



HOMELAND SECURITY 2020

The Future of Defending the Homeland

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This is part of a series of Heritage publications dedicated to devising the right security policy agenda for the next decade.

No. 5 • August 27, 2010

Returning More Power to the States Is the Natural Evolution in Homeland Security

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Given the enormous impact of both the 9/11 attack and Hurricane Katrina, it was expected that the governmental response to each of these disasters would be federal-centric. After all, Presidents and Congress have a built-in need to “do something” during such crises. Yet Americans now have the distance of time and a few lessons learned from both disasters to help shape the evolution of America’s homeland security enterprise. In the areas of counterterrorism, preparedness, and disaster response, that evolution necessarily means a greater role for states and localities.

As Heritage Foundation research has shown, state and local governments possess the majority of resources that are used to defend the homeland domestically. From the manpower to the money to the experience, states and localities are well-suited to take a larger role in defending the homeland. With the increasing threat from home-grown terrorists and the well-known federal disaster response failures, returning power to those states with the resources and who are closest to the problems will increase overall security.¹

Put Power Where It’s Closest to the People

The key to returning power to the states and localities is:

- Making sure those entities have a better seat at the table when national policy is created, discussed, and finalized; and
- Decreasing the federalization of disaster response that began in 1993.

These two reforms would ensure that the power within the homeland security enterprise gravitates down closer to the people.

Over the last seven years, the federal government has issued policy after policy that utterly failed to respect states and localities. With the threats America faces becoming more opaque, any new national policies should respect the equities and experience held by state and local first preventers and responders. Failure to empower those most able to protect Americans would only ensure seven more years of failures and near misses.

Similarly, the Federal Emergency Management Agency (FEMA) has taken a larger role in disaster response, which has prompted states to cut emergency management budgets. The dependency created by the federalization of disaster response harms local communities, as states become ill-equipped to handle even the most routine natural disaster.



Published by The Heritage Foundation
214 Massachusetts Avenue, NE • Washington, DC 20002-4999
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All Eyes Are on Washington¹

Over the last seven years, state and local governments have been the last ones to know when new national policy was being proposed and discussed. It is only toward the end of the process that the federal government bothers to provide states and localities with drafts of new policies in order to provide comment. In no cases can those entities veto the proposed new national policy.

This dynamic has created an environment of mistrust between the federal government and state and local governments. The most recent example of this disconnect is the current rewrite of Homeland Security Presidential Directive 8 (HSPD-8), "National Preparedness." President George W. Bush issued HSPD-8 on December 17, 2003. The aim of HSPD-8 was to develop a national enterprise focused on making sure America was prepared to protect, prevent, respond to, and recover from a terrorist attack or catastrophic natural disaster.

After several years of work and a broad effort to reach out to states and localities, the U.S. Department of Homeland Security (DHS) released multiple components required by HSPD-8, including a National Preparedness Goal, a Target Capabilities List, and a National Exercise program. These components were not perfect, but they represented the best efforts of participants from all levels of government. Equally as important, these components have created a stable platform for America's national homeland security enterprise.

Despite this progress, the Obama Administration is currently in the process of revising HSPD-8. This process is being done largely by federal government workers and with little to no input or meaningful say by state and local governments. Once the federal government finalizes the rewrite of HSPD-8, it will allow states and localities to review the rewrite and provide comments that it can then summarily reject.

Because of this type of activity, states and localities are wise to keep an eye on Washington to gain as much insight or knowledge about forthcoming policies as possible.

FEMA Dependency

In a similar manner, states have learned to have their proverbial hands outstretched to Washington whenever a natural

disaster strikes, with the hopes of getting a FEMA declaration and the money that comes with it. This behavior began in 1993, when the yearly number of FEMA declarations began to climb to the record heights it has reached over the last few years. For every increase in yearly declarations, FEMA federalizes more natural disasters that in years past had been handled and paid for entirely by the states where the events occurred.

For example, a tornado recently struck outside of Toledo, Ohio. Although, tragically, there was loss of life, this incident inflicted little physical damage outside of a small geographic area. Governor Ted Strickland quickly asked FEMA for a disaster declaration so the cost could be shifted to the federal government. Much to its credit, FEMA declined the request as well as the subsequent appeal of that denial because the total damage did not even meet FEMA's already low threshold.

Because FEMA has federalized so many routine natural disasters, Ohio, like other states, cut its budget for public assistance with the belief that it could always get a FEMA declaration. This dependency on FEMA should be weaned so that states can assert their traditional role for all but the most catastrophic natural disasters. With any federal response 48 to 72 hours away, the vitality of state and local response capabilities is key to minimizing the loss of life and property.

Recommendations

If the U.S. wants to meet the threats of tomorrow with the most robust, flexible, and experienced national homeland security enterprise possible, Americans need to make a few key reforms:

- **Gives states and localities a seat at the table.** President Barack Obama should issue an executive order giving states and localities a seat at the federal policy table on homeland security issues. This group should work directly with the National Security Council staff and should be included in appropriate Interagency Policy Committees. Because state and local budgets are already tight, funding should come out of yearly federal appropriations.
- **Modify the Stafford Act.** As the litmus test for federal disaster dollars, the Stafford Act fails to accurately determine which disasters meet the federal requirements and which do not. Congress should establish clear require-

1. James Carafano, Ph.D., "Feds Haven't Treated Spill Like National Disaster," Heritage Foundation *Commentary*, July 19, 2010, at <http://www.heritage.org/Research/Commentary/2010/07/Feds-Havent-Treated-Spill-Like-National-Disaster>.

ments that limit the types of situations in which declarations can be issued—eliminating some types of disasters entirely from FEMA's portfolio.

- **Reduce the cost share.** Congress should reduce the cost-share provision for all FEMA declarations to no more than 25 percent of the costs. This will help to ensure that at least three-fourths of the costs of a disaster are borne by the taxpayers living where the disaster took place. For catastrophes with a nationwide impact, such as 9/11 and Hurricane Katrina, a relief provision could provide a higher federal cost-share where the total costs of the disaster exceed a certain threshold amount.

Simple but Vital Reforms

The simple but vital reforms listed in this paper will put more power back into the hands of those who are closest to the problem, and have the most resources to handle it effectively.

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This paper is posted online as Heritage Foundation *WebMemo* No. 2993 and available at <http://report.heritage.org/wm2993>.



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