</sup> For coverage of these distinguishable types of presidential appointees, see CRS Report R40856, *The Debate Over Selected Presidential Assistants and Advisors: Appointment, Accountability, and Congressional Oversight*, by Barbara L. Schwemle et al..

<sup>35</sup> This post preceded the establishment by public law of the Department of Homeland Security and its Secretary. See the sources in the bibliography under Homeland Security Interagency Structure and Restructuring.

<sup>36</sup> For sources on historical examples, see, among others, Lewis Meriam and Laurance F. Schmeckebier, *Reorganization of the National Government: What Does It Involve* (Brookings Institution: Washington, DC, 1937); U.S. Senate Committee on Governmental Affairs, *Border Management Reorganization and Drug Interdiction* [Prepared by the Congressional Research Service], S. Prt. 100-111, 100<sup>th</sup> Cong., 2<sup>nd</sup> sess. (GPO: Washington, DC, 1988); U.S. Senate Select Committee to Investigate the Executive Agencies of the Government with a View to Coordination, *Preliminary Report*, S. Rept. 75-1275, 75<sup>th</sup> Cong., 1<sup>st</sup> sess., (GPO: Washington, DC, 1937); and Leonard D. White [four-volume series on the administrative history of the federal government], *The Federalists: A Study in Administrative History* (Greenwood Press: Westport, CT, 1978); *The Jacksonians: A Study in Administrative History, 1829-1861* (Macmillan Press: New York, 1954); *The Jeffersonians: A Study in Administrative History, 1801-1829* (Macmillan Press: New York, 1951); and *The Republican Era, 1869-1901, A Study in Administrative History* (Macmillan Press: New York, 1958).

Sometime later, in the 1840s, the management of Indian reservations was shared between the Indian Bureau (also referred to as the Office of Indian Affairs) and the Department of War.

Secret Service protection of the President—when the assignment for it began in 1894 and was regularized in the aftermath of President William McKinley’s assassination in 1901—relied additionally, in certain situations, on the military, Coast Guard, national guard, and the U.S. Post Office Department as well as state and local law enforcement. These initial arrangements were coordinated by the President’s secretary (who performed a wide range of duties for the chief executive at the time, when there was no official chief of staff). In the early 1900s, Secret Service detectives, as they were then called, from the Department of the Treasury were loaned to conduct investigations to other Departments; these included the Interior, which was engaged in a massive land fraud investigation at the time, and Justice, before it had established its own (Federal) Bureau of Investigation in 1908 (consisting mostly, incidentally, of former Secret Service personnel).

Enforcement of Prohibition and the Volstead Act in the 1920s and early 1930s involved a number of federal agencies (along with multiple state and local authorities), extending from the Revenue Cutter Service, a precursor to the Customs Service, to the Coast Guard and the Prohibition Unit in Treasury. Throughout much of the 20<sup>th</sup> century and into the current day, controlling U.S. borders—primarily to halt illegal immigration and smuggling of contraband, especially illicit drugs—has also involved many agencies. These entities—some of which have been abolished, transferred, merged, or reorganized during this lengthy period—include the Coast Guard, Customs Service, Immigration and Naturalization Service, Immigration and Customs Enforcement Bureau, Bureau of Narcotics, Drug Enforcement Administration, Office of National Drug Control Policy, Federal Bureau of Investigation, various elements of the Intelligence Community, National Guard, and military services (in selective assignments and duties).

Expanded or changed responsibilities in international relations and national defense in the aftermath of World War II, propelled by the early phase of the Cold War, launched perhaps the most massive reorganization in the history of the federal government. The National Security Act of 1947 established: the National Security Council with interagency collaborative responsibilities; Director of Central Intelligence with some interagency coordinative authority, who also headed the new Central Intelligence Agency; Department of Defense (initially titled the National Military Establishment), which merged the new Department of the Air Force with the pre-existing Departments of the Army and Navy; and the Joint Chiefs of Staff with a consultative and collaborative role.<sup>37</sup>

## **Contemporary Developments**

More contemporary examples of interagency collaboration have extended to an increasing number and variety of policy and subject areas.<sup>38</sup> One is security at National Special Security Events. NSSEs, which are relatively few occurring in any one year, are high-profile, large-scale events, such as presidential nominating conventions and international organizational meetings held in the United States. Beginning in the latter 1990s, as already mentioned, these efforts have

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<sup>37</sup> 61 Stat. 496 et seq.

<sup>38</sup> For contemporary examples, see the many sources in the bibliography covering recent developments.



been led by the Secret Service and involve a number of federal, state, and local governmental units as well as private sector organizations.

Enhanced coordination of homeland security functions arose in the aftermath of the terrorist attacks on September 11, 2001, on the World Trade Center and Pentagon, followed the next month by anthrax powder being sent through the mails to government and news media offices. The homeland security arrangement initially relied on a then-new Office of Homeland Security and Homeland Security Council, created by executive order, and later, on the Department of Homeland Security and a Homeland Security Council, established by public law. In addition, significant changes in the Intelligence Community arose in the aftermath of 9/11 and the subsequent military involvement in Afghanistan and Iraq. Prominent among the changes was the establishment, in 2004, of the new post of Director of National Intelligence, with coordinative powers over 16 Intelligence Community components (already described). Another contemporary illustration, here dealing with environmental protection and conservation, is the revamped Chesapeake Bay Protection and Restoration program (discussed above). It is designed to create new shared federal leadership of the program, with an augmented coordination mandate and authority for the Environmental Protection Agency over a number of federal, state, and local governmental entities.<sup>39</sup>

Federal medical care programs have also relied on interagency mechanisms. For example, dental care for children from low-income families relies on a network of federal and state organizations in combination with public-private partnerships.<sup>40</sup>

In sum, these collaborative efforts extend beyond national security or homeland security—albeit, the most visible issue areas—to other varied policies and programs. Among these are: protecting the environment; conserving natural resources; preparing for and responding to natural disasters and pandemics; restructuring the domestic financial sector; determining the safety and effectiveness of medications; regulating various consumer goods; implementing medical and social welfare programs; and granting security clearances. Along with these are the many interagency law enforcement endeavors, including apprehending fugitives, as well as detecting, preventing, and investigating credit card fraud, identity theft, trafficking in people, and illicit drug possession, use, sale, distribution, and production.

## Rationales for Interagency Collaboration

These various collaborative arrangements and activities have advanced in the contemporary era for a number of reasons.<sup>41</sup> Four major ones are:

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<sup>39</sup> Executive Order 13508, *Chesapeake Bay Protection and Restoration*, issued by President Barack H. Obama, May 12, 2009, 74 FR 23099-23104, May 15, 2009.

<sup>40</sup> The coverage and capabilities of the entities involved, often relying on volunteers, however, have been found to be insufficient to meet the needs of eligible children; one response has been a call for increases in “allied providers” in the private sector (i.e., dental therapists and hygienist). Pew Center for the States, *It Takes a Team: How New Dental Providers Can Benefit Patients and Practices* (Pew Charitable Trust: Washington, DC, 2010). Background on the program is provided in CRS Report R40184, *Medicaid and Dental Care for Children*, by Elicia J. Herz.

<sup>41</sup> In addition to the recommendations illustrated above and examined in the sources cited in the bibliography are several legislative initiatives. The Government Reform Act of 2011 (H.R. 155, 112<sup>th</sup> Cong., 1<sup>st</sup> sess.) would create a national commission “to establish a timely, independent, and fair process for realigning or closing outdated, ineffective, or inefficient Executive agencies.” In so doing, the commission would examine the current configuration of executive (continued...)

- the growth and changing nature of governmental responsibilities;
- political and economic pressures to reduce the size and scope of these responsibilities and to cut federal expenditures;
- increases in the number, scale, complexity, and diversity of cross-cutting programs, with attendant increases in overlapping jurisdictions and shared responsibilities among agencies; and
- the urgency and importance—in several notable cases (e.g., the September 11, 2001 terrorist attacks and the 2005 Gulf Coast hurricanes)—of restructuring the government’s response to crisis situations.

These developments have led to clarion calls for improved collaboration, coordination, or clarification of functions and duties—along with other ways to enhance cooperation—among agencies with shared responsibilities and overlapping jurisdictions. Rationales for interagency collaboration are multiple in number and dimensions. Some of the rationales lend themselves to subcategories, differ in importance and currency, or overlap with and reinforce others.

Moreover, the rationales not only embody policy-oriented benefits by a collective—e.g., a product or service that is more effective and efficient than it would be otherwise—but also can bring about possible advantages or benefits for individual participants. Agencies engaged in collaborative efforts, for instance, might find mutual or reciprocal benefits for themselves or might gain support for certain vested interests. These possible advantages might accrue directly or indirectly (e.g., to increase their own capabilities, improve their own products and services, or learn about different operational practices). Another by-product might be that collaborating on one project results in a quid pro quo among the participants. Yet another might be building compatible and reinforcing relationships over the long-term with other participants.

Some selective rationales for interagency collaboration—and the problems to be addressed—follow.

## **End or Reduce Policy Fragmentation**

Without interagency collaboration, policymaking and its implementation are likely to be fragmented and divided among agencies with overlapping jurisdictions and shared or related responsibilities. Possible results of this condition, which collaboration could minimize, are uncertainty over existing and future roles and responsibilities of individual agencies, lack of a clear and common direction, or an ignorance of other agencies’ responsibilities and activities in

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agencies and departments and investigate their duties and responsibilities; it would also review agency operational jurisdictions to determine whether areas of overlap exist and whether the mission of any agency has become obsolete; finally, the commission would make recommendations for reducing waste in executive agencies, submitting to the President and Congress a proposed reorganization plan which would provide for the realignment or closure of executive agencies to reduce duplication of services and increase productivity. Another bill (H.R. 606, 112<sup>th</sup> Cong., 1<sup>st</sup> sess.) would “establish a commission to provide for the abolishment of Federal programs for which a public need does not exist, to periodically review the efficiency and public need for Federal programs, and for other purposes.” Press coverage includes Alan K. Ota, “GOP Differs on Creation of Panel To Address Government Waste,” *Congressional Quarterly*, March 1, 2011, available at <http://www.cq.com/doc/news-3821763?print=true>; and Robert Brodsky, “Lawmakers agree on getting rid of overlapping programs,” *Government Executive*, March 3, 2011, and “Reorganization: Lots of ideas, no details yet,” *Government Executive*, January 26, 2011.

the same realm. Agencies operating alone, moreover, might be given contradictory tasks, compete with one another, or even work at cross-purposes. Fragmented jurisdiction among multiple congressional committees has also been seen as reinforcing the same condition in the executive, resulting in uncoordinated responsibilities, mandates, and policy implementation.<sup>42</sup> Interagency collaboration could help to reduce such fragmentation (in both branches), by encouraging a realignment of committee jurisdictions, at least for certain programs, projects, or operations. (Competing viewpoints, however, might be raised against more far-reaching consolidations of jurisdictions of congressional committees as well as of executive agencies.<sup>43</sup>)

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<sup>42</sup> Harsh criticisms of such fragmentation in homeland security and national security came from several sources in 2010. The Commission on Weapons of Mass Destruction, in its report on the *World at Risk*, concluded that congressional oversight remains dysfunctional. The existing committee structure does not allow for effective oversight of crosscutting national security threats.... Congress should reform its oversight both structurally and substantively to better address intelligence, homeland security, and crosscutting national security issues.

U.S. Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism (WMD Commission), *World at Risk: Report* (WMD U.S. Commission: Washington, DC, 2010), available at <http://www.prevention.gov/report>.

Also in 2010, as a follow-up to the 9/11 Commission *Report*, co-chairs Thomas Kean and Lee Hamilton observed that in homeland security matters, the

enduring fractured and overlapping committee jurisdictions on both sides of the Hill have left oversight in an unsatisfactory state .... The jurisdictional melee among scores of Congressional committees has led to conflicting and contradictory tasks and mandates for DHS. Without taking serious action, we fear this unworkable system could make the country less safe.

Thomas H. Kean and Lee H. Hamilton (co-chairs), Bipartisan Policy Center, National Security Preparedness Group, U.S. Senate Committee on Commerce, *The State of Aviation Security*, testimony at hearings, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., January 20, 2010, p. 8, available at <http://bipartisanpolicy.org/library/testimony/congressman-lee-hamilton-and-governor-tom-kean>.

For further coverage of support for consolidating homeland security jurisdiction in each chamber—which, by some counts, reached 88 congressional committees and subcommittees—see Rob Margetta, “Post-Election Might Be Only Chance to Streamline DHS Oversight,” *CQ Homeland Security News*, September 20, 2010.

<sup>43</sup> In homeland security matters, one opposing viewpoint which helps to explain the shared jurisdictions is that various DHS entities have responsibilities outside or tangential to homeland security per se. These include, for example, the Secret Service’s for anti-counterfeiting, financial fraud, and identity theft. Other responsibilities extend to the Coast Guard’s for environmental regulation, protection, and responding to natural disasters, in both the United States and abroad (e.g., Haiti in the aftermath of the 2010 earthquake), as well as for boating safety and combating piracy. Added to this is the Immigration and Customs Enforcement for combating illegal broadcasting of copyrighted live sporting events on the Internet abroad. These and other responsibilities result in various DHS entities falling under the jurisdiction of several congressional committees, not just those panels with jurisdiction over DHS proper.

A second viewpoint, which helps to explain the shared jurisdiction among congressional panels, is that responsibility for some aspects of homeland security resides in agencies outside DHS. Instead, homeland security extends to parts of the armed services; the National Guard; the Department of Justice, including the FBI, DEA, and Criminal Justice Division; Department of State operations and programs with a connection to homeland security; the Office of National Drug Control Policy; and the Intelligence Community, among other entities. Because these other agencies are not part of the Department of Homeland Security, DHS officials are also called upon to meet with or testify before a variety of congressional committees which have shared or overlapping jurisdictions. Among others, these include the House and Senate Committees on Armed Services, Foreign Affairs/Relations, the Judiciary, and Intelligence, along with appropriate Appropriations subcommittees. These congressional panels and others have reason to look into the relationship between homeland security responsibilities in DHS with related ones in different agencies and departments. Transferring all of these jurisdictions to DHS or to one or two congressional committees would, arguably, harm the integration and coordination of these policies and agencies with their counterparts located elsewhere and would amass an unprecedented, broadly encompassing jurisdictional alignment into a single executive agency or congressional committee.

## **Improve Effectiveness in Policy Formulation and Implementation**

Improving effectiveness in policy formulation and implementation could result from collaborative efforts by bringing a variety of experiences, expertise, and capabilities to bear on a problem area along with possible additional resources. Agencies operating jointly on a program, moreover, are more likely to be alert to its overall demands and requirements than if operating individually.

## **Make Agencies Aware of Different Perspectives and Orientations**

Following this same line of reasoning, agencies in collaborative efforts—versus ones operating alone—could be made aware of different perspectives in dealing with common problems. The different perspectives might focus on a single policy or might encompass a broad program. In either event, an agency might see benefits from different vantage points and viewpoints, in effect, expanding its horizons and adding to the ways it approaches policy formulation and implementation.

## **Mitigate Conflict Among Agencies**

Interagency conflict—often characterized as “turf battles”—occurs for a variety of reasons. Among others are competition over subject and policy areas, missions and strategies, jurisdictions, funding and resources, and status, as well as personal rivalries among officials. A result of these is a failure of or limitation on interagency cooperation. A formalized interagency collaborative process—requiring agencies to work together on a project or program—might overcome or at least mitigate such conflicts.

## **Increase Agency Productivity**

Enhancing the productivity of agencies might occur through interagency collaborative efforts, by making each participant aware of other ways of conducting operations and activities. An agency operating in isolation would not necessarily be aware of its own inadequacies in implementing policies, let alone ways to overcome these.

## **Enhance Efficiency, Reduce Redundancy, and Cut Costs**

Increasing the efficiency of public policy implementation and, as a corollary, lowering costs could occur by reducing or eliminating redundancy and duplication of effort, in which two or more agencies carry out similar or identical tasks. In such cases, each affected agency might be paying for services, supplies, equipment, facilities, and personnel that could otherwise be shared among several. Recognizing this redundancy could also lead to a reduction in each agency’s participation in a program—increasing economy and efficiency—without necessarily reducing the program’s overall effectiveness. By interacting with other agencies, moreover, each participant might become aware of various other cost-saving techniques and “best practices” in managing their organization and operations.

## **Heighten the Attention to and Priorities for Cross-Cutting Programs**

When agencies operate in relative isolation, they might not be fully aware of their involvement in the growing number, importance, and complexity of programs that overlap with other agencies' jurisdictions and responsibilities. Recognizing this overlap, collaborative enterprises heighten the attention of the participants to such cross-cutting programs and could promote these as priorities.

## **Change Organizational Cultures**

Agency-centered organizational cultures view their own operations, responsibilities, and priorities through a single prism. Such a myopic view discourages working with other agencies, adopting other orientations, and adapting to new demands and duties. Changing organizational cultures from ones that are agency-centered to ones that are interagency-oriented could result from and lead to more collaborative endeavors. The lessons of such experiences, even in a single field, might transfer to other policy areas and efforts. Increases in information-sharing, for instance, could result from interagency collaboration, leading to more information being shared, more relevant and directed information being transmitted to the right consumers, and more information being sent quickly in real time, that is, when it is needed.

## **Change Bureaucratic and Administrative Cultures and Methods of Operation**

The bureaucratic and administrative cultures of an organization help to determine the way it operates internally. This includes setting the criteria and standards for hiring and promoting personnel; providing incentives to engage in certain operations, assignments, and duties; and evaluating the productivity of offices and bureaus as well as personnel. Without collaborative efforts, agencies might hold on to cultures that rely heavily on traditional methods of operation, including ones that do not favor or support interagency efforts. In addition, learning how other agencies operate could provide a different orientation and focus for both employees and management. Transformations into cultures that recognize and support joint efforts might encourage a redesigning of incentives and rewards for interagency efforts; complementary and common training and educational programs; creation of long-term joint enterprises or an increase in temporary, ad hoc exercises and operations; and development of other compatible processes and reciprocity in certain exchanges (of information and personnel, for instance).

## **Streamline and Improve Congressional and Executive Oversight**

Congressional and executive oversight of programs and projects—the review, monitoring, and supervision of policy implementation—might be hampered by piecemeal approaches resulting from agencies operating alone rather than in concert with others.<sup>44</sup> A constricted view among

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<sup>44</sup> For analysis and further citations to congressional oversight, see, among others, CRS Report R41079, *Congressional Oversight: An Overview*, by Walter J. Oleszek; CRS Report RL30240, *Congressional Oversight Manual*, by Frederick M. Kaiser, Walter J. Oleszek, and Todd B. Tatelman; CRS Report R41337, *Independent Evaluators of Federal Programs: Approaches, Devices, and Examples*, by Frederick M. Kaiser and Clinton T. Brass; CRS Report RL32525, *Congressional Oversight of Intelligence: Current Structure and Alternatives*, by Frederick M. Kaiser; and CRS Report (continued...)

overseers focuses on only a part or parts of a program, based on individual agency jurisdictions, authorizations, and funding, rather than looking at the whole or a combination of agencies and activities. (See also the related rationale “To End or Reduce Policy Fragmentation,” above.)

Collaborative arrangements lend themselves to a more comprehensive oversight perspective, because of the cross-agency responsibilities which cover a number of entities involved in an enterprise. As an outgrowth, it is possible that congressional panels and executive entities (such as the Office of Management and Budget, National Security Council staff working groups, or various presidential advisors in relevant areas) could review interagency collaborations as collectives rather than in parts. Such oversight efforts, in league with other developments, have been seen as encouraging and sustaining improvements in policy implementation as well as identifying duplicative programs.<sup>45</sup> Extending this line, the House Rules for the 112<sup>th</sup> Congress contain a new provision regarding possible duplicative programs. It requires that standing committees, when developing their oversight plans for that Congress, “include proposals to cut or eliminate programs, including mandatory spending programs, that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.”<sup>46</sup>

Independent oversight units—such as GAO, which has a 2010 statutory mandate to identify duplicative programs annually,<sup>47</sup> independent evaluators,<sup>48</sup> and inspectors general,<sup>49</sup> as well as

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R40602, *The Department of Homeland Security Intelligence Enterprise: Operational Overview and Oversight Challenges for Congress*, by Mark A. Randol.

<sup>45</sup> Improvements in DOD’s personnel security clearance program illustrate the positive impact of congressional and executive oversight in support of interagency arrangements. The changes include a joint task force and an interagency performance accountability council, chaired by the OMB deputy director for management, with the DNI as the security executive agent, and the director of OPM as the suitability executive agent. Recognizing the measurable improvements, the Government Accountability Office removed DOD’s program from the 30 others in the office’s biennial High-Risk List, in 2011 (where it had been targeted since 2005). The removal occurred

because of the agency’s progress in timeliness and the development of tools and metrics to assess quality, as well as its commitment to sustaining progress. Importantly, continued congressional oversight and the committed leadership of the Suitability and Security Clearance Performance Accountability Council (Performance Accountability Council)—which is responsible for overseeing security clearance reform efforts—have greatly contributed to the progress of DOD and the governmentwide security clearance reform.

GAO, *High-Risk Series: An Update*, GAO-11-278, February 2011, pp. 3-4. Among other reasons, the report recognized the regular congressional hearings on security clearance reform and executive branch initiatives, all of which served to monitor, review, and supervise the toughened mandates in the Intelligence Reform and Terrorism Prevention Act of 2004. *Ibid.*, pp. 4-7. For further coverage, see also U.S. Senate Subcommittee on Government Management, the Federal Workforce, and the District of Columbia, *Security Clearance Reform: Setting a Course for Sustainability*, hearing, 111<sup>th</sup> Cong., 2<sup>nd</sup> sess., November 16, 2010, along with the other citations under “Security Clearance Process” in the bibliography.

<sup>46</sup> Rule X, clause(2)(d)(1), *Rules of the House, 112<sup>th</sup> Congress*, amended by H.Res. 5, sec. 2, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. The subsequent plans are available in U.S. House Committee on Oversight and Government Reform, *Oversight Plans for All House Committees with Accompanying Recommendations*, H.Rept. 112-48, 112<sup>th</sup> Cong., 1<sup>st</sup> sess. (2011).

<sup>47</sup> P.L. 111-139, sec. 21, 124 Stat. 29. The first report appeared in early 2011: GAO, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance Revenue*, GAO-11-318SP (March 2011).

<sup>48</sup> *Independent Evaluators of Federal Programs*, by Kaiser and Brass.

<sup>49</sup> The overwhelming majority of the more than 70 statutory IGs fall under the Inspector General Act of 1978, as amended (5 U.S.C. Appendix). Ten operate under their own statutes. There are five in the Legislative Branch, three special IGs associated with particular programs (Troubled Asset Relief Program, Afghanistan Reconstruction, and Iraq Reconstruction), the IG in the Central Intelligence Agency, and a new Inspector General of the Intelligence Community (Intelligence Authorization Act for Fiscal Year 2010; P.L. 111-259, sec. 405), who has cross-agency jurisdiction. IGs (continued...)

specially created boards and commissions<sup>50</sup>—already possess some authority to review interagency operations. Reflecting this, for example, is a charge in the Inspector General Reform Act of 2008; it directs the Council of the Inspectors General for Integrity and Efficiency (CIGIE) to develop and coordinate interagency and interentity audits, investigations, inspections, and evaluation programs and projects.<sup>51</sup>

In addition, relevant provisions in the Government Performance and Results Act (GPRA) can be used for such interagency oversight endeavors.<sup>52</sup>

Another concern arising from fragmented congressional oversight is that agency officials are spread thin and are possibly confronted with competing policy demands and priorities. Officials testify before multiple congressional committees and subcommittees, meet with many Members and staff, comply with numerous reporting requirements, and respond to multiple requests for information and data. Collaborative ventures could reduce such duplication of effort, freeing up agency officials for other purposes, and could reduce the cross-pressures on agencies that might result in working at cross-purposes. Finally, such collaborative arrangements could regularize and reinforce working arrangements among relevant agencies and with principal congressional overseers.

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also belong to several statutory collectives that support interagency oversight: the Council of the Inspectors General for Integrity and Efficiency, an Intelligence Community Inspectors General Forum, and a Council of Inspectors General on Financial Oversight. The Defense Department has its own administratively established council, operating under the DOD inspector general and consisting of other internal IGs and investigative and auditing units. For further coverage, see *Congressional Oversight Manual*, pp. 84-94

<sup>50</sup> For example, the Recovery Accountability and Transparency Board—composed of inspectors general from 12 departments and agencies (and chaired by another IG, selected by the President)—was established to oversee Recovery Act funds to prevent waste, fraud, and abuse and to foster transparency on Recovery Act spending. American Recovery and Reinvestment Act (P.L. 111-5, sec. 1521). As another illustration, the Commission on Wartime Contracting was created to focus on contracting in Afghanistan and Iraq. National Defense Authorization Act of 2008 (P.L. 110-181, sec. 841).

<sup>51</sup> Specifically, CIGIE, operating under P.L. 110-409; 122 Stat. 4307, is to

develop plans for coordinated, Governmentwide activities that address these [certain] problems and promote economy and efficiency in Federal programs and operations, including interagency and interentity audit, investigation, inspection, and evaluation programs and projects to deal efficiently and effectively with those problems concerning waste and fraud that exceed the capability or jurisdiction of an individual agency or entity.

<sup>52</sup> The original 1993 enactment (P.L. 103-62) was amended by the GPRA Modernization Act of 2010 (P.L. 111-352). GPRA requires agencies to develop mission statements, five-year strategic plans, annual plans implementing these, and a follow-up annual assessment. The amended version also calls for a federal government performance plan and priority goals, under the direction of OMB; the government-wide priority goals are to include “outcome-oriented goals covering a limited number of crosscutting policy areas; and goals for management improvements needed across the Federal Government” (P.L. 111-352, sec. 5). See GAO, *Government Performance: GPRA Modernization Act Provides Opportunities to Help Address Fiscal, Performance, and Management Challenges* (statement by Gene L. Dodaro, Comptroller General, to the Senate Committee on the Budget), GAO-11-366T; and John M. Kamensky, “Congress Overhauls Results Act, Wants Results,” *PA Times*, March/April 2011.

## Concerns and Questions about the Rationales

Rationales are positive and promotional. Concerns and questions, however, might arise over whether performance can match the promise. Individual rationales, for instance, might rest on assumptions that are presented as givens rather than on assumptions that are explicitly defended.

Along with this, some rationales—such as improving effectiveness, efficiency, and economy—might not be compatible goals in all cases. For instance, start-up costs and possible downtime for personnel transferred to a new interagency arrangement (designed to improve effectiveness) could result in higher initial expenditures for the new arrangement vis-à-vis the existing non-collaborative approach. Another reason for possible higher expenditures of a collaborative venture over a non-collaborative one could involve added funding for the former. Its promoters might expect that a joint venture would use additional funding more productively as a collective than if it were dispersed among independent units operating separately. This could improve effectiveness and productivity but would cost more.

Moreover, interagency arrangements designed to improve performance in one area might hinder it in another. An interagency arrangement added for one purpose might take away from some of the participants' other responsibilities, mandates, and priorities. That is because interagency arrangements are not without cost to the participants in terms of funding, resources, personnel, and attention. Transfer of these to an interagency effort would remove them from the participants' other responsibilities and functions, unless off-setting developments occurred: new resources were added, the collaborative workloads were shared equitably, or the interagency arrangement resulted in increased efficiency and economy for the participants.

Other concerns might arise over particular types of arrangements or their operation. First of all, private sector organizations involved in public-private partnerships might not be equal to the challenge, because they might lack the capacity, capability, resources, and range of services needed.<sup>53</sup> As another matter, some partnerships, at least in certain arenas, have resulted in the government agency being “captured” by the private industry it is supposed to be regulating; this can occur, in some cases, because the government regulators are dependent on the private companies for data, information, and self-regulation to a degree.<sup>54</sup> Public-private partnerships might also be transformed into “iron triangles,” “cozy little triangles,” or “subgovernments.”<sup>55</sup>

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<sup>53</sup> For instance, GAO found that, in 2008, certain voluntary organizations that had roles in responding to catastrophic events were not only “diverse in their focus and response structures” but also, at the time, under-prepared: “the projected need for mass care services would far exceed the capabilities of these voluntary organizations without government or other assistance.” GAO, *Voluntary Organizations: FEMA Should More Fully Assess Organizations’ Mass Care Capabilities and Update the Red Cross Role in Catastrophic Events*, GAO-08-823. Highlights. For parallel concerns in a different area, see Pew Center on the States, *It Takes a Team: How New Dental Providers Can Benefit Patience and Practices* (Pew Charitable Trusts: Washington, DC, 2010); and for background on the program, see CRS Report R41594, *Water Quality Issues in the 112<sup>th</sup> Congress: Oversight and Implementation*, by Claudia Copeland.

<sup>54</sup> See John M. Kamensky, “Regulatory Partnerships: Good or Bad?”, *The Business of Government*, Fall/Winter 2010, p. 63, which uses the 2010 Gulf of Mexico oil-rig explosion and subsequent oil spill as an example. For background and context on the developments—including the conversion of the Minerals Management Service (MMS) into the Bureau of Ocean Energy Management, Regulation, and Enforcement (BOEMRE)—see CRS Report R41265, *The 2010 Oil Spill: MMS/BOEMRE and NEPA*, by Kristina Alexander.

<sup>55</sup> For an analysis of and further citations for these developments, which have a long history, see Theodore J. Lowi, *Arenas of Power* (Paradigm Publishers: Boulder, CO, 2009), Part I, Arenas of Power, and Part III, The Bureaucracy and Arenas of Power.



These terms refer to alliances of private entities and public agencies, sometimes supported by congressional panels, that develop mutually reinforcing relationships; these, in turn, can dominate a policy area, often without adequate outside checks and controls. Public-private partnerships might also lead to so-called “shadow government.” This (negative) characterization is applied to a structure in which a government agency no longer possesses the necessary capacity to carry out certain functions and duties, because its capabilities have been ceded to the private sector through extensive outsourcing. (By comparison, others view private sector involvement as not only a vital ally but also a vitalizing force in implementing public policy.)<sup>56</sup>

A separate concern is that the management and oversight of contractors and others in public-private partnerships might prove difficult or beyond the capabilities of the contracting organizations.<sup>57</sup> This could occur because of deficiencies and flaws in how well a federal agency or private company manages and oversees contracts. The executive, importantly, might not possess sufficient expertise, experience, or resources to oversee private sector operations effectively; and, consequently, the government might rely on the private sector to do so. This could result in a low priority for and commitment to adequate management and oversight; a lack of neutrality, objectivity, and impartiality; (the appearance of) a conflict of interest; and waste, fraud, and abuse.<sup>58</sup>

<sup>56</sup> The use of private sector entities to implement public policy—and the charge of “shadow government”—have generated contrasting interpretations and impressions about the scale, scope, extent, and impact of such arrangements. See, for example, Steven Goldsmith and Donald F. Kettl, eds., *Unlocking the Power of Networks: Keys to High-Performance Government*, (Brookings: Washington, DC, 2009); Daniel Guttman, *The Shadow Government: The Government’s Multi-Billion Dollar Giveaway of Its Decision-Making Powers to Private Management Consultants, “Experts,” and Think Tanks* (Pantheon Books: New York, 1976); Jennifer R. Wolch, *The Shadow State: Government and Voluntary Sector in Transition* (Foundation Center: New York, 1990); “Focus on Seminal Nonprofit Management Issues,” *Public Administration Review*, vol. 71, January-February 2011, pp. 45-86; and Project on Government Oversight (POGO), “Curb the Costs of Shadow Government,” *POGO’s Reform Agenda: A Good Government Guide for the 112<sup>th</sup> Congress* (POGO: Washington, DC, January 25, 2011), pp. 2 and 9-11.

<sup>57</sup> For examples of these concerns, see GAO, *Centers for Medicare and Medicaid Services: Deficiencies in Contract Management Internal Control Are Pervasive*, GAO-10-69, October 2009; and *Information Security: Actions Needed to Better Manage, Protect, and Sustain Improvements to Los Alamos National Laboratories Classified Computer Network*, GAO-10-28, October 2009. See also U.S. Senate Ad Hoc Subcommittee on Contracting Oversight, series of hearings in the 111<sup>th</sup> and 112<sup>th</sup> Congresses, available at <http://hsgac.senate.gov/public/index.cfm?FuseAction=Subcommittees.ContractingOversight>; Commission on Wartime Contracting in Iraq and Afghanistan, hearings and reports, particularly *At what risk?: Correcting over-reliance on contractors in contingency operations*, February 24, 2011, available at <http://wartimecontracting.gov/indx.php/about>; and Glenn James Voelz (Major, U.S. Army), *Managing the Private Spies: The Use of Commercial Augmentation for Intelligence Operations* (Joint Military Intelligence College: Washington, DC, 2006).

<sup>58</sup> Misconduct, including illegal activities, is not a new phenomenon in contracting to carry out government services. It is particularly prone to occur in crisis situations—such as natural disasters and wars—when the government’s resources are overextended and dedicated to responding to the crisis, rather than to overseeing its operation, a much lower priority. In these situations, moreover, the government may rely increasingly on inspectors and overseers from the private sector or even on self-inspection. A prominent illustration of such developments occurred during World War II, when the Truman Committee found extensive war-profiteering. See, among many other sources, U.S. Senate Special Committee to Investigate the National Defense Program, *Interim Report*, S. Rept. 77-480, 77<sup>th</sup> Cong., 2<sup>nd</sup> sess. (GPO: Washington, DC, 1942). Other investigations, also tied into a WW II program, identified long-term, broad-scale fraud in a Federal Housing Administration (FHA) mortgage insurance program. It was initially designed to provide housing for workers close to manufacturing plants during the war and was later extended to help returning veterans find adequate housing. Despite its success in constructing new housing, builders and financiers, sometimes with the collusion of federal inspectors, estimated the building costs much higher than was justified when determining the mortgage amount; subsequent mortgage defaults paved the way for windfall profits. U.S. Senate Committee on Banking and Currency, *FHA Investigation: Report Pursuant to S. Res. 229*, S. Rept. 84-1, 84<sup>th</sup> Cong., 1<sup>st</sup> sess. (GPO: Washington, DC, 1955).

Problems might also arise because of certain restrictions on government access to relevant information, data, and personnel of the private contractors. Another limitation on effective oversight of such partnerships arises for two reasons: (1) the multiple levels and sources of contracting—sometimes reaching three or four deep and covering many individual operators—and (2) the bundling of contracts, in which offerings for a number of different purposes are combined in a single letting. Both of these complexities complicate audits, evaluations, and investigations, making it difficult to determine clearly responsibility for a project or program and its effectiveness.

Furthermore, (inordinately) high expectations for a collaborative effort might be overly ambitious, thereby undervaluing any improvements, in the view of some observers. In addition, some collaborative efforts might lack the capacity and capability to fulfill even modest expectations. Extending this line of reasoning, one public administrator and policy analyst viewed effective interagency coordination as not just elusive but, to some degree, illusory, as a search for the “Philosopher’s Stone.”<sup>59</sup>

Finally, it is not always certain that an interagency collaborative arrangement is more effective or efficient than what it replaced. At least in some cases, it is difficult to assess and compare the success or failure of such enterprises.

## Difficulties in Assessing the Success of Interagency Collaboration

Several difficulties arise in attempting to assess accurately and reliably the success of interagency collaborative arrangements, their initiation, evolution, and impact. As background, first of all, there appear to be no systematic, comprehensive, long-term, current analyses or comparisons of such arrangements to assess how well these met their purposes and rationales.<sup>60</sup> Nonetheless, two studies—a distant one commissioned by a Senate select committee in 1937<sup>61</sup> and a recent one required by Congress and assigned to GAO in 2010<sup>62</sup>—provide information, data, and

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<sup>59</sup> The philosopher’s stone refers to an imaginary or mythical substance that changes base metal into gold. Harold Seidman, “Coordination: The Search for the Philosopher’s Stone,” *Politics, Position, and Power: The Dynamics of Federal Organization*, 5<sup>th</sup> ed., (Oxford University Press: New York, 1998), pp. 142-157.

<sup>60</sup> As recognized before, GAO, various governmental commissions, congressional panels, professional associations, think tanks, and public administration analysts have examined specific types and aspects of interagency collaborative arrangements or have looked at them in a short time period or in particular setting and context (e.g., a policy, program, or project). But these studies, with only a few exceptions, have not extended to comparative analyses on a broad scale, over a lengthy period of time, or among different arrangements.

<sup>61</sup> Senate Select Committee to Investigate Executive Agencies with a View to Coordination, *Preliminary Report* (1937). This seminal study by the Brookings Institution remains unique, it appears, in the extent of its coverage (i.e., government-wide) and detail about each agency and jurisdictional overlap. There have been a number of prominent reorganization commissions with extensive coverage, since the beginning of the 20<sup>th</sup> century; these include the Keep Commission (1905-1909), Brownlow Committee (1936-1937), the two Hoover Commissions (1947-1949 and 1953-1955), President’s Reorganization Project (1977-1979), and National Performance Review (1993-1997)/National Partnership for Reinventing Government (1997-2000). But their studies tended not to examine interagency overlap and possible duplication across the various collaborative arrangements; instead, they concentrated on traditional reorganizations, transfers, and mergers or, in the last case, “reinventing government.” For a summary of each, see CRS Report RL31446, *Reorganizing the Executive Branch in the 20th Century: Landmark Commissions*, by Ronald C. Moe; and Senate Committee on Governmental Affairs, *Border Management and Reorganization* (1988).

<sup>62</sup> GAO, *Opportunities to Reduce Potential Duplication in Government Programs, Save Tax Dollars, and Enhance* (continued...)

frameworks of analysis regarding interagency collaborative activities and arrangements (or their absence) across multiple policy and program areas.

To provide reliable comprehensive, systematic assessments, analyses could examine one type of interagency arrangement over time or across different settings and policy areas; compare different types in one or more areas; or, perhaps most importantly, compare a new interagency collective arrangement with a dispersed and decentralized structure it replaced. None of these would be easy or inexpensive to accomplish.

Reliable assessments of success and its counterpoint (failure), moreover, are hampered for several reasons. A fundamental one is how success is defined and determined in particular cases, including the setting of appropriate and reasonable criteria and standards for measuring it. Because there are different types of collaborative ventures—established for different purposes and with different powers—each might require different criteria and standards. Along with this, the perceived success at the end of a project or throughout an ongoing enterprise is in part determined by the expectations and objectives for the collaboration at its beginning (as noted above).

Accompanying this, the success of a collaborative enterprise is not necessarily an absolute. Instead, it might be partial: meeting certain standards but not others; meeting some sooner than others; or meeting some expectations but not others. Different estimations of success could also depend on who is conducting the evaluation—agency officials or a separate body, such as GAO, an independent evaluator, or an office of inspector general—and what qualifications they possesses.

Finally, a variety of other conditions and factors (discussed further below) influence the establishment, operation, and performance of an interagency arrangement. For instance, a major interagency conservation effort could be aided or damaged by significant changes in the environment, which might be difficult to control for in any assessment. As another illustration, assessments of public-private partnerships engaged in “welfare-to-workfare” programs would have to take into account various other conditions which could affect their impact. These include, among others, the skills, training, and experience of the unemployed; the state of the overall job market, which influences competition for employment opportunities; the availability of appropriate-level jobs; and the accessibility of support services, such as public transportation and day-care, if needed.

## **Factors Affecting the Adoption, Evolution, and Impact of Collaborative Arrangements**

Collaborative arrangements differ in structure, organization, authorities, purposes, size, scope, scale, life-span, and expectations. One scholar recognized tensions and competitions—including

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*Review*, GAO-11-318SP, March 2011. The objectives of GAO’s study—the first annual report based on a new statutory requirement (P.L. 111-139, sec. 21; 124 Stat. 29 (2010))—as it relates to interagency matters, are to “identify federal programs or functional areas where unnecessary duplication, overlap, or fragmentation exists, the actions needed to address such conditions, and the potential financial and other benefits of doing so.” *Ibid.* p. 1.

political and organizational ones—surrounding agencies and other parties in initiating and maintaining interagency collaborative efforts.<sup>63</sup> Such rivalries led to conflict among the involved agencies and related congressional committees. These also led, in some cases, to conflicts between agencies, on the one hand, and various entities in the Executive Office of the President (if these are involved), on the other, and to conflicts between the executive and legislative branches.

A number and variety of factors engender or endanger collaborative arrangements—whether these are initiated, maintained, transformed, or abolished—and determine their strengths and weaknesses. These factors—both formal and informal, tangible and intangible—extend across three basic levels: systemic, structural and institutional, and individual. Included are:

- transformations in governmental responsibilities and broad-scale, wide-ranging public policies;
- significant changes in the political and governmental environment surrounding a (potential) collaborative effort, including the substance and direction of the policy area, electoral developments, officials in government, and organizational characteristics of the agencies involved;
- the urgency, scope, scale, and complexity of the problem being addressed;
- expectations of what is to be accomplished and determining how extensive and demanding these expectations are, for the project and for the participants;
- extent of a merger, realignment, or reorganization;
- selection of which agencies or parts thereof are to be incorporated, in what capacity, and to what extent and degree;
- location of a new structure that merges or integrates different agencies;
- selection of a lead agency or officer in coordinative arrangements;
- powers and resources available to a lead officer in a cross-agency arrangement, including those which already exist across-the-board, which apply to a specific project or program, or which are anticipated;
- autonomy of the individual components;
- organizational cultures within the agencies;
- bureaucratic and administrative cultures within the agencies;
- competition of a collaborative enterprise with other missions, mandates, responsibilities, strategic plans, and policy priorities among and within the participating agencies;
- jurisdictional rivalries or “turf battles” among the agencies;
- support for interagency collaboration versus support for agency autonomy, from power-brokers both inside and outside of government;

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<sup>63</sup> Allen Schick, “The Coordination Option,” *Federal Reorganization: What Have We Learned?* in Peter Szanton, ed. (Chatham House Publishers: Chatham, NJ, 1981), pp. 85-113.

- regularity, frequency, intensity, and direction of oversight by Congress and the executive;
- incentives for and benefits of participation (mutual and reciprocal among agencies, agency-centered, or individual);
- disincentives and costs of participation;
- level and type of involvement, with policy and process formulation at one end of the spectrum and field operations at the other end;
- capacity, capabilities, heritage, experience, and expertise of the agencies involved in a joint venture;
- leadership skills and practices of the participants; and
- confidence in the professionalism, competency, and integrity of the participants.

## Conclusions and Observations

In 1937—following the first phase of the New Deal expansion of government responsibilities and the earlier (largely unsuccessful) multi-agency effort to enforce Prohibition and the Volstead Act—the Senate created a Select Committee to Investigate the Executive Agencies of the Government with a View to Coordination.<sup>64</sup> The panel commissioned a study by the Brookings Institution, whose extensive and detailed report concluded that “to prevent duplication and, what is worse, working at cross purposes, it is essential that coordinating mechanisms be established and maintained.”<sup>65</sup>

This conclusion and other complementary ones resonate in the contemporary era. In 2011, President Barack Obama, expanding on his State of the Union address, emphasized that

We live and do business in the information age, but the organization of the Federal Government has not kept pace. Government agencies have grown without overall strategic planning and duplicative programs have sprung up, making it harder for each to reach its goals.... In areas as varied as surface transportation to job training, public health, and education, I have proposed to consolidate scores of programs into more focused, effective, and streamlined initiatives.<sup>66</sup>

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<sup>64</sup> Senate Select Committee to Investigate the Executive Agencies of the Government with a View to Coordination, *Investigation of Executive Agencies of the Government: Preliminary Report* (GPO: Washington, DC, 1937), p. III. The select committee’s charge was

to make a full and complete study of all the activities of the departments, bureaus, boards, commissions, independent agencies, and all other agencies of the executive branch of the Government, with a view to determining whether the activities of any such agency conflict with or overlap the activities of any other such agency and whether, in the interest of simplification, efficiency, and economy, any such agencies should be coordinated with other agencies or abolished or the personnel thereof reduced.

<sup>65</sup> *Ibid.*, p. 40. The seminal Brookings study reached 1,229 pages and an estimated 500,000 words.

<sup>66</sup> President Barack H. Obama, *Presidential Memorandum—Government Reform for Competitiveness and Innovation*, White House, March 11, 2011, p. 1. The President has assigned to “the Nation’s first Chief Performance Officer, who also serves as Deputy Director for Management of the Office of Management and Budget.... the responsibility of leading the effort to create a plan to for the restructuring and streamlining of the executive branch of the Federal Government.” *Ibid.* Previously, President Obama had “asked his Administration to go line-by-line through the Budget (continued...) ”

Legislative initiatives have also called for overarching studies and advanced recommendations, both broad and selective.<sup>67</sup> The House of Representatives added a section to its Rules for the 112<sup>th</sup> Congress, to require committees, during the development of their oversight plans, to “include proposals to cut or eliminate programs, including spending programs, that are inefficient, duplicative, outdated, or more appropriately administered by State or local governments.”<sup>68</sup> Previously, in 2010, Congress directed the Government Accountability Office to look into a similar phenomenon annually: to identify “areas of potential duplication, overlap, and fragmentation, which, if effectively addressed, could provide financial and other benefits.”<sup>69</sup> The first GAO report found

34 areas where agencies, offices, or initiatives have similar or overlapping objectives or provide similar services to the same populations; or where government missions are fragmented across multiple agencies or programs. These areas span a range of government missions.... Within and among these missions, this report touches on hundreds of federal programs, affecting virtually all major federal departments and agencies.... Reducing or eliminating duplication, overlap, or fragmentation could potentially save billions of tax dollars annually and help agencies provide more efficient and effective services.<sup>70</sup>

As these legislative and executive reviews reflect, the concerns raised decades ago have been heightened in the contemporary era, because of the further growth in government responsibilities, cross-cutting programs, and complexities in public policies. Added to this are certain crises which demonstrated the inadequacies of existing structures and arrangements, along with increased pressures to reduce federal programs and budgets. One response has been support for new, expanded, or improved interagency collaborative arrangements. Today’s objectives underlying this refine and add to the earlier goals of preventing duplication and cross-purposes. Current rationales extend to a number and variety of objectives. These include reducing policy fragmentation, improving effectiveness, increasing economy and efficiency, mitigating conflict and competition among agencies, enhancing agency productivity, developing an awareness of different perspectives and orientations, changing organizational and administrative cultures, and streamlining and improving executive and congressional oversight.

Different types of interagency activities and arrangements are available to help bring about joint efforts and cooperation among separate federal agencies with shared responsibilities and overlapping jurisdictions. Six principal types—each given a working understanding and illustrated with examples here—are collaboration, coordination, integration, mergers, networking, and public-private partnerships.

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to identify programs that are outdated, ineffective, or duplicative. In both of his previous budgets, the President identified more than 120 terminations, reductions, and savings, totaling approximately \$20 billion in each year.” Office of Management and Budget, *Fiscal Year 2012 Terminations, Reductions, and Savings: Budget of the U.S. Government*, 2011, p. 1.

<sup>67</sup> For other congressional initiatives, see sources in footnote 41 above and GAO, *Opportunities to Reduce Potential Duplication in Government Programs*.

<sup>68</sup> U.S. House of Representatives, *Rules for the 112<sup>th</sup> Congress* (sec. 2, H.Res. 5, 112<sup>th</sup> Cong., 1<sup>st</sup> sess.), amending clause 2(d)(1) of Rule X.

<sup>69</sup> GAO, *Opportunities to Reduce Potential Duplication in Government Programs*, p. 5.

<sup>70</sup> *Ibid.*, p. 1.

Using these concepts with clarity, consistency, and consensus, however, can meet a number of obstacles. First of all, there is no agreed-upon straightforward, precise definition of them in the media, academic studies, statutes, or executive directives, where different types might be called for but without detailed descriptions or directions. And their applications and understandings—along with their use in combination or as hybrids—are subject to a number of influences, including the setting, time, and heritages among diverse governmental organizations. Consequently, the terms have sometimes been employed interchangeably, inconsistently, or ambiguously.

Despite the large and increasing adoption and promotion of interagency arrangements, questions arise over their rationales and underlying assumptions. It is not always certain how successful some of the interagency arrangements are, either among or within the different types or over time. Part of the reason for this is the difficulty of conducting valid and reliable assessments of interagency arrangements. This hurdle is made higher in attempts to compare one interagency arrangement to another, to a predecessor non-collaborative experience, or even to the same arrangement over time, because of changing conditions and intervening developments.

Accompanying the difficulties in evaluating interagency collaborative arrangements are the numerous factors that influence them. These include their political environment and policy context, as well as the resources, independence, authority, membership, leadership, and operational experience of the agencies involved. Such factors are analytically distinct on paper but are hard to account for separately in practice.

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<sup>71</sup> Jared Nagel (KSG/CRS) contributed to this bibliography.

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