

**Enabling State and Local Preparedness:
Establishing a Regional Structure for the Department of Homeland Security (DHS)**

Major Chris Hornbarger
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Bottom Line

The federal government, in partnership with state governments, and with direct participation from the largest municipalities, should jointly establish regional homeland security offices that bring federal, state, and local capabilities, expertise, and resources together. The Congress should amend the Homeland Security Act of 2002 to mandate that DHS implement a regional structure; agencies with critical response roles transition to the same structure over a reasonable period of time; agencies with counterterrorism responsibilities to appoint responsible officials for each region; and the Department of Defense (DoD) to establish permanent liaison with each regional headquarters, preferably through US Northern Command subordinate Joint Force Headquarters that align with each region, though the Congress should not impinge on the Secretary of Defense's authority to structure military commands as he or she sees fit.

Preparing for the Non-Routine is Uniquely Challenging at the State and Local Level

While all organizations face difficulty planning for low-probability contingencies, the challenge is considerably more difficult for state and local governments than for the federal government.

First, voters understand that the job of *national* elected leaders includes dealing with issues that transcend day-to-day concerns, but voters expect *local* leaders to focus on the day-to-day issues that impact constituents directly. While most elected officials pay a political price for putting long-term priorities ahead of short-term needs, the price is higher at the local level. State and local leaders can also deflect blame to the federal government (e.g. inadequate grant funding; failure to provide performance standards), reducing their imperative to act.

Second, state and local governments feel the cost crunch of homeland security measures more directly and acutely than the federal government, which spreads homeland security costs over an enormous bureaucracy and can achieve significant economies of scale. For example, the amount the federal government spends ensuring continuity of government infrastructure is much lower, as a percentage of total security spending, than that which states and local governments must spend to ensure continuity of local government infrastructure; and while the federal government invests in capability that can be used *anywhere* in the country, it doesn't need to invest in capability that can be used *everywhere* at once. In addition, state and local governments shoulder most of the burden of first response, which requires extensive capabilities that are expensive; must be constantly maintained, trained, exercised, and refined; and must be continuously available. Many jurisdictions are creating such capabilities from scratch, and the start-up costs can be steep. Finally, it is much easier for constituents in state and local jurisdictions to identify the priorities that have been shortchanged (e.g. schools, crime control, etc.) as a result of increased security spending.

Third, while terrorist attacks and large-scale attacks occur infrequently, the federal government gains experience from every occurrence, regardless of location. State and local governments simply don't reap the experience gained from dealing with events outside their jurisdictions, and thus their preparedness plans and exercises are often superficial and inadequately validated. While one can exemplify Florida as

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a state that “gets it,” one should *expect* Florida to have finely-honed preparedness plans given the frequency with which hurricanes have devastated the state.

Finally, the complex task of coordinating with the private sector falls disproportionately on state and local governments, and the failure to effect such coordination will have immediately apparent and pronounced negative consequences in the event of a major incident. Voters will directly attribute that failure to local leaders; whereas the responsibility of federal officials is far more diffused.

State and Local Interagency Coordination is as Challenging as Federal Coordination

Lack of interagency coordination at the federal level has dominated the attention of policymakers, the Congress, the media, and the public. First, the post 9-11 public debate and the 9-11 Commission have transfixed attention on federal shortcomings; conventional wisdom holds that the federal government is less competent than local governments; and the large-scale emergency response preparedness of most state and local governments has not been tested under fire. Thus, many state and local officials don’t fully appreciate the coordination problems they may have at their own level, and certainly feel much less political pressure to do something about them. Second, agency rivalries at the local level often have deeper roots than at the federal level, and cultural differences between emergency response agencies, particularly fire and police departments, are more pronounced. Third, many cities have only recently established emergency management agencies and positions for unified command, control, and coordination. These newcomers have no operational credibility or institutional muscle; for the most part, newly created homeland security advisors and directors are unable to corral powerful heads of longstanding, entrenched police, fire, and emergency medical service departments. Finally, chiefs of local departments and heads of local agencies enjoy greater independence and have more power relative to their elected leadership than heads of federal agencies have relative to the President, and therefore can easily slow-roll or obstruct top-down reforms with which they don’t agree.

State and Local Governments Often Lack Sufficient Expertise

Though the federal government has only recently awoken to the gravity of the catastrophic terrorist threat, it has conducted large-scale, complex contingency planning, infrastructure protection, and exercises for a long time; most state and local governments have not. The federal government has extensive experience in long-range budgeting, requirements determination, and acquisition; most state and local governments do not. The CIA, FBI, and other agencies have been in the counterterrorism business for decades; most local police departments have not. The federal government has a fair amount of experience, for better or worse, managing multi-agency responses to major catastrophes; most state and local governments do not. Planning, training, and exercising for large-scale contingencies are complex disciplines that require experienced professionals and high-functioning institutions. While state and local officials are often extraordinarily competent, few have experience in these disciplines, and the nation is only now creating a training infrastructure that addresses this shortcoming.

Recommendation: Federalism as an Enabler of Regional Homeland Security Partnerships

Katrina has exposed critical gaps between federal, state, and local emergency preparedness capabilities. Bridging these gaps requires the federal government to develop structures that more directly address local needs, and requires state and local governments to pool their capabilities and expertise with neighboring jurisdictions. In addressing these problems, federalism is a *strength*, not a liability.

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The federal government, in partnership with state governments, and with direct participation from the largest municipalities, should jointly establish regional homeland security offices that bring federal, state, and local capabilities, expertise, and resources together. The Congress should amend the Homeland Security Act of 2002 to require that:

- DHS, including all its subordinate agencies, implement a regional structure;
- Departments and agencies with critical response roles (such as the Department of Health and Human Services and the Department of Veterans Affairs) transition to the same structure over a reasonable period of time;
- Departments and agencies with counterterrorism responsibilities (such as the FBI) appoint responsible officials for each region; and
- The Department of Defense (DoD) establish permanent liaison with the regional headquarters (preferably through US Northern Command (NORTHCOM) subordinate Joint Force Headquarters that align with each region, though the Congress should not impinge on the Secretary of Defense's authority to structure military commands as he or she sees fit).

The President's budget submission should reorganize a portion of homeland security funding according to this structure, and the Congress should appropriate funds directly to the regional offices. The President, with the advice and consent of the Senate, should appoint the regional directors, and each participating state governor would appoint a deputy director, thus establishing an organizational structure that mirrors the Constitution's apportionment of public safety responsibilities to both the federal government and the states. While participation by the states would be a state decision, the Congress should make federal homeland security grants contingent on participation.

The focal point of this unified structure would be six to ten regional offices, headquartered around the country. Each headquarters would develop regional contingency plans that fully integrate federal (including DoD), state, and local capabilities and resources; establish clear command, control, and coordination relationships; and incorporate mutual aid compacts among the participating states. For example, Miami might host a Southeast US headquarters with robust hurricane plans; Los Angeles might host a Southwest US headquarters with robust earthquake plans, and so forth.

In addition to offices devoted to contingency planning, each headquarters would include offices to manage federal grants; administer exercises and independent evaluations; measure state and local preparedness according to standard benchmarks; make joint requirements and acquisition decisions (or recommendations); integrate National Guard capabilities under the command of state governors; coordinate with the private sector; capture and share lessons-learned and best-practices; and coordinate public communication during incidents of national or regional significance. Each headquarters would oversee a homeland security training infrastructure and training programs jointly developed, funded, and administered in partnership by the federal government and the participating state and local governments. The regions would also provide a useful geographic basis for setting threat conditions under the Homeland Security Advisory System (HSAS), improving the degree to which the HSAS reflects the actual threat to the country. DHS would function as the federal government's lead agency to ensure standardization and harmonization of the respective regions.

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Conclusion: The Politics of a Regional Structure will be Complex

The proposed regional structure not only addresses the policy issues highlighted in this memo, but goes a long way towards addressing the political issues as well. While the regional offices will undoubtedly become a focal point of partisan political disputes, this could actually have some beneficial effects. The inevitable political and public scrutiny would highlight state and local emergency preparedness deficiencies that local elected leaders are often reluctant to fully acknowledge, while at the same time alleviating local leaders of much of the burden and political cost of rallying public support for necessary but difficult reforms. The regional structure would also go a long way towards mitigating the “moral hazard” or “tragedy of the commons” dilemma that state and local governments, and the private sector face in determining how much effort and resources to devote to security. Media and public scrutiny would center the public’s attention on issues that relate directly to the affected states and cities, helping ensure a more informed public debate, and would shift the debate on federal accountability from esoteric, “inside the beltway” policy disputes to the more tangible terrain of how well the federal government is addressing state and local needs.

On the negative side, it is likely that state governors from the same party in the same region will play politics by joining to support or oppose Administration policy, with the potential that nearly every policy issue will become intensely politicized at the regional level. The political map will also complicate national policymaking: for example, governors in the Northeast, who will have less tolerance than governors in the Midwest for security measures that raise civil liberties concerns, will have in the regional structure a vehicle to band together and increase their collective political clout on civil liberties issues.

We can also anticipate some hurdles in the legislative process. Most importantly, Senators, Representatives, governors and big city mayors will jockey to align the regions in a way that maximizes the resources that flow to their states (i.e. by seeking a region in which their state’s cities are the most populous, and fighting inclusion in a region that incorporates larger cities from other states). On the other hand, once legislated, the regional structure would help provide a basis for distributing federal homeland security funding among participating states according to some rational and legitimate calculation of need, potentially reducing Congressional logrolling and tempering efforts of individual Congresspersons to secure appropriations earmarked for their state or district.