

Promises Unfulfilled: The Sub-Optimization of Homeland Security National Preparedness

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INTRODUCTION

Since the tragic events of September 11, 2001, thousands of well-intentioned individuals have been working feverishly to prevent, protect from, respond to, and recover from natural and man-made incidents of national significance. Billions of dollars have been expended to build capacity at all levels of government to meet the mission demands of the new policy arena of homeland security. Homeland security, at least in definition, has come full circle since 9/11. Today, homeland security is narrowly defined as dealing predominantly with acts of terrorism.¹ However, as the initial shock of the 9/11 terror attacks wore off, state and local governments began the process of taking on the expanded mission space prescribed by the new normalcy in the nation. As state and local governments found their footing in this new arena, they were able to absorb the new demands of homeland security into the existing mission space found in public safety and emergency management. The national government, however, has remained focused primarily on acts of terror. This divergence in perspective has led to ever-increasing tensions between the national government and state and local governments when policies related to homeland security national preparedness are at issue.

At the core of the set of challenges that confront national, state, and local government officials concerning homeland security national preparedness public policy are a set of assumptions, upon which current and evolving policies are based, that are suspect if not fatally flawed. The policy outcomes resulting from these faulty assumptions (and facilitated by hindering institutional pathologies, misguided policies, and bad policy instruments) have left the nation less prepared than is possible had forward-thinking, aggressively applied modern public management models been used as the foundation upon which national preparedness could be established. The assumptions brought into focus in this article are:

1. There is an idealized level of national preparedness; achieving a prescribed level of preparedness to respond to events of national significance, whether man-made or natural in origin, is possible based on current or foreseeable resource levels.
2. The federal government is obliged to direct the development of national preparedness policy to ensure that state and local governments are working toward policy compliance and are providing full accountability for grant funds.
3. Current homeland security public policy is coherent, embraces an all-hazards approach to national preparedness and reflects the comprehensive involvement of state and local governments in its development, deployment, and implementation.

After a brief discussion of research methodology, this article traces the evolution of national preparedness policies and describes the institutional pathologies and policy instruments that have inhibited national preparedness. The next section provides analysis related to the research and an explanation of why the assumptions identified above are flawed. Finally, recommendations are offered that might allow the next administration and those with public safety, emergency management, and homeland security responsibilities at the state and local level insights into building community resilience and governance capacity that raises preparedness to as high a level as possible.

Methodology

This research project is part of an ongoing research agenda focused on homeland security national preparedness public policy. The approach taken is qualitative in nature and is characterized by the examination of behaviors of individuals and institutions found in this policy arena, comprehensive literature reviews, and hundreds of informal interviews with officials at the local, state and national level who are directly involved in the development, deployment, and implementation of homeland security national preparedness public policy. Additional data were gathered from field research associated with national preparedness assessment activities.

The focus of the research has been on Homeland Security Presidential Directive 8, *National Preparedness* (HSPD-8)² and its complement, HSPD-5, *Management of Domestic Incidents*.³ These directives lay the foundation of all subsequent policy development related to homeland security national preparedness. By parsing the policy guidance and goals found in these documents, it is possible to establish points of comparison when the current policy environment is fully developed. Judgments concerning the efficacy of policies, instrumentalities, and behaviors are based on observation and substantiated by research found in refereed journals and books related to the field of interest.

HOMELAND SECURITY PRESIDENTIAL DIRECTIVES

A series of “foundational” documents began to populate the homeland security policy arena after 9/11. Along with the seminal legislation found in the Homeland Security Act of 2002⁴ came a series of documents such as the *National Homeland Security Strategy*⁵ and Homeland Security Presidential Directives providing policy guidance to federal, state, and local governments. The directive most associated with national preparedness is HSPD-8. The purpose of the directive was to guide the development of policy for “all hazards preparedness for domestic terrorist attacks, major disasters and other emergencies.”⁶ The document described preparedness as the existence of plans, procedures, policies, training, and equipment for *governments to maximize their respective abilities to deal with major events*. The directive dealing with management of domestic incidents (HSPD-5) is an integral companion document to the national preparedness directive, because HSPD-5 directs the development of a national Incident Command System (ICS) and a National Incident Management System (NIMS), both of which are key elements of national preparedness policy implementation.

There are several significant policy guidelines to be found in HSPD-8 that have direct bearing on current policies related to national preparedness. Though the directives are rich in content, the focus should be on those clauses that have spawned the most contentious and pernicious policy instruments. Those guidelines direct the secretary of DHS to:

1. Build support for and assessment of state and local first responders.
2. Develop methods for effective, efficient, and timely delivery of federal assistance to state and local governments.
3. *Focus on terrorist events* (emphasis added).
4. Establish measurable readiness priorities and targets that appropriately balance the potential threat and magnitude of terrorist attacks, major disasters, and other emergencies *with the resources required to prevent, respond to, and recover from them* (emphasis added).
5. Develop standards for preparedness assessments and strategies and a system of assessing national preparedness.
6. Base a grant award system on risk calculations related to population concentrations and critical infrastructure.
7. Develop quantifiable performance measures for federal, state, and local governments.

The primary mechanisms for influencing behaviors at the state and local level have been the awarding of grant funds to “encourage” desired behaviors, primarily from the states. “The awards will be delivered in a form that will allow the recipients to apply the assistance to the highest priority preparedness requirements at the appropriate level of government.”⁷

The complementary guidelines found in HSPD-5 are that the secretary of DHS will:

1. Develop a single approach for domestic incident management.
2. Develop and administer a National Incident Management System that will meet mission requirements “regardless of cause, size or complexity.” The system will also allow jurisdictions to track resources.
3. Establish national standards for qualification and certification in this area of interest.
4. Develop a National Response Plan based on an all-discipline, all-hazards approach to incident management.⁸

From these artifacts came a series of support documents further outlining the policy intentions of DHS. Those documents include the National Preparedness Goal, National Preparedness Guidance, the Target Capabilities List (TCL), a revised *National Strategy for Homeland Security*, and the National Preparedness Framework.

The significant contributions of these documents were the introduction of national planning scenarios, the concept of capabilities-based planning and direction to state and local governments to “enhance regional collaboration.”⁹ The approach to expanding and developing implementing directives for HSPD-8 were perhaps well intentioned but displayed a lack of knowledge of and an insensitivity to the policy environment of state and local governments.¹⁰ With each subsequent document and volume of guidelines

related to homeland security grants, the tone and directness moved from partnering and facilitation to dictating more and more requirements for compliance with non-legislated regulatory regimes based on limited theoretical development and no appreciation for the impact in dollars and labor on state and local officials charged with public safety, emergency management, and homeland security responsibilities. In essence, HSPD-8 and its spawn could be characterized as a direct assault on the stability of American federalism and intergovernmental relations, particularly in this policy arena.¹¹

HONORING THE PRINCIPLE OF FEDERALISM

In a broader context, there has long been discussion of the ebb and flow of American federalism and whether or not the continual march toward centralization of power in the national government will ever abate. Throughout history, power has shifted toward the central government whenever the country faced a crisis (Civil War, World Wars, Great Depression, 9/11, etc.), faced an increase in the complexity of government (Great Depression, Post-war recoveries, self-sustaining tax authority, etc.) or faced times of incredible creation of wealth (post-World-War II, post-Korean War, Reagan to Bush administration years). Efforts on the part of presidential administrations and the courts to shift power back toward the states have been haphazard at best. Devolution, where authority and program controls are shifted to state governments is not the same as decentralization. Within this dynamic cauldron of churning intergovernmental relations, where does one find the discussion of federalism as it relates to homeland security? The discussion is necessary to provide context for the evolution of policy.

There is growing literature addressing the difficulties imposed on American federalism and intergovernmental relations by the current policy regime related to homeland security national preparedness.¹² Though there are innumerable versions of governance schemes identified as meeting the criteria of “federalism,” there are but three dominant federalism theories – Cooperative, Coercive, and Competitive – that manifest in various institutional pathologies and behaviors in contemporary America. These theories and their application to homeland security national preparedness have been fully developed.¹³ To further develop the connection between theories and behaviors, however, one could easily apply the templates found in the intergovernmental management (IGM) models developed by Agranoff and McGuire. The table below illustrates the features of each of the IGM models, how these models align with contemporary theories of federalism, and how these models might overlay the current environment associated with homeland security national preparedness.

Table 1. Contemporary Intergovernmental Management Models.¹⁴

MODELS			
Top-Down	Donor-Recipient	Jurisdiction	Network
<p>Policy development concentrated at the national level.</p> <p>State and local governments coerced into implementing policies with high compliance requirements and little flexibility.</p> <p>Funding found in categorical grants with stringent accountability.</p>	<p>Policies developed at the national level to treat “national” issues.</p> <p>State and local governments implement policies for national government but have some flexibility in implementation to suit constituent needs.</p> <p>Funding categorical but less stringent in compliance.</p>	<p>Center of policy and planning focused on the local jurisdiction.</p> <p>Planning is strategic in nature, placing the jurisdiction at the center of the planning process and the recipient of all potential support coming from other jurisdictions or levels of government.</p> <p>Funding, if available, focused on meeting constituent preferences.</p>	<p>Planning and policy development focused on establishing networks of cooperation and collaboration to meet common needs, particularly in times of crisis.</p> <p>Support based on temporary excess capacities.</p> <p>Network expanded to include other jurisdictions and levels of government.</p>
Reflective of Coercive Federalism	Reflective of Cooperative Federalism	Reflective of Competitive Federalism	Reflective of a more collaborative form of Federalism
Enforced Behaviors	Mutual Dependencies	Centralized Planning	Capacity Augmentation
Current homeland security grant program emphasizes compliance with national directives without support of accompanying legislation.	Current national, state, and local interactions related to FEMA satisfy this model.	Would allow jurisdictions to develop strategic plans that allow for deliberate, effective resource planning and management.	Would allow jurisdictions to build an expectation of augmentation to own-source capacities within the confines of own-source resources.

The Agranoff and McGuire Donor-Recipient model represents the notion that government actors have mutual dependence. Jurisdictions at different levels of government cooperate even though there might be tensions or conflicts related to program activities. This arrangement aligns conveniently with Cooperative Federalism characteristics. Policy implementation takes place at the intersection of goal setting and carrying out actions. The donor does not have the time or inclination to interfere and the recipient must balance conformity and compliance with seeking jurisdictional goals. This model seems to fit most longstanding interactions related to well-established grant programs and organizations like those found with the Federal Emergency Management Agency and state emergency management officials. Unfortunately, another one of their models characterizes nearly all other aspects of homeland security national preparedness intergovernmental relations.

The Top-Down model matches the developed characteristics of Coercive Federalism.¹⁵ In the Top-Down model, direction comes from the national government with state and local governments executing policy. The pernicious nature of this model is found in the behavior of the national government, forcing cooperation among actors with little or no discretion available at the state and local level.¹⁶

Even though the federal homeland security policy apparatus has been reminded time and again of the need to embrace alternative public management models, particularly in this arena, the administration and its operatives have become less collegial and more directive in their approach to policy development and implementation.¹⁷ As Conlan and Dinan describe, the Bush administration has been generally dismissive of federalism concerns across a wide front of policy areas and homeland security policy is no exception.¹⁸ The foundational documents related to homeland security, authored in the immediate aftermath of 9/11, gave strong acknowledgment to federalism as a controlling and guiding principle in policy development. The most recent documents, however, give no mention of federalism and have changed the rhetoric from seeking coordination and collaboration with state and local partners to merely seeking consultation with other levels of government. These changes in tone and continued centralization of policy power have not gone unnoticed by state and local governments across the country.¹⁹

State and local governments seek guidance from the national government that, when implemented, is revenue neutral and actually facilitates mutual aid arrangements that minimize rent seeking, free riding, and policy entrepreneurship. Documents like the Target Capabilities List (TCL) have not been subjected to comprehensive cost-impact analysis until recently, yet the preparedness and performance measures outlined in the TCL (and being pushed on jurisdictions by DHS) are taking on the status of “standards” which, if pursued, will distort state and local government budget and policy priorities.²⁰

If one accepts the notion that this administration and the supporting bureaucracy have demonstrated behaviors dismissive and disdainful of federalism, one should not be surprised by the increased resistance to centralized policy developments related to public safety, emergency management, and homeland security as perceived at the state and local levels.²¹ As if the situation were not tenuous enough as it relates to federalism, one should be particularly mindful of the inhibiting effects institutional pathologies have had on developing sound, workable national preparedness policies.

INSTITUTIONAL PATHOLOGIES

Eugene Bardach cautions those with interests in public policy to be on guard when analyzing policy options.²² If changing a single pathology or overcoming one barrier would eliminate a properly identified policy problem, why has that pathology or barrier not already been eliminated? The reason may be that there are some things that cannot be changed in the policy arena. There are institutional pathologies that might inhibit good policy development, but many of these behaviors are such that the marginal return in trying to change them may not be worth the cost of so doing. Similar caution would be prudent in examining the other institutions that comprise the homeland security national preparedness policy arena. This section examines the institutional pathologies of Congress, DHS, the Executive Branch and state and local governments and how those behaviors influence homeland security national preparedness public policy.

The Congress of the United States

There are several behaviors of Congress that have direct influence on the public policy arena. Many of the behaviors of Congress conspire to make the development of optimal policy outcomes difficult at best. However, a prudent policy analyst should be aware of those behaviors that are not likely to change.

The first of those pathologies that are not likely to change is the notion that elected representatives behave in such a manner as to first assure re-election, then begin the work of those to whom they are accountable.²³ Another set of behaviors not likely to change are those associated with preemptions of state and local government prerogatives and the propensity to advance policy regimes for which there is little or no financial support at the state and local level. These unfunded mandates have an extremely deleterious impact on state and local government revenues and expenditures but are not likely to change in the foreseeable future.²⁴ There are some outcomes of this behavior, however, that do have an impact, directly and indirectly, on national preparedness.

One of the most interesting aspects of the combinations of preemptions and mandates found in legislative and regulatory regimes is the impact of indirect taxation associated with passing program costs on to the constituents of the state and local governments. These state and local representatives of constituents who have not asked for these programs are left to use jurisdictional own-source revenues to support the implementation of nationalized programs. This indirect taxation is imposed on taxpayers and consumers without the benefit of shared information between the government and its constituents. The impact of the indirect taxation is not insignificant.²⁵ Analysis of data gathered by the National Conference of State Legislatures indicates that the average state must use an additional 5.1% of its operating budget to meet the unfunded requirements associated with implementation and administration of national grants-in-aid programs.²⁶ This percentage translates to a \$71 billion tax levy across the nation, or over \$236 for each man, woman, and child in the country. The \$71 billion is revenue that must be taken from supporting programs preferred by the state and local constituents to be applied to programs that may or may not benefit those same constituents and for which no preference may have been expressed.

This imposition of mandate is indicative of a central government tendency to overtax constituents as a manifestation of revenue maximization.²⁷ Likewise, rather than decentralization of programs – something needed in complex systems – devolution of programs has meant increased tax and revenue requirements for state and local governments.²⁸ Based on interviews and informal surveys, few taxpayers are aware of the impact of unfunded or under-funded mandates on their individual situations. Interviews of state and local bureaucrats, however, elicit quite a different response. Nearly to a person, these individuals are not only aware of the impact of unfunded or under-funded mandates, but they must work to find the offsets in state and local operating budgets so that national funds continue to flow into their respective jurisdictions. Even if the behaviors of Congress in the above areas are unlikely to

change, there is one area in which such change might be effected: oversight of the Department of Homeland Security.

Congress, as part of the checks and balances of this nation's federal form of government, provides oversight and funding for executive branch agencies that develop, deploy, and execute policies based on congressional input. Congressional oversight is manifested in its committee structures in both houses and in the rules of conduct for both the House and Senate. Using the Department of Defense as a model of a complex organization for which Congress must provide considerable oversight, there are some thirty-six committees in both the House and Senate that have responsibilities for oversight of the department. However, only six of these committees (House and Senate Armed Services Committees, House and Senate Defense and Military Construction Committees, and House and Senate Appropriations Sub-Committees) have any substantive authority over or impact on the Department of Defense. The oversight of DHS is somewhat more complex, with no less than seventy-nine committees and subcommittees claiming some form of oversight. Congressional leaders have chosen to protect prerogatives associated with oversight of the legacy agencies that comprise the current DHS rather than streamlining oversight for more effective department management and operation.²⁹ This means that all 100 senators and 412 of the 435 members of the House have input to the oversight of the department. One cannot help but be struck by the fact that the Department of Defense, given its \$400+ billion budget, is more than ten times the size of DHS yet has far less oversight.³⁰

On average, at least one senior DHS representative provides testimony to one of these committees every day Congress is in session. As one who has had to prepare for congressional testimony in the past, the author can state that preparation for such appearances can take days or weeks of full-time concentration of a department's staff.³¹ If the staff is preparing for congressional testimony, it is not likely to be able to deal (with any level of credible effort) with day-to-day operations or developing long term objectives. The complexity and pervasiveness of demands on senior department staff from Congress lead to inefficient and sub-optimized functionality. Likewise, if senior staff are focused on congressional oversight, then midlevel bureaucrats are, by default, more likely to end-run senior leaders in the department given the extraordinary access to Congress these individuals are given. Even with all the attention paid to homeland security in the wake of 9/11 and Hurricane Katrina, analysis of funding levels for the department indicate that those levels have not increased outside the average increase for any other department, while federal grants-in-aid funds for homeland security have actually declined.³²

The Department of Homeland Security

In March of 2003, DHS became a fully operating department of the executive branch, with its secretary given full cabinet rank. Since DHS began operations, the department has undergone no less than five major reorganizations, including three since the celebrated Second Stage Review (2SR) in 2005. This lack of continuity in organization has led to several other problems that have impeded the department in fully meeting expectations and in fulfilling its assigned missions. These management challenges are well documented, most notably by the Government Accountability Office (USGAO).³³

Although staffing of the department seems to be one of the critical shortfalls, many capable officials are working diligently, doing the best they can. Unfortunately that effort, complicated by congressional oversight issues, has led the department to craft ill-defined and ambiguous national preparedness policy that in turn has led to ill-defined and ambiguous implementation standards and objectives. Subsequently, much of the public policy related to program administration has been slow in development and implementation due mostly to the lack of qualified people to orchestrate the complex networks of stakeholders to reach consensus on policy decisions. Likewise, much of the policy has been sub-optimized and has had to be retooled at the behest of those asked to implement the policies, because the policies did not adequately address such fundamental issues as the constitutionality of policies or the feasibility of policies based on existing or potential resource limitations.

There are foundational documents that should guide the development of public policy related to homeland security national preparedness. Subsequently, the policy coming from the National Preparedness Directorate of FEMA (the latest variant) dictates the distribution of federal grant funds supporting homeland security initiatives. What has been difficult to ascertain is exactly how policy parameters are being formed in the department and who is actually guiding the effort to develop national preparedness policy. Many offices have operational “taskings” associated with policy development, but none claim to be the guiding force behind the efforts. Given this ambiguity, many offices in FEMA are either attempting to capture turf or are working to avoid taking responsibility for policy development or implementation. Currently, there are two processes being developed to assess national preparedness and no less than four other “assessment” processes being evaluated for integration into a single process intended to apply to all 39,000 general purpose jurisdictions in the country. None of these programs have been evaluated for imposed cost or labor implications.

In a recent analysis conducted by the author of the potential for integrating the two prominent national assessment programs, simply answering the survey required by just one of the programs could potentially cost state and local governments \$660 million in own-source resources. Add to that cost the expense of satisfying initial National Incident Management System compliance and state and local governments must find a total of \$1.2 billion in own-source funding. As was stated earlier, the TCL has not been subjected to a realistic cost analysis until recently, but not much imagination is needed to grasp the potential cost of 39,000 jurisdictions complying with more than 2,500 preparedness and performance measures. Recent cost-impact analysis of only a few “common” capabilities outlined in the TCL indicate the imposition of initial costs of \$4.7 billion for acquisition and annual costs of \$3.4 billion for sustainment.³⁴ All but a few jurisdictions will have no ability, or incentive, to strive for compliance with NIMS or the TCL. Given the lack of appreciation for the realities of scarce resources at the state and local level, there are few reasons for governments below the national level to take the TCL seriously.

State and Local Governments

State and local government are entities that provide goods and services based on some form of revenue and expenditure scheme that reflects the preferences of the constituents of those governmental entities. Using this definition, there are approximately 39,000

jurisdictions (counties, cities, towns, villages, etc.) providing an array of public goods and services to constituents.³⁵ These jurisdictional entities are significant when discussing homeland security, because these jurisdictions have the task of fulfilling homeland security responsibilities by attempting to ensure that all measures have been taken to prevent, protect against, respond to, and recover from catastrophic events. After all, all disasters are local.

All but one state and nearly all the sub-state jurisdictions are constitutionally bound to balance their respective annual budgets. State and local governments are also typically bound to higher levels of scrutiny and accountability, because these governments are closer to their constituents. The accountability of state and local government manifests itself through public meetings for all government activities, public budgets, outside auditing, competitive bidding practices for procuring services, and many other activities in which transparency is demanded by the citizens.

Most state (and local) governments operate on budget cycles that generally are annual or biennial in nature.³⁶ All but nine states have some form of state income tax system tied to the federal income tax system. When the economy is doing well, state revenues are generally very strong. However, when the nation is in a recession, the impact on state income tax revenues is often extremely stressful for state governments. Most states also use a sales tax to support further revenue generation. Corporate taxes and user fees tend to round out state tax revenue schemes.

Local governments often are faced with tough budget situations and are normally funded through property taxes and fee systems for services. Many large metropolitan areas also use local sales and income taxes to support government operations. The variety of taxes available to most sub-state jurisdictions is limited, which leads to other difficulties when resources are stressed.

Given that competitive forces are strong at the state and local level, finding a balance between providing preferred public goods and services and funding those goods and services with an appropriate and acceptable tax and fee structure is perhaps the most difficult challenge for state and local legislators and administrators. There is significant resistance on the part of both administrators and constituents to raising taxes, so revenue streams are restricted at best.³⁷

As was mentioned previously, the perspectives of those at the state and local level are different from those at the federal level. When focused on governance and homeland security, state and local officials worked diligently to achieve a new equilibrium in spending and expansion of existing public safety and emergency management mission space to include “homeland security.” As the executive director of a prominent emergency management organization expressed, “Terror is another hazard to be included in our all-hazard approach to accomplishing our mission.”³⁸ Survey data confirm that state and local governments, when considering the hazards that most influence planning and resource allocation, consider acts of terror ranking alongside drug trafficking and school shootings. These events are considered the least likely high consequence events to occur in most jurisdictions. The only jurisdictions that consider terrorism a realistic priority are those with large, dense populations with significant infrastructure that might attract terrorist interests.

There are a couple of points that should be made so as to provide a broader context for the discussion of reallocation of resources and funding the expanded homeland

security mission space at the state and local level. Over time, however, funding at the state and local level has stabilized to the point that there is a new equilibrium for revenues and expenditures at the state and local level. This behavior is consistent with competitive federalism tenets and belies the argument that competition leads to a “race to the bottom.”

The second point to make is that in the aftermath of 9/11, constituents made their preferences known to their agents (elected or appointed representatives) but have subsequently decided that if more revenue is to be spent on homeland security initiatives that money will have to come from other programs (for which preferences have changed) or from revenue-neutral intergovernmental transfers. After having reached a new equilibrium, they will not entertain discussion of increases in taxes to further expand public safety, emergency management, or homeland security capabilities.³⁹ *Most jurisdictions in the United States are spending exactly as much as they need to spend on homeland security. Unless the federal government provides state and local jurisdictions revenue-neutral or revenue-positive funding, it is unlikely state and local governments will expend greater resources than are already being spent.*

In recent years, the general behavior of state governments, when enjoying budget surpluses, has been to provide tax cuts to the citizens, increase allocations to “rainy day” funds, broaden the client base for social programs, provide incentives to particular industries to attract them to the states, or a combination of these techniques.⁴⁰ The sensitivity of constituents to marginal tax rates sometimes forces states to focus on short-term solutions rather than look to the future to secure stability in the fiscal regime of the state. Likewise, constituents have become sensitive to broadening client bases when surpluses are small but seem more generous when surpluses are unexpectedly large. No matter the situation with budget surpluses, state and local governments act to increase their competitive positions relative to other peer jurisdictions.⁴¹

One of the most important revenue streams for state and local governments is the federal tax revenue repatriated through grants-in-aid. In fiscal year 2004, the last year for which complete data are available, state and local governments received 31.9 percent of their operational revenue from the federal government. Although state and local governments may appear to be addicted to the repatriated revenue, they are not in favor of categorical grants and the persistence of unfunded or under-funded aspects of the programs supported through these grants. The weakening of the relative position of the state and local governments in the current intergovernmental relations scheme has been affected by the loss of some fiscal autonomy.⁴² Further, state and local governments want most of the grants moved from categorical grants to block grants. Block grants provide state and local governments the flexibility needed to apply the funds where they best serve constituent needs and eliminate the requirement to use own-source funds to ensure full implementation and administration of the programs supported by the funds.⁴³

There are some difficulties in getting Congress or executive department agencies to move to block grants as neither can claim credit for the distribution of funds to pet projects or districts. In countless conversations with federal level bureaucrats concerning homeland security grants, the common theme is that the state and local governments need to be accountable for the funds they are receiving. *In truth, homeland security grant funds comprise less than one half of one percent of the overall*

*operating budgets of state and local jurisdictions, and homeland security is a distant, minor priority in the general budgeting scheme of all but a few jurisdictions.*⁴⁴ What federal officials fail to grasp is that state and local officials are not accountable to the federal government but to their constituents.

Given the current administration's movement from program analysis to performance management, most grant programs fair poorly. The use of the Performance Assessment Rating Tool (PART) process has caused considerable friction and tension between the federal government and state and local governments attempting to administer grant programs. Not surprisingly, block grant programs perform the worst with this system.⁴⁵ Ironically, the most effective public program operating today is the Temporary Aid to Needy Family program where the funds are given to the states with wide discretion in how to implement and management program activities.⁴⁶

To date, all DHS administered grant programs have focused on building capacity without attention to funding to support required human capital and sustainment. This factor can be mapped back to Congressional pathologies. The instructions found in grant application materials are explicit about what can and cannot be purchased. Many jurisdictions now have new fire trucks, ambulances, and police vehicles, but few have been able to add staff to operate the new equipment. Subsequently, jurisdictions have been able to replace aging equipment with new equipment, but have added no capability and little capacity to their operations. Further evidence of the ineffectiveness of grant distributions has been the phenomenon of fewer and fewer jurisdictions applying for grant funding, because those jurisdiction cannot, or will not, overcome the opportunity or transaction costs associated with pursuing homeland security grant dollars.⁴⁷ This single phenomenon has had dramatic impact on federal level policy developers who are having difficulty explaining the reluctance of some state and most local governments to feed at the homeland security public trough.

The distribution of funds under the current grant programs is uneven at best. States with high populations and population densities receive relatively little funding per capita compared to states with low populations and population densities. The distribution of funds related to other homeland security programs outside those administered by FEMA may dilute the overall effectiveness of the internal grant programs, because the funds are distributed to highly concentrated areas (although the funds to fulfill these grant requirements are taken from the national tax revenue base). State and local administrative agents for homeland security grant funding do not see most of these funds as they are passed directly to agencies at the local level. At present, there is no mechanism available to examine the balance of all grant programs, nor are there any mechanisms to level grants to ensure more equitable distribution of funds. Even with recent changes to the state homeland security grant program distribution formula, the baseline distribution of funds is still unbalanced in favor of small population states.

THE ASSUMPTIONS AND THE CURRENT POLICY ENVIRONMENT

There are a number of assumptions, or elements of conventional wisdom, related to homeland security national preparedness public policy that must be addressed. Based on the discussion above, the following paragraphs examine the assumptions upon which

current policies are being developed and why the assumptions are flawed. If the assumptions are flawed, then any subsequent policies forthcoming will be flawed as well. As Ingraham advises, if the policy problem has been properly identified, it is not likely that policy errors will have to be corrected after implementation.⁴⁸ Further, bad assumptions lead to a distorted view of the current policy environment. In order to find reasonable solutions to reestablish national preparedness policy efficacy, we must appreciate the realities that compel behaviors at the state and local level to be contrary to those desired by an insensitive national government.

This assumption is indicated by examining the HSPDs and subsequent policy documents associated with homeland security national preparedness. The Department of Homeland Security has based most of its preparedness planning on the fifteen national scenarios that address natural and man-made disasters, which range from response to a conventional improvised explosive device to the detonation of a nuclear weapon inside the United States. The Target Capabilities List (TCL),⁴⁹ a document outlining some 2,500+ preparedness and performance measures in thirty-seven target capabilities for national, state, and local governments, is predicated on matching capabilities at each level of government with the “requirements” to meet a particular scenario. Though supposedly not prescriptive, the TCL is gaining the status of being a “standards” document for all general purpose jurisdictions in the country.⁵⁰ Similarly, the document has only recently been subjected to any level of cost analysis. That analysis indicates that the costs of meeting the requirements found in a handful of common capabilities far exceed the level of grant funding available to general purpose jurisdictions through all of the grant programs associated with homeland security and managed by DHS.

The major problem with the assumption above is that the level of preparedness outlined in the TCL is unattainable. There are simply not enough resources available for the 39,000 general purpose jurisdictions to build the capacities suggested in the TCL. The expectation implied in the assumption is that state and local general purpose jurisdictions will spend own-source revenues to build the capacities outlined in the TCL. State and local governments, however, are already spending all they are going to spend on public safety, emergency management, and homeland security. The budget priorities of state and local governments reflect the preferences of constituents. Typically, the priorities of state and local governments concentrate the majority of spending on education, transportation, job training, development, income security, and health care. There is very little left in public coffers to expand public safety and emergency management funding beyond the level preferred by citizens within the respective jurisdictions.⁵¹ For the national government to think otherwise is indicative of insensitivity to, or ignorance of, the dynamics of budget priorities of governments below the national level.

In the days immediately following the attacks of 9/11, policy documents placed emphasis on including state and local governments in the policy process and, in particular, addressed the need to honor the principles of federalism. However, as time passed and policy development evolved, state and local governments became less partners and more instruments of policy implementation. One of the most vocal complaints heard from state and local officials is that federal officials, particularly in

DHS, have not provided officials below the national level a strong enough voice in policy development and implementation.

One of the common complaints voiced by those in DHS and Congress is that state and local jurisdictions must be accountable for the funding received through grant programs. To that end, DHS officials have increased grant reporting requirements with each version of the grant guidance since 2004. Subsequently, state and local officials have stopped applying for grant funding because the transaction and opportunities costs associated with gaining grant funding cannot be overcome. Therefore, most of the jurisdictions that applied for funding early on have stopped applying. The federal government demand for accountability and the directive nature of policy documents provide few incentives for state and local governments to participate in policy development and give the impression that homeland security is no longer a national problem requiring collaboration but a federal problem requiring compliance. State and local government authorities would be much more likely to collaborate with federal officials if the national government appeared to be interested in collaboration, facilitation, and optimization of preparedness based on the resources available, rather than continuing to coerce jurisdictions into spending funds that are currently applied to the preferences of citizens.

One other point pertaining to this assumption needs to be highlighted. The amount of homeland security grant funding coming to state and local governments is less than 0.3 percent of the operational budgets of state and local governments. The coercive approach employed by DHS to gain compliance with the National Incident Management System or with the TCL loses its impact when the funding levels are so low to begin with and have been declining every year since 2002.⁵²

Homeland security national preparedness public policy, as documented in the latest version of the *National Strategy for Homeland Security*,⁵³ is focused on applying the efforts of the nation to preventing, protecting from, responding to, and recovering from acts of terrorism. At the state and local level however, “terror” is considered as yet another hazard that must be addressed in the expanded public safety and emergency management mission space. One of the major complaints from state and local officials is that the federal government is “all terror-all the time,” leaving preparedness for the more frequent occurrences of fires, floods, hurricanes, tornados, and earthquakes as an afterthought for which little is being done at the national level.

Perhaps one of the key challenges undermining the above assumption is that all-hazard national preparedness is a top-down requirement that must have federal government stewardship. In fact, preparedness in communities around the country is a bottom-up proposition that requires application of contemporary public management models to build capacities for community resilience and to ensure that help is available in times of crisis. One must remember that all disasters are local and few events ever rise to the level of national significance. Similarly, when communities respond to requests for help, they provide *temporary excess capacity* – that amount of help available at the time of the event for a specific time. Perhaps most significant is the fact that capacities in communities ebb and flow based on funding, conditions, preferences, and demographic changes. These capacities are not finite and fixed. Federal government officials would be well served to remember that most events are local, focused, and

discrete, and any response builds from the bottom up to include support from other jurisdictions horizontally and from different levels of government vertically.

If the one can accept that the assumptions listed above might be suspect, then one should be interested in whether there might be institutional pathologies, misguided policies, and bad policy instruments that further exacerbate the sub-optimization of national preparedness. The next section, however, discusses of the key foundational documents that have guided the evolution of national preparedness public policy.

ANALYSIS AND FINDINGS

Does the description of the current policy environment provided above support the assumptions currently guiding national preparedness policy development? The answer is a resounding “No.”

The first assumption asserts that the nation can achieve an idealized level of preparedness based on current or foreseeable resources. Certainly, the national policy documents seem to indicate that there is some idealized level of preparedness to which each jurisdiction must contribute. However, this is simply not possible. No amount of coercion on the part of the national government will compel state and local governments to spend money they do not – or will ever – have. State and local governments are accountable to their citizens and cannot alter budgetary priorities focused on the compelling needs of education, job training, transportation, development, income security, and health care. Further, state and local governments absorbed homeland security mission requirements into the existing mission space found in public safety and emergency management. Without an increase in homeland security grant funding, state and local governments will be left to augment preparedness and increase community resilience based on public management models other than the ones in place at this time.

The second assumption states that the national government should direct the development of national preparedness policy and ensure that state and local governments comply with the guidance and account for all homeland security grant funds. In the study of economics, good information is required to make sound economic decisions. It is preposterous for the national government to assume that officials in DHS have enough information to make decisions about what is best for the citizens of Florida, Kansas, or Arizona. The one-size-fits-all approach to policy development belies any sensitivity to the fact that perhaps conditions might be different in each state, county, city, and village.

The second element of this assumption presumes that the grant program is effective in altering the preparedness landscape of state and local governments. Given that many jurisdictions have decided they cannot overcome the transaction or opportunity costs associated with applying for grants, the need for accountability may be lessening. Similarly, the amount of money being distributed to state and local governments is of little consequence in the typical budget scheme found below the national level of government.

The third assumption concerns the efforts of the national government to build national preparedness policy based on the full involvement of state and local governments that includes a full appreciation of an all-hazards approach to emergency management and public safety. As can be seen in the evolution of the most recent policy

documents, state and local governments have been consulted about but not included in the policy development process. If state and local governments are to augment preparedness levels, they must do so based on a strong reliance on a bottom-up approach as opposed to accepting a top-down approach that most likely does not fit the needs of constituents.

If the key assumptions upon which national preparedness policies are based are flawed, there are changes that can occur that will allow the nation to achieve a level of preparedness above current levels – if new assumptions are advanced. What might those new assumptions be that would allow a different frame of reference for those charged with preparedness responsibilities, regardless of level of government?

The first assumption should be reshaped to acknowledge that the level of preparedness possible in the country is bounded by the resources available to federal, state, and local governments. The greatest constraints are found below the national level. The second assumption needs to be modified to allow for state and local governments to meet the needs of constituents by working toward guidelines, not mandates, for national preparedness. Further, grant funding should be given in the form of block grants with maximum flexibility available to recipients. If the national government cannot live with this level of latitude, then perhaps no money should be given at all, given that the current amount is so small compared to other revenue streams. Finally, the national government should perhaps take on the role of facilitator rather than dictator and cede policy sovereignty to a shared form of policy development focused on the needs of sub-national governments. If the underlying assumptions upon which policies are based are changed, then perhaps recommendations can be fashioned that will allow the nation to achieve the level of preparedness possible within the immutable constraints that are not likely to change.

RECOMMENDATIONS

Rather than rehashing the material entered above, perhaps the focus should be on addressing the Agranoff and McGuire jurisdiction and network models and examining whether or not these models might allow state and local jurisdictions to increase community resilience and preparedness. The models must be examined together, though, as doing one without the other does not seem to optimize their collective value.

The jurisdiction model asks the government entity to place itself in the center of a policy arena and focus on planning that will allow the jurisdiction to achieve its strategic objectives. As the jurisdiction develops its strategic objectives, the planning process should develop outcomes that include all own-source assets and should identify those assets that need to be acquired. Perhaps the jurisdiction can apply for grant funding. Perhaps the jurisdictions can enter a cooperative agreement with the state. The idea is to harness, in the planning process, all the resources the jurisdiction might need to meet its long-term objectives.

If the focus of the planning process conducted by the jurisdiction is to enhance community resilience and augment preparedness, then the government entity should be the capacity center, meeting preparedness needs horizontally from other similar governments and vertically from different levels of government. With a comprehensive

planning effort in support of the jurisdiction model, the government entity will have identified the resources needed to meet requirements.

The next step is to apply the network model to the preparedness strategy developed using the jurisdiction model. The basis of building a viable, scalable, and effective network is to understand that the preparedness and response capacities of a jurisdiction are fluid and not fixed. In order to provide assistance to a neighboring jurisdiction, temporary excess capacities can be provided for a limited amount of time. At some point the capacity loaned to the neighboring jurisdiction must be returned to fulfill the needs of the lending jurisdiction. This advancement of temporary excess capacity is a key to augmenting capacities without incurring additional costs.

An anecdote supports the use of these models to augment capacities from the bottom up. Recently, in a small town in the author's home state, a grain elevator exploded due to the accumulation of grain dust ignited by an errant spark. There were several injuries and the elevator was rendered unsafe. In the ensuing response, jurisdictions throughout the region sent first responders to augment the local government's efforts to treat the injured and secure the scene. The response, so typical of this part of the country, was based on the temporary excess capacities of those neighboring jurisdictions. The help was sent willingly without concerns for free riding and the response was mounted in an ad hoc manner without formal agreements. However, based on the nature of the preparedness environment and the political culture of this region, one can be assured that an informal network had been established that provided some assurance that help would be coming if needed.

The incentives for local jurisdictions to follow these models are numerous. First, preparedness professionals can gain some certainty that needs are identified and resources are located that will allow the jurisdiction to meet its preparedness needs. Second, elected officials in the jurisdiction can be assured that preparedness augmentation can occur without incurring additional costs. These same individuals, the faces of most emergencies, will have a greater stake in ensuring that the network developed is extensive, comprehensive, and includes horizontal and vertical elements. Finally, the citizens of the communities involved can be assured that their government will be resilient in times of crisis and that their preparedness is as great as is possible given the resources and circumstances.

CONCLUSION

There is always hope for things to change, but the definition of insanity is doing the same things over and over again and expecting different results. It is time to end the insanity in homeland security national preparedness public policy. If officials at all levels of government do not change what is being done, national preparedness will continue to be at levels below what is possible.

The first step to changing the direction of national preparedness policy is to revise the operating assumptions upon which these policies are based. The current assumptions are flawed and must be changed.

The second step is to encourage state and local governments to adopt contemporary public management models for planning and augmenting preparedness from the bottom up. Local jurisdictions must embrace the notion that the safety and security of

their citizens lies in their hands and not wholly in the hands of the national government. By focusing on achieving strategic preparedness goals through networking, preparedness levels will increase without further distortions of budgets and without coercion from the national government to achieve levels of preparedness that are unattainable given the level of resources available.

Finally, state and local governments must help the national government gain an appreciation of what all-hazards emergency management really means. Terrorism, perhaps the most compelling threat to national security, is not the only hazard for which government should prepare. The responsibilities at all levels of government are profound, so getting it right is essential – a national requirement.

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