



# NATIONAL ACADEMY OF PUBLIC ADMINISTRATION

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Chairmen Ose and Shays, Ranking Members Tierney and Kucinich, and Committee Members, I am pleased to appear before you to testify on the Department of Homeland Security's (DHS) plan for co-location and consolidation of regional and field offices as required under Section 706 of the Homeland Security Act of 2002. I am President of the National Academy of Public Administration, which as you know is a congressionally-chartered, independent, non-partisan organization created to offer trusted advice to public leaders—Members of Congress and agency policy-makers. Views presented today are my own, and do not necessarily represent those of the Academy. I would like to focus my remarks on the “Regional Concept” referred to in the DHS Progress Report to Congress with some reference to training, technical assistance, capacity building, information dissemination, and first responders.

There is very little publicly-available information on how DHS plans to co-locate and consolidate its regional and field office structures to accomplish its mission, even in the documents recently submitted to Congress. As such, I cannot comment on what DHS plans to do. I can comment, though, on issues DHS ought to take into account as it develops and implements its plans. My remarks draw on the considerable experience of Academy Fellows and Researchers, who have been involved in numerous federal agency start-ups and reorganizations, many involving regional and field office restructuring. In addition, the Academy took the initiative to hold a Forum for senior DHS officials and representatives from the National Governors Association, International City/County Managers Association, and other organizations on intergovernmental relations and regional office structures in December 2003, from which much of my testimony is

drawn.<sup>1</sup> The Academy stands ready to assist your Committees and the Department of Homeland Security in any way we can.

I offer my remarks in two parts. First, it is imperative that evolving intergovernmental relationships, precipitated by September 11, be fully understood by all stakeholders in the system. Second, it is essential that regional and field office structures be effectively pieced together and managed within this new intergovernmental framework. Both issues—intergovernmental relations and office structure—affect training, capacity building, “one stop shop” mechanisms,<sup>2</sup> first responder effectiveness and overall management of the system. The management challenge is figuring out how to put together the different pieces of the puzzle to effectively protect the homeland.

### **Intergovernmental Relations under Homeland Security**

I believe that the emerging realities of intergovernmental relations under homeland security are as follows:

- **Eliminate Confusion.** Many city, county and state officials do not yet sufficiently understand functions, mandates, roles and responsibilities under homeland security. This is to be expected because many intergovernmental relationships must be hammered out anew. But some confusion arises because the Department of Homeland Security has yet to articulate a mission, vision, goals and objectives, and strategies in a way that clarifies intergovernmental relationships for city, county and state officials and other actors. One problem may be that the complexity of DHS necessitates multiple missions and strategies. In a multi-year

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<sup>1</sup> Managing Intergovernmental Relations for Homeland Security. National Academy of Public Administration, February 2004, available at: [www.napawash.org/si/HS-WHITE.pdf](http://www.napawash.org/si/HS-WHITE.pdf).

<sup>2</sup> For a study that addresses this issue, see Equal Employment Opportunity Commission: Organizing for the Future. National Academy of Public Administration, February 2003, available at [www.napawash.org](http://www.napawash.org).

project for the Department of Interior, the Academy helped facilitate a multi-agency, multi-jurisdictional approach to manage wildfires.<sup>3</sup> The hundreds of entities—many also involved in homeland security—know their mission and roles in putting out fires. But few in the homeland security system can make the same claim. This confusion around homeland security is exacerbated by the fact that there is no widely-accepted, common language in use by various stakeholders in the system. Governors, mayors, fire fighters, police, public health workers, disaster managers, FBI agents and the military now find themselves in the same arena, but using different languages for communications and different operational models, command structures, and frameworks.

DHS should: (1) better articulate its intergovernmental mission and vision, and particularly its goals and objectives; (2) obtain widespread buy-in from all stakeholders in the system; (3) widely publicize its framework as a high priority, and (4) train and build capacity within DHS and among external stakeholders to accomplish this mission. Further, DHS ought to take the lead in developing common languages and operational frameworks so that all stakeholders effectively participate in and fulfill their obligations to the intergovernmental system. Consideration being given to a new, robust National Incident Management System is an example of what is needed.

- **Develop Trust.** There is mistrust among all levels of government, and other non-governmental stakeholders. Some distrust arises from competition, previous

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<sup>3</sup> Enhancing Capacity to Implement the Federal Interagency Policy. National Academy of Public Administration, December 2001. Necessary intergovernmental partnerships are addressed in more detail in Containing Wildfire Costs: Enhancing Hazard Mitigation Capacity. National Academy of Public Administration, January 2004, both available at: [www.napawash.org](http://www.napawash.org).

cooperative experiences, or constitutional and legal issues, but much of it comes from inexperience and uncertainty. DHS should more actively identify sources of mistrust in the system and implement strategies for eliminating them. This will involve more intensive efforts by DHS to obtain buy-in for its plans and build partnerships, as the Academy has observed in many studies of regional cooperation.<sup>4</sup> Training, technical assistance, and capacity building must be accomplished through collaboration and partnership.

- **Balance Command and Control with Collaboration.** Some have argued that homeland security requires a command and control system of authority with DHS at the head. While a command and control system may be desirable in responding to terrorist attacks, the Constitution created a system of government that is highly decentralized, distributing authority among many stakeholders in a system of checks and balances. Recent Administrations have devolved some authorities and responsibilities back to cities and states in an effort to simplify government and make it more responsive. The Department of Health and Human Services, for example, grants waivers to states to pursue customized health care strategies in several DHHS grant programs. Intergovernmental relations have evolved from systems which were mostly vertical and stove-piped into multiple, overlapping networks which are linked vertically and horizontally. The Academy observed this networking phenomenon in a study we conducted on regional organizations.<sup>5</sup> And there are numerous stakeholders—including quasi-government, international,

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<sup>4</sup> Building Stronger Communities and Regions: Can the Federal Government Help? National Academy of Public Administration, March 1998, available at: [www.napawash.org](http://www.napawash.org).

<sup>5</sup> The Emerging Regional Governance Network. National Academy of Public Administration, March 1999, available at: [www.napawash.org](http://www.napawash.org).

non-profit, and private organizations—who now find themselves participants in new, evolving networks where they have scant knowledge and little experience. Managing intergovernmental relations using command and control models in a deeply fragmented, decentralized networked system is arguably the greatest challenge facing DHS.

To effectively manage the system, DHS must use collaboration, partnerships, and incentives to get buy-in from all stakeholders. DHS can also lead by setting national standards and developing protocols for threat assessment, critical incidence response and remediation to smooth functioning of intergovernmental relations. Many in the intergovernmental system have argued for national standards and protocols which can provide much needed guidance to hard pressed state and local officials. However, in doing so, it will be important for DHS to do this collaboratively and to recognize need for local governments to adapt their programs to unique local conditions and threats. Again, capacity building, especially, must be accomplished through partnering and collaboration. Typically, command and control—appropriately at the local, state or federal level—is necessary in responding to emergencies, but is less appropriate in critical incident planning, preparedness, prevention and hazard mitigation over the longer term that rely on collaboration and partnership. National standards, developed in partnership with stakeholders, are, to be sure, appropriate at all stages—planning through long-term remediation.

- **Test the System against Probable Scenarios.** Critical incidents, precipitated by terrorism or other emergencies, are likely to be unpredictable, unique, and severe,

presenting continuing challenges to our governmental structures. DHS is currently running critical incident simulations and training across the country in an effort to build capacity to encourage intergovernmental stakeholders to work together. Such capacity building measures are essential, but may not be enough: they are too narrowly focused. What may be needed is to take a set of probable crisis scenarios and ask stakeholders in the system to demonstrate how their personnel, equipment, and protocols and procedures would effectively respond in an inter-jurisdictional context. How, for example, would a mayor's office respond upon learning that the city had become a target of an anthrax attack that extended across an entire region? Could the intergovernmental network respond in concert, component by component? This requires a much more sophisticated capacity building initiative than those now in place.

- **Develop System-wide Capacity.** Many stakeholders in the emerging homeland security network have insufficient capacity to be effective partners with others operating in the system. This being the case, the intergovernmental system is really only as strong as these weakest links. DHS should focus its attention on vulnerable jurisdictions that are weak in their capacity to participate in responses to emergencies. When our weakest cities and states are unresponsive, DHS must step in to build capacity through training and technical assistance, and provide grants to encourage regional consortia, mutual aid, self-help and other assistance frameworks. This will present challenges to regional and field offices that must work with jurisdictions that have very different capacities and very different training and technical assistance needs.

- **Do Not Make Matters Worse.** Federal policy as complex as homeland security has the potential to produce conflicting goals and objectives, not to mention strategies. As DHS creates and expands intergovernmental networks, it should ensure that it is not building further contradictions into the system. For example, DHS believes that it is empowering communities when they may seek customized solutions to homeland security by offering 23 first responder grant programs on the one hand, while promoting consistency and collaboration on the other. First, multiple grant sources may be more burdensome and confusing, and less empowering, from a state and local perspective. Second, fragmentation and inconsistency may be most problematic when they occur within states or jurisdictions. Training, capacity building, and technical assistance will be difficult to deliver if jurisdictions have different systems in place.

I now turn to field and regional office structures through which DHS participates in the intergovernmental system and manages its own departmental affairs.

### **Field and Regional Office Structures under Homeland Security**

Section 706 of the Homeland Security Act requires DHS to develop a plan to co-locate and/or consolidate field and regional offices inherited from 22 agencies merged to form Homeland Security. In addition, homeland security-related functions once performed by agencies not included in the merger are being transferred into DHS. Arguably, this is the most complicated field and regional office reorganization ever undertaken by a federal agency. Some federal agency experiences with co-location and

consolidation have been problematic, others not so much so, but there is much that can be learned from them. Lessons more or less apply depending on how the Secretary wishes to assert command and control and influence circumstances. These are issues DHS must consider as it rolls out its field and regional office structures:

- **Derive Regional Structures from Mission.** DHS office structures must derive directly from a clearly articulated mission, vision and strategic plan which is widely known and accepted by intergovernmental stakeholders. Given the complexity of DHS responsibilities, the agency may need multiple missions. Office structures should not be created, then fit into the plan. In an Academy study of the Bureau of Census' regional office operations, for example, we found that regional office and field office directors across the system differed greatly in their interpretation of what their offices' missions were and how they were to accomplish it.<sup>6</sup> Only if the structure is derived from mission will it become clear how to organize and coordinate training, technical assistance, and information dissemination. This may mean that DHS could have a variety of field and regional office structures in place, rather than a uniform model. In any case, deriving structures from mission is a necessary condition for success, but certainly not a sufficient one. One reason why FEMA successfully reorganized some years ago is its careful attention to a mission-based structure.
- **Consider the Advantages and Disadvantages of Existing Models Carefully.** DHS may choose from among five generic field and regional office models that relate to intergovernmental relations and internal departmental functions,

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<sup>6</sup> The Field Office Directorate of the Bureau of Census. National Academy of Public Administration, July 2002, available at: [www.napawash.org](http://www.napawash.org).

including: (1) strong regional office director,<sup>7</sup> (2) weak regional office director,<sup>8</sup> (3) Secretary's Representative,<sup>9</sup> (4) coordinating committees,<sup>10</sup> and (5) different functionally-based sub-agency models. Each differs in the extent to which the regional office controls what goes on in the field. Given the mission(s) of DHS, it will be difficult to craft an effective office structure; only the Secretary's Rep and sub-agency models seem most appropriate. The Secretary's Rep basically publicizes DHS policies, offers another conduit for stakeholders to access policy-makers, and serves as the eyes and ears of the Secretary. The sub-agency model allows different components of DHS to organize regional offices depending on their portion of the mission. For example, FEMA may have regional offices, while INS may not. The strong regional director model can be problematic because it requires one person to manage an array of very different functions that may not relate to one another. The weak director model often adds another layer of bureaucracy into an already crowded system. The committee approach—having field office personnel meet together—has some benefits, but it does not meet the need to respond quickly and decisively to crisis because these committees have no authority. Again, it may also be the case that there could be different combinations of structures above, depending on how DHS defines its mission.

- **Establish Clear Lines of Authority.** DHS field office structures must clearly delineate unambiguous lines of authority back to headquarters. Some failures and

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<sup>7</sup> The Federal Aviation Administration, for example.

<sup>8</sup> The old Department of Health, Education and Welfare, for example.

<sup>9</sup> The Department of Housing and Urban Development, for example.

<sup>10</sup> The Department of Transportation, for example.

ineffective past reorganizations in federal agencies occurred because clear lines of authority were either not created or, if created, were not enforced. The Department of Housing and Urban Development eventually abandoned its regional office structure in favor of a stove-piped system of decentralized field offices because lines of authority had become blurred over time and the structures became ineffective. This will be especially problematic for DHS because of the large, diverse number of missions and stakeholders in the intergovernmental system. Success in responding to terrorist threats or attacks, or to natural and man-made disasters, as well, depends in part on the speed at which the intergovernmental system can respond. This being the case, authority for critical incident decision making should rest as much as possible in field offices closest to and most directly affected by events. The more levels of authority having a say in critical event management, the slower the response.

Regional offices, no matter what the ultimate structure, should come into play (1) when multiple field offices face terrorist attacks or other challenges they cannot handle amongst themselves, (2) when inter-jurisdictional operational disputes or disagreements arise among governments that cannot be resolved by field offices, (3) when some policy is to be imposed over multiple jurisdictions, or (4) when technical expertise is required beyond what can be provided by each field office. Of course, consolidating functions—training for example—in regional offices because they are more cost effective and efficient is also warranted. A DHS “one stop shop” should be established at the regional level only for situations beyond the capacity of field offices. In addition, it makes

sense to consolidate or co-locate those functions that will have the biggest payoff to DHS first, with other functions to follow.

- **Monitor Regional and Field Office Operations.** Headquarters must carefully monitor field and regional office activity as a high priority. Failure and ineffectiveness of past reorganizations have been attributed in part to lax agency oversight of field and regional office activity. DHS has an Assistant Secretary for Intergovernmental Relations in place. But DHS must ensure that this position does not merely manage communications from intergovernmental stakeholders to the Secretary, but monitors effectiveness of intergovernmental and field operations. This is especially important in delivering training and technical assistance and disseminating information where standardization and consistency must be maintained across the system. To the extent that other DHS functions are decentralized, some intergovernmental functions may need to be overseen through other mechanisms.
- **Place Career Civil Servants in Regional Management Positions.** Although there are advantages and disadvantages for each configuration, field and regional offices should be headed by senior civil servants, rather than by political appointees. Field and regional offices will require directors who not only have experience managing large federal organizations, but also have expertise in managing critical incidents. Directors will also need to develop and maintain partnerships among intergovernmental stakeholders over the long-term. It is unlikely that political appointees will fulfill these requirements: they tend to be inexperienced and employed only short-term. Political appointees play an

essential policy role, but that belongs in headquarters. The only exception to this would be if a very weak Secretary's Rep model were employed: this position, under many circumstances, would be conceived as a political one.

- **Inventory all Homeland Security Assets.** Much has been made of the enormity of the task of merging such a diverse collection of agencies into one department. But the top layer of the merger is only one consideration. Some past reorganizations have given too little attention to numerous federal entities in the field and regions that will have escaped notice: they fly under the radar of policy-makers looking for big ticket items. When EPA was created under the Nixon Administration, policy-makers discovered during the transitional process that there were numerous offices that no one realized were attached to the new agency. Past reorganizations sometimes failed because they assumed that the smaller entities would automatically follow. They may not. DHS must carefully inventory all assets in the field and expeditiously integrate them into and under the DHS structure.
- **Invest Heavily in DHS Staff Communications and Training, not just State and Local Capacity Building.** Field and regional office staff have done their work skillfully before merging into DHS. And DHS will likely focus on capacity building in state and local jurisdictions. But even the most proficient DHS staff will require additional information and training to function well under a new system. Some past reorganizations have greatly underestimated the need for intensive and continual communications and training—even among senior career staff. DHS must create training opportunities as it rolls out its regional and field

office strategy. This will not be easy: training is complicated and expensive, especially when staff is distributed across the country.

- **Address Differential Workload Issues.** Different areas of the country are subject to different kinds of terrorist attacks and other critical incidents, and hence, may have customized intergovernmental structures in place. Regions with seaports, for example, will have regional offices with a heavy Coast Guard, Customs, and Immigration presence, while regions in the Mountain states may focus more on wildfires, earthquakes, avalanches and flooding. As a consequence, staff workload can differ greatly by region and place. DHS must not wait to address workload issues. Morale and productivity in the civil service will hinge upon how well this issue is managed during the reorganization.
- **Accurately Estimate Time and Resource Requirements.** Past experiences in co-locating and consolidating field and regional offices show that policy-makers have typically underestimated both time and resources required. There is much talk about adequately funding homeland security, but very little about funding requirements to develop and implement co-location, consolidation and regional initiatives. The Academy is working with the FBI to help it transition from a criminal investigation organization to one that also prevents terrorism, espionage and cyber crimes. It will take several years for the FBI to make this transition, especially in the field.<sup>11</sup> In past experiences, when time and resource requirements were not accurately taken into account, regional and field structures either failed

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<sup>11</sup> Testimony of Richard Thornburgh, Chairman of the National Academy of Public Administration's Panel on FBI Reorganization, before the House Appropriations Subcommittee on Commerce, State, Justice, the Judiciary, and Related Agencies. June 18, 2003, available at [http://www.napawash.org/resources/congressional\\_testimony.html](http://www.napawash.org/resources/congressional_testimony.html).

or became ineffective. DHS should explore past efforts to ensure that its expectations are realistic. DHS could experience considerable delays in delivering training, technical assistance and “one stop shopping” if it cannot get its management systems and office facilities in place expeditiously. Problems occur when the task is made too complicated—simple works best.

- **Eliminate Duplication, not Necessary Redundancy.** Section 706 intends to have DHS wring out duplication from the regional and field office structures inherited from separate agencies. However, DHS should be careful not to confuse duplication—a bad thing—with redundancy necessary to replace intergovernmental components that fail or are immobilized in a critical event—a good thing. Capacity building across the system must enhance redundancy needed to effectively respond to critical incidents under unforeseen circumstances.

## **Conclusion**

Establishing an effective regional and field office structure through co-location and consolidation under the new realities of our intergovernmental system post September 11<sup>th</sup> is a daunting task—but I hasten to add, not an impossible one. I believe that a more effective “regional concept” would likely emerge from a more open debate about the issues raised here, particularly as they relate to training, technical assistance, capacity building and information dissemination.

Thank you for allowing me to share my views.