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April 3, 2006

2006 State Homeland Security Directors Survey

New Challenges, Changing Relationships

Executive Summary

At all levels of government, homeland security organizations are still in their infancy. Although states typically created homeland security agencies and organizations prior to their federal counterpart, even the oldest consolidated state homeland security structures rarely predate 2000. As these organizations continue to evolve, policymakers remain uncertain about their governance, policies, and priorities. To begin to answer questions concerning these areas, the National Governors Association Center for Best Practices (NGA Center) conducted its second annual survey of the 55 state homeland security directors during December 2005 and January 2006. The results of this survey reflect the responses of 40 homeland security directors from the states, territories, and commonwealths comprising the United States. This number includes 38 responses from the 50 states — a 76 percent response rate — and two responses from the commonwealths and territories. For the purposes of this issue brief, all results are based on the 40 survey respondents and the term “state” includes territories.

Key findings of the survey include:

- Two new challenges — pandemic influenza and natural disasters — joined the list of top priorities from the previous year’s survey. The ongoing top priorities include interoperability, intelligence, and coordination with local agencies.
- Concern continues over the lack of state input into federal policy development. Homeland security directors are nearly unanimous in their recommendation that the federal government coordinate with states prior to adopting and implementing policies. They also want to see greater federal coordination among key agencies such as the Department of Justice, the Department of Health and Human Services, and the Department of Homeland Security (DHS).
- The multiple demands on National Guard forces have left more than half of the states with a diminished capability to meet responsibilities of state emergency plans.
- State homeland security directors view the primary DHS state grant program as underemphasizing disaster prevention and recovery.
- Eighty percent of respondents are in the process of coordinating homeland security plans with infrastructure owned by the private sector. For example, more than 50 percent of homeland security directors report coordinating with surrounding states to protect ports,

transit systems, agriculture, energy infrastructure, water infrastructure, and public health infrastructure.

- A majority of homeland security directors are somewhat or completely dissatisfied with the specificity and actionable quality of the intelligence their states receive from the federal government.
- Fifty percent of state homeland security directors tout the Emergency Management Assistance Compact as “very efficient,” with some offering changes to further improve the process of obtaining resources through the mutual aid agreement.

Introduction

At all levels of government, homeland security organizations are still in their infancy. A 2004 article from the *Journal of Homeland Security and Emergency Management* describes how the term “homeland security” only gained extensive usage around 1998 and the word “homeland” only began to appear widely in congressional documents around 1995.¹ Although states typically created homeland security agencies and organizations prior to their federal counterpart, even the oldest consolidated state homeland security structures rarely predate 2000. Of 25 states indicating the age of their homeland security structures in a 2005 National Governors Association Center for Best Practices (NGA Center) issue brief, more than half mark 2001 as their year of origin.²

As these organizations gain their institutional footing, questions abound for policymakers. What does an effective state homeland security strategy look like? Where do homeland security directors sit in the upper levels of state government? What are the top priorities of the men and women charged with protecting state citizens from terrorism and other disasters? How do these state homeland security directors interact with their federal, local, and tribal partners?

To begin to answer these and other questions, the NGA Center surveyed state homeland security directors in 2005. The first survey highlighted achievements and progress of state homeland security structures still in their early development.³ Since the release of the first survey, new challenges have occupied the attention of the directors. Midway through 2005, the federal government recognized hurricane-related emergencies in 45 states as Hurricanes Katrina and Rita cut a path of destruction through large parts of Louisiana and Mississippi and left those states along with many others to cope with massive evacuee populations.⁴ State homeland security directors also grappled with the emerging threat of avian influenza and the implications of a potential global pandemic. In addition, in some states, new homeland security directors took the helm of their organizations.

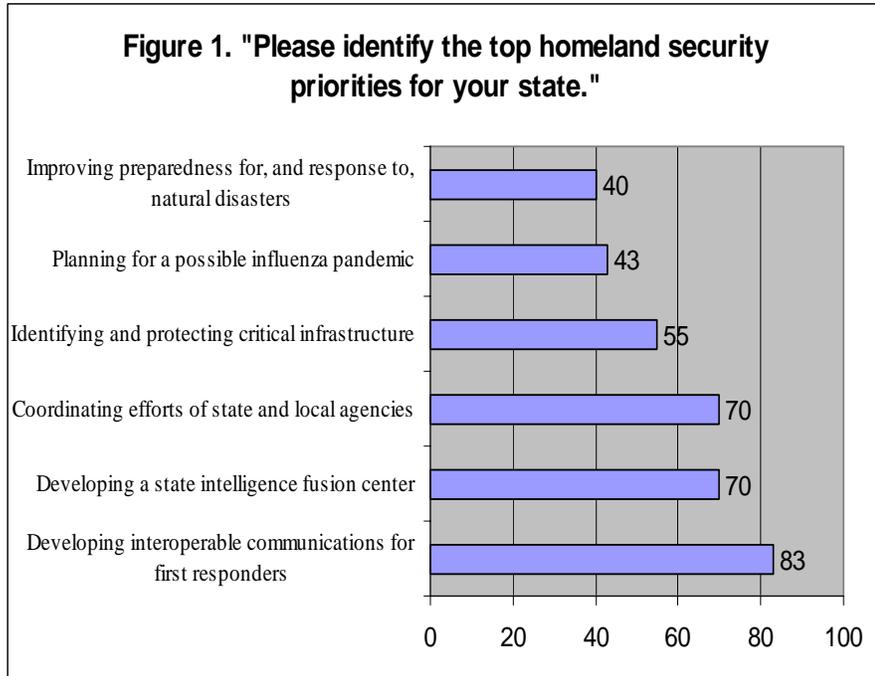
Within the context of this changing environment, the NGA Center conducted its second annual survey of state homeland security directors between December 2005 and January 2006. The results of this survey reflect the responses of 40 homeland security directors from the states, territories, and commonwealths comprising the United States. This number includes 38 responses from the 50 states — a 76 percent response rate — and two from the commonwealths and territories. Throughout this issue brief, the term “homeland security directors” refers to these 40 respondents.

The NGA Center administered the second survey to gauge progress in key areas, including governance and strategy, coordination between government and the private sector, and operations. In many important matters, the state homeland security directors highlighted new challenges they face as they seek to redefine relations with their homeland security partners — especially their federal partners.

Priorities, Governance, and Strategy

The state homeland security directors’ top four priorities reflect some new challenges from the past year, but many issues remain on the agenda. For the second time, the top priority identified by state homeland security directors is

“developing interoperable communications for first responders” (see Figure 1). The second, third, and fourth top priorities are “coordinating efforts of state and local agencies,” “developing a state intelligence fusion center,” and “identifying and protecting critical infrastructure.” The repeated focus on interoperability, coordination,



intelligence, and critical infrastructure likely reflects long-term investments and partnerships with local governments and the federal government, as well as with the private sector.

The two priorities new to the 2006 survey are “improving preparedness for, and response to, natural disasters” and “planning for a possible influenza pandemic.” The importance of these two new priorities also is echoed in some of the other results from this survey. For example, 40 percent of respondents report their state has already completed a specific plan for a possible influenza pandemic. The remaining 60 percent indicate work on such a plan is still in progress.

Additional Findings

In addition to identifying top priorities for the coming year, the responses also shed some light on the diverse job descriptions of the top state homeland security officials, the governance structure for homeland security within the states, and the status of a variety of planning efforts. These findings include:

- Forty-six percent of homeland security directors describe their role as reporting directly to the governor. In another 29 percent of states, homeland security directors serve in a

dual role as an advisor and the head of a state agency such as emergency management or law enforcement.

- A small plurality (28 percent) of respondents describe their homeland security governance structure as a division/segment of a larger cabinet-level department or an advisory group coordinating budgetary and strategic decisions. Slightly fewer (23 percent) identify their state homeland security governance structure as an independent cabinet department dedicated to homeland security.
- The majority of states note that work is still in progress on the establishment of a continuity of government plan (62 percent), isolation and quarantine policies and guidelines (58 percent), and a state crisis communications plan (52 percent).

Government and Private Sector Coordination

The survey also queried state homeland security directors about their relationships with federal and local government partners, as well as with the private sector. Directors' responses reveal challenges of dealing with the federal government in the areas of funding, coordination with states prior to the implementation of policies, federal interagency coordination, and intelligence sharing. Responses also illustrate the growing importance of the private sector in state homeland security efforts.

Federal Funding

Fifty percent of state homeland security directors view the primary DHS state grant program as underemphasizing disaster prevention (see Figure 2). Fifty-seven percent also view the grant program as underemphasizing disaster recovery (see Figure 3).

In individual responses to the survey, several homeland security directors pointed to a lack of flexibility as the reason for the underemphasis of prevention and recovery within the State Homeland Security Grant Program. To enhance states' ability to prevent and recover from disasters, one homeland security director suggested it should be possible to spend funds on activities such as information sharing, hiring additional personnel, and target hardening.

Figure 2. "How would you describe the emphasis that DHS' State Homeland Security Grant Program places on prevention?"

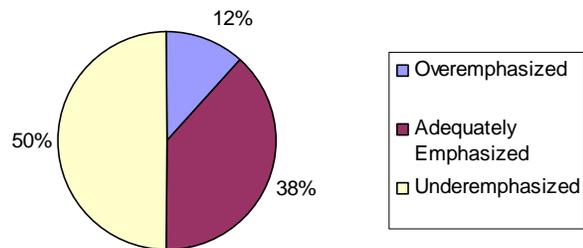
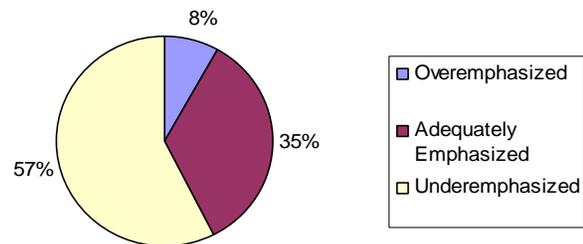


Figure 3. "How would you describe the emphasis that DHS' State Homeland Security Grant Program places on recovery?"



According to the state homeland security directors, redefining this program to give greater flexibility in these and other areas could help them sustain current investments while developing additional prevention and recovery capabilities to complement strong response capabilities.

Coordinating with the Private Sector

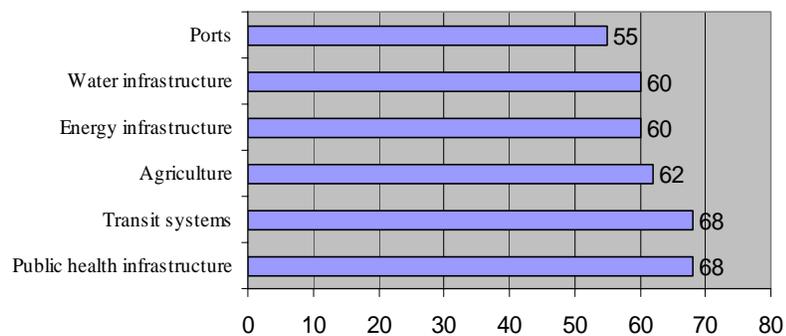
Eighty percent of states are in the process of coordinating homeland security plans with infrastructure owned by the private sector. With some estimates indicating the private sector owns between 80 and 85 percent of all critical infrastructure in the United States, state homeland security directors take their relationship with their private partners seriously.⁵

“The best action DHS could take to benefit the security of the state, which would also benefit the overall security of the country, would be to allow more flexibility for expenditure of the Homeland Security grant.”

A state homeland security director

State homeland security directors are already actively working toward achieving regional protection of critical infrastructure. A majority of respondents have begun to reach out to their peers in surrounding states in several key areas, including ports (55 percent), transit systems (68 percent), agriculture (62 percent), energy infrastructure (60 percent), water infrastructure (60 percent), and public health infrastructure (68 percent) (see Figure 4).

Figure 4. "Has your state developed coordinated preventive measures with surrounding states to collectively address deterrence and detection needs and information in"



The directors recognize assets such as nuclear power plants, emergency services, and water infrastructure often benefit several states and a multi-state, regional approach to their protection will often enhance security for citizens across numerous state lines.

Federal Coordination with States and Among Federal Agencies

Homeland security directors show nearly unanimous (90 percent) agreement about the need for the federal government to coordinate with states prior to releasing and implementing policies and the need for greater federal coordination among key agencies such as the Department of Justice, the Department of Health and Human Services, and the Department of Homeland Security. Currently, states do not feel they have any representation in the DHS policy development and rulemaking process. Several homeland security directors noted DHS consults with a limited number of handpicked state officials and then claims to produce policy based on broad state input. Even when DHS does bring these selected homeland security directors into its processes, it

often ignores their contributions. To further complicate matters, DHS policies provided through this process often lack transparency. A good example of this is the new risk-based funding formula that will drive the DHS grant allocation process to states. States have little idea of how DHS defines “risk.”

The additional problem of multiple federal agencies performing duplicative or contrary tasks has become evident in the push to protect critical infrastructure. Several federal agencies developed their own lists of critical infrastructure and conducted their own assessments of the vulnerability of these key resources. Not only is this information not being shared with states, but it also appears as though the various federal agencies are not sharing their information on critical infrastructure with one another.

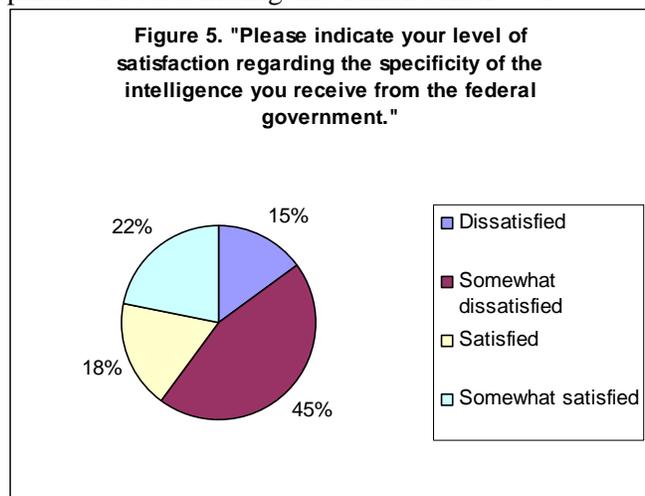
With respect to increasing the state role in DHS decision-making and enhancing federal agency coordination, homeland security directors outlined specific actions to help improve this relationship. Some general remedies include:

- Providing realistic deadlines and avoiding multiple, simultaneous deadlines for producing guidance documents,
- Designating a single point of contact for the states who works directly for the secretary of homeland security,
- Reducing the number of bureaucratic exercises that monopolize limited staff time, and
- Decreasing onerous paperwork requirements.

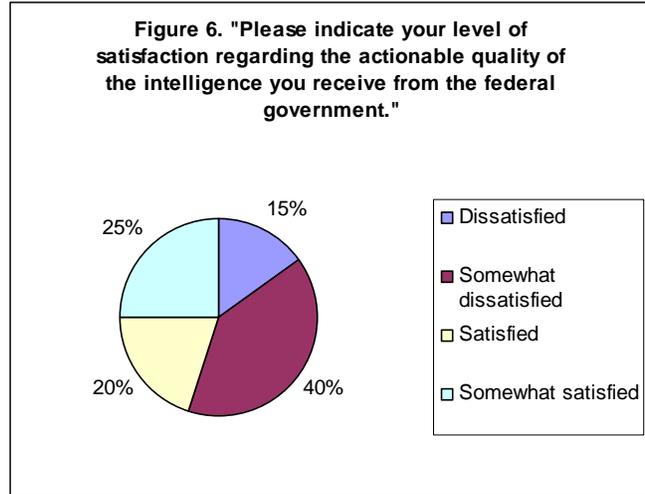
Federal Intelligence Sharing

Seventy percent of respondents rate the development of a state intelligence fusion center — a central location at which local, state, and federal officials work in close proximity to receive, integrate, and analyze information and intelligence — as a top priority.

Homeland security directors observe the role of the federal government in the fusion process remains lacking on two key fronts. Sixty percent of responding state homeland security directors are dissatisfied or somewhat dissatisfied with the specificity of the intelligence they receive from the federal government (see Figure 5). An additional 55 percent are dissatisfied or somewhat dissatisfied with the actionable quality of the intelligence they receive from the federal government (see Figure 6). These numbers represent a sharp increase from the combined dissatisfied/somewhat dissatisfied percentages from the previous year when 39 percent fewer respondents took a dim view of the specific nature of federal intelligence and 20 percent fewer respondents faulted its actionable nature.



The primary conduit for delivery of federal intelligence information to the states is DHS. It provides intelligence through several Web-based media such as the Joint Regional Information Exchange, which focuses on counterterrorism information shared by local and state law enforcement and the Department of Defense; the Homeland Security Information Network, which connects all of the states and territories in the United States to the DHS Homeland Security Operations Center; and the Regional Information Sharing System, which uses six regional intelligence-sharing centers to coordinate efforts across state lines.⁶



One state homeland security director offered the lack of “tear-lined” information as one of the primary obstacles leading to dissatisfaction with federal intelligence at the state level. Tear-lined information provides facts while omitting the sources and methods used by intelligence-gathering agencies. Because there is a lack of personnel with security clearances at the state and local levels, cleared state officials are often barred from passing on important, but classified information to their peers. Supplying tear-lined information could help to overcome this challenge by increasing the usefulness of information without creating concerns about compromising national security.

Additional findings

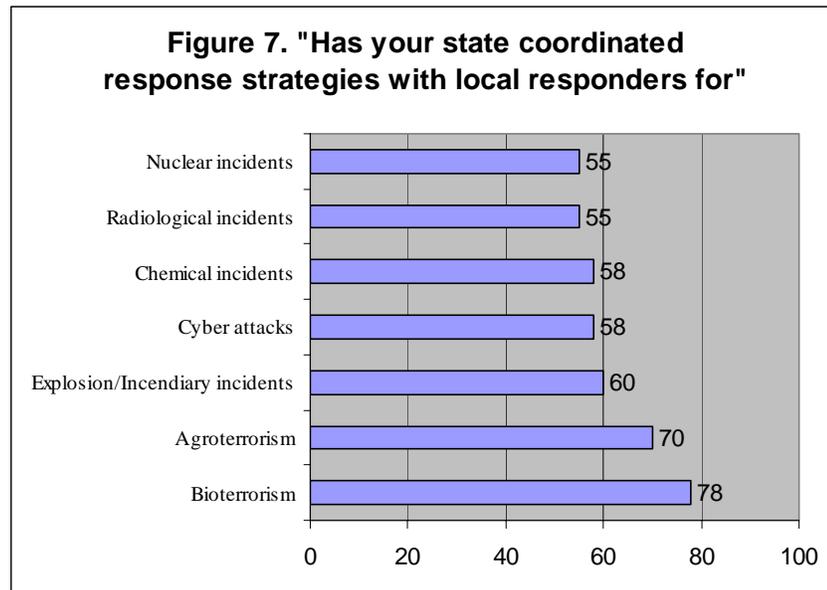
Beyond state-federal relations, respondents also provided information about their working relationships with local and tribal governments. These findings include:

- A majority (55 percent) of state homeland security directors report local governments have significant involvement in developing state strategic plans, including grant distribution.
- Sizable majorities of homeland security directors report coordinating response strategies with local responders for bioterrorism (78 percent), agroterrorism (70 percent), explosion/incendiary incidents (60 percent), cyber attack (58 percent), chemical incidents

(58 percent), radiological incidents (55 percent), and nuclear incidents (55 percent). (see Figure 7).

- Although 48 percent of responding states have no tribal governments, 57 percent of states that do

have tribes invite their government leaders to participate in the state strategic planning and grant process and report some degree of tribal participation in that process.



Operations

The survey asked homeland security directors about the efficiency and availability of the operational tools and institutions used to respond to disasters such as the Emergency Management Assistance Compact (EMAC) and the National Guard.

Efficiency of Emergency Management Assistance Compact

Fifty percent of state homeland security directors tout the efficiency of the Emergency Management Assistance Compact as “very efficient.” The Southern Regional Emergency Management Assistance Compact (SREMAC), EMAC’s predecessor, was created at the request of **Florida** Governor Lawton Chiles following Hurricane Andrew and 19 members of the Southern Governors Association signed onto it in August 1993. Because the SREMAC had clear national appeal, Congress approved the nationwide EMAC in 1996. Currently, 49 states, the U.S. Virgin Islands, Puerto Rico, and the District of Columbia have enacted the necessary legislative approval to join EMAC.⁷

EMAC provides member states with access to out-of-state personnel and resources for both response and recovery operations once their governors declare a disaster. The legislative approval required for membership in EMAC addresses details such as cost reimbursement, administrative functions, and legal issues. When a governor declares a disaster, the chair of the EMAC National Coordinating Group dispatches the EMAC advance team (i.e., A-team) to the impacted state’s emergency operations center. The A-team then helps to define, quantify, and document needs and coordinate offers of assistance from other states.⁸

The 2005 hurricane season marked the largest single deployment of both personnel and resources in EMAC’s history. At least 31,000 personnel from dozens of states traveled to Louisiana and

Mississippi to perform functions such as search and rescue, law enforcement, biomedical waste management, communications, and firefighting.⁹ Survey results clearly show state homeland security directors believe in the efficiency of EMAC in the wake of this trial by fire.

In addition to asking the homeland security directors to evaluate EMAC's efficiency, the survey gave them the opportunity to offer suggestions to improve the mutual aid agreement. Comments from homeland security directors include:

- The federal government needs to cooperate better with the EMAC process to combat the perception that federal agencies often circumvent the EMAC process.
- The National Emergency Management Association needs to provide additional assistance for using local resources through EMAC.
- EMAC should be used earlier in disasters, including the possible pre-deployment of resources.
- EMAC should enhance its regional focus by identifying regional A-teams in advance.
- Organizations involved in EMAC should conduct more efforts to educate agencies and public officials in the use and implementation of the compact.

Available National Guard Capabilities During Emergencies

In the first 72 to 96 hours after a disaster, most states and localities expect to conduct response without the benefit of reinforcements from the federal government. Governors and state homeland security directors faced with this challenge typically turn to their states' National Guard to help meet the responsibilities of their state emergency plans during this period. Nevertheless, the survey found the multiple demands on National Guard forces leave 58 percent of states with a 75 percent or less capability to meet the responsibilities of state emergency plans.

Although the National Guard conducts many missions, governors favor using the National Guard in times of emergency for homeland security purposes such as supplying security in a flood-damaged area or protecting mass vaccination sites under Title XXXII of the United States Code. In contrast, when the federal government assumes control of the National Guard it does so under Title X authority. The basic distinction between the two types of authorities is that the National Guard operating under a governor's orders can perform limited law enforcement duties without violating federal posse comitatis statutes. The 1878 Posse Comitatis Act prohibits the federal government from using the military, including the National Guard when federalized, from performing domestic police functions.¹⁰

Several factors have recently reduced the percentage of National Guard forces available to help states cope with disasters. Overseas deployments and recent budgetary cutbacks top the list of these factors. Also looming in the background is the Quadrennial Defense Review (QDR). The QDR proposes to increase the number of days the National Guard can be deployed from 270 to 365. In addition, the QDR recommends giving shorter notice prior to deployment.¹¹

Beyond personnel, one state homeland security director also highlighted the fact that National Guard units often face a shortage of equipment. This respondent pointed to a lack of

transportation equipment such as small unit-type vehicles, riot control gear, and interoperable communications equipment that allow the National Guard to speak with local law enforcement.

Additional findings

The survey also asked state homeland security directors to respond to several operational questions surrounding issues such as the status of interoperable communications, statewide emergency exercises, and the progress of their state intelligence efforts. These findings include:

- Eighty percent of state homeland security directors have developed a homeland security advisory system similar to the color-coded system used by DHS.
- Fifty-eight percent of state homeland security directors have implemented a statewide incident management system.
- Fifty-two percent of state homeland security directors have determined the homeland security roles and responsibilities of the National Guard.
- Eighty-two percent of state homeland security directors report efforts to develop a statewide interoperable communications capacity are still “in progress.”
- A plurality (45 percent) of states conducted statewide homeland security exercises between two and five times a year. An additional 28 percent of states conduct statewide homeland security exercises more than five times a year.
- Half of states report their efforts to bring their intelligence fusion system into compliance with the recently released U.S. Department of Justice’s Global Justice Information Sharing Initiative are still “in progress.” An additional 20 percent have already implemented the Justice Department’s recommendations aimed at providing guidelines for intelligence fusion centers.

Conclusion

The 2006 NGA Center homeland security directors survey shows a continued effort at progress during changing times. Within this context, new issues such as the risk of an influenza pandemic and natural disasters are joining more traditional priorities such as interoperability, intelligence, and coordination with local agencies. The survey also illustrates ongoing efforts by states to reach out to the private sector.

In this still-new policy area, the homeland security directors who responded noted challenges in relationships with their federal partners in areas such as funding, intelligence and information sharing, and coordination. In many cases, individual homeland security directors offered useful suggestions that could help to redefine federal-state relations as they continue to evolve in this important area. Examples include increasing flexibility for states to use DHS funds, producing more information to make federal intelligence usable, and avoiding duplicative or contrary federal activities and requirements.

Endnotes

¹ Annette D. Beresford, "Homeland Security as an American Ideology: Implications for U.S. Policy and Action." *Journal of Homeland Security and Emergency Management* 1(2004): 1-20.

² Joe Trella, "Overview of State Homeland Security Governance," National Governors Association, July 2005, available at <http://www.nga.org/Files/pdf/HOMESECSTRUCTURES.pdf>.

³ Jessica Toliver, "Homeland Security in the States: Much Progress, More Work," National Governors Association, February 2005, available at <http://www.nga.org/Files/pdf/0502HOMESEC.pdf>.

⁴ Daniel C. Vock, "Emergency! Declarations Help States Cope," *Stateline.org*, September 22, 2005.

⁵ New York State Office of Cyber Security and Critical Infrastructure Coordination, "Cyber Security: Protecting New York State's Critical Infrastructure," June 2003, available at http://www.cscic.state.ny.us/lib/reports/priv_public.htm.

⁶ Chris Logan and Joe Trella, "Establishing State Intelligence Fusion Centers," National Governors Association, July 2005, available at <http://www.nga.org/Files/pdf/FusionCenterIB.pdf>.

⁷ National Emergency Management Association, "2004 After Action Report — Hurricane Response: Emergency Management Assistance Compact," May 2005.

⁸ Ibid.

⁹ National Emergency Management Association, "Emergency Management Assistance Compact: Managing Large State-to-State Aid in Its History," September 7, 2005.

¹⁰ Testimony of Governor George Pataki before the U.S. House Committee on Government Reform, April 29, 2004.; Title X federalizes the National Guard under the President and the secretary of defense. Under Title XXXII, the National Guard remains under the command and control of the governor but receives federal funding

¹¹ U.S. Department of Defense, "Quadrennial Defense Review Report," February 6, 2006.