

National Defense

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Editor's Notes: Section 809 Panel's Work Is Far From Done

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After two years of work, the Section 809 Panel gathered in a hall at the U.S. Chamber of Commerce building on a cold, January day to present its third and final report, which summed up some 90 ways to improve the Defense Department's acquisition system.

The commissioners spent the past 24 months interviewing past and current acquisition officials, think tank experts, consultants, industry leaders and organizations – including the National Defense Industrial Association – then talked amongst themselves to come up with some kind of consensus on recommendations.

Now what?

There have been many similar blue-ribbon panels in the past, all tasked with tackling the slow defense acquisition system. And this commission, like the others, had no authority

to change anything.

What's different now is a sense of urgency. The U.S. military feels the breath of China and Russia on its neck as they modernize their weapons and close technology gaps with the United States.

Everyone acknowledges the acquisition system is not serving the nation well.

It's up to Congress to take the panel's recommendations and make changes, hopefully ones that will have positive results.

The panel's Chair Dave Drabkin noted that the commission has already made an impact when its first batch of suggestions, that were published in a preliminary report, made it into the 2018 National Defense Authorization Act.

However, Drabkin noted that there are many recommendations that only require program managers and the services to engage in new thinking and "cultural changes."

There were many influential people in the audience interested in what the panel had to say, Drabkin pointed out. They included congressional staff members, office of the secretary of defense personnel, and Will Roper, the Air Force's lead on acquisitions, who raised his hand to ask a question.

What was needed to implement some of the recommendations in the Air Force and where should he start?

Commissioner Darryl Scott, a retired Air Force major general, said it is going to be important that personnel in the lower ranks know that their leaders are behind them when they step up to innovate.

"There is a culture within the Air Force of experimentation, of learning from mistakes, but that culture needs to be ported over into the acquisition system [at large]," he said. "The way you do that is leaders at the general officer level need to stand up and say to the troops, 'We're behind you. Go do it.'"

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Commissioner Elliott Branch responded: "I think there is a synergy of effort that is required to implement this. There needs to be a groundswell of action and support from

the services. That's where the rubber meets the road." Service acquisition leaders need to speak in one voice and give their support to the recommendations, he added.

But he also had a more dire warning. "You need to go figure out how you implement this in the Air Force outside of the cultural structure you have because they will kill it. The white blood cells will surround it," he said.

One of the recommendations that will require both legislation and a shift in thinking is communication between government and industry.

Commissioner Larry Trowel said there were numerous complaints about the lack of dialogue between the two sectors. There seem to be misconceptions, particularly on the part of the military acquisition cadre.

"There are strong urban legends arguing that communication between the government and industry is dangerous, fraught with legal traps, only to be conducted under the supervision of a contracting officer, and frankly, not worth the effort," he said.

There are four stages during the acquisition of a technology where there are interactions between industry and the military starting with market research and ending with proposals.

"The panel concluded that the current Federal Acquisition Regulation language describing these separate contexts is overlapping, confusing, at least to some degree, [and] part of the problem," Trowel said.

As for the market research stage, Congress needs to rewrite the FAR and provide more flexibility and freedom for industry and government experts to talk about what kind of technology is available.

"It is unreasonable to believe the government can shut itself off from those necessary interchanges with industry — by policy, by fear, by lack of training — and then emerge as a knowledgeable buyer on a specific requirement," Trowel said.

The panel's three reports are extensive and thorough. Only a taste of what they have to offer can be covered in a one-page column such as this, or in a news report.

Its impact when it comes to recommendations requiring Congress to revise, add or change language in the FAR will be easy to measure. The ones that require “cultural change” will be less so.

The Chamber of Commerce talk was no victory lap. The final and perhaps most important task is making sure the panel’s ideas reach the right ears. But the clock is ticking. The panel by law must disband on July 15. Until then, it must do everything it can to push out its ideas. And with 90 recommendations, that is quite an undertaking.

NDIA will be hosting a discussion on the Section 809 Panel’s findings Feb. 13 at 9 a.m., at the law offices of Covington & Burling in Washington, D.C.