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Top Homeland Security Priorities for Congress in 2014

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The world today is more dangerous than it was on September 10, 2001. Threats to the homeland have increased as the President's leadership has caused the U.S. to lose respect and influence on every front. After at least 61 thwarted terrorist attacks in the U.S.,¹ those who are committed to destroying America's way of life cannot be ignored. Protection of the homeland needs more than promises of change from the Administration.²

The U.S. homeland needs to be safe and secure, and Congress has a vital role in providing the means to make it so. Given the truism that making everything a priority means that nothing is, Congress should focus on the following areas.

Establish New Counterterrorism Strategies.

This Administration seeks to deal with terrorism under a law enforcement paradigm that failed to protect Americans from terrorism when it was adopted by the Clinton Administration before 9/11. In addition, the White House intends to follow a "small footprint" strategy for overseas operations, relying primarily on Special Forces operations, covert action, and strikes with unmanned aerial vehicles. The President's strategy cedes the initia-

tive to America's enemies and provides them the opportunity to reconstitute both their moral and physical assets.

The right way to achieve the goal of defeating terrorism is to divide and defeat—first, prevent any one group from garnering the coalition of resources, allies, and support to mount a global insurgency; then, craft specific strategies to deal with significant terrorist threats aimed at America. Congress must insist that the U.S. retain a robust, enduring, and sustainable enterprise to identify and combat transnational terror threats.³

The U.S. must pay attention to the transnational criminal cartels in Mexico, as well as established networks by Hamas, Hezbollah, Iranian intelligence, and other terrorist organizations throughout Latin America. In particular, it is time to recognize that the Mexican cartels have features of both terrorist networks and insurgencies.

Effective domestic counterterrorism programs and cooperative efforts to thwart terrorist travel and financing are the most effective tools to keep a global insurgency from flooding America's shores.

Rather than talking about the need for state and local "information sharing," which really just means sending information to the federal government, the U.S. should first properly apportion roles and responsibilities between the federal government and states and localities based on the respective resources that each possesses (money, people, and experience). What is needed is a national domestic counterterrorism and intelligence framework that clearly articulates how intelligence operations at all levels should function to combat terrorism, while keeping citizens safe, free, and prosperous.

This paper, in its entirety, can be found at
<http://report.heritage.org/ib4130>

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Improve Effectiveness of DHS. Since its inception, the Department of Homeland Security (DHS) has been plagued with a massive number of oversight committees and subcommittees, a legacy from the department's having been cobbled together from 22 pre-existing agencies. DHS has multiple jurisdictions and multiple levels of authority that all play key roles in the security of the nation. With the majority of senior leadership positions still vacant, DHS oversight continues to be an issue.

Congress should streamline DHS oversight and address leadership vacancies. It should also address problems within DHS agencies such as the Transportation Security Administration (TSA). Congress should pursue risk-based screening procedures and broaden private-sector participation in aviation security through such mechanisms as the Security Partnership Program. The TSA should also work to further expand and use Secure Flight, TSA Pre-Check, and the Federal Flight Deck Officer Program in order to enhance and prioritize passenger screening and provide low-cost, high-utility aviation security measures.⁴

Enforce Effective Cybersecurity Legislation. Rather than addressing cybersecurity through large, comprehensive bills, Congress should pursue targeted legislative fixes that address key areas of the problem. These solutions cannot be rooted in heavy-handed regulatory methodologies that will do little besides fostering a failed culture of mere compliance.

Legislative actions addressing information sharing, supply chain security, cyber insurance, limited active self-defense, general awareness, education

and training, technical workforce development, and international engagement are all needed. Using market motivations and the power of the private sector would be far more powerful and effective than any new regulatory regime.⁵

Strengthen Immigration Enforcement. Currently, many U.S. immigration laws are simply not enforced due to various executive branch machinations, such as vast uses of prosecutorial discretion. The Obama Administration claims record deportations, but the reality is far more dangerous and costly.⁶ Furthermore, the U.S. legal immigration system is dense, difficult to navigate, and not focused on making immigration work for the U.S. economy.

Instead of more promises of future security and enforcement in exchange for costly, unfair amnesia today, the U.S. government should try faithfully enforcing the laws already in existence, providing the right technology and infrastructure for border security efforts, and reforming a dysfunctional legal immigration system.

State and local law enforcement have an important role to play in federal immigration. Section 287(g) of the Immigration and Nationality Act provides the legal authority for state and local law enforcement to investigate, detain, and arrest aliens on civil and criminal grounds. Any comprehensive border and immigration security legislation considered by Congress should include provisions for strengthening and expanding programs authorized under Section 287(g).

Rebuild the U.S. Coast Guard. The U.S. Coast Guard is, dollar for dollar, one of the most effective providers of security to the American people. Its

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1. See Cassandra Lucaccioni, "61st Terrorist Plot Against the U.S.: Terry Lee Loewen Plot to Attack Wichita Airport," December 18, 2013, Heritage Foundation *Issue Brief* No. 4110, December 18, 2013, <http://www.heritage.org/research/reports/2013/12/terry-lee-loewen-terrorist-plot-in-wichita-kansas-airport>.
 2. See Jessica Zuckerman, Steven P. Bucci, and James Jay Carafano, "60 Terrorist Plots Since 9/11: Continued Lessons in Domestic Counterterrorism," Heritage Foundation *Commentary*, July 31, 2013, <http://www.heritage.org/research/commentary/2013/7/60-terrorist-plots-since-911-continued-lessons-in-domestic-counterterrorism>.
 3. The Heritage Foundation, "Counterterrorism: Heritage Foundation Recommendations," Heritage Foundation *Issue Brief* No. 3915, April 17, 2013, <http://www.heritage.org/research/reports/2013/04/counterterrorism-heritage-foundation-recommendations>.
 4. See Steven P. Bucci and David Inserra, "Top 10 Issues the New DHS Nominee Must Face," Heritage Foundation *Issue Brief* No. 4072, October 23, 2013, <http://www.heritage.org/research/reports/2013/10/top-10-issues-the-new-secretary-of-homeland-security-nominee-must-face>.
 5. See Steven P. Bucci, Paul Rosenzweig, and David Inserra, "A Congressional Guide: Seven Steps to U.S. Security, Prosperity, and Freedom in Cyberspace," Heritage Foundation *Background* No. 2785, April 1, 2013, <http://www.heritage.org/research/reports/2013/04/a-congressional-guide-seven-steps-to-us-security-prosperity-and-freedom-in-cyberspace>.
 6. Jessica Vaughn, "Deportation Numbers Unwrapped," Center for Immigration Studies, October 2013, <http://cis.org/ICE-Illegal-Immigrant-Deportations> (accessed January 15, 2014).

flexibility and creativity in execution is one of the keys to its success. The Coast Guard is performing its various missions despite increasingly scarce resources.

This is particularly true in the Arctic region, where the Coast Guard has the primary responsibility to protect American interests but lacks the capabilities to adequately do so. The decommissioning of U.S. ice breakers, for example, has left the U.S. at a disadvantage. As other nations invest in ice-breaker technology to explore Arctic regions, the U.S. continues to fall behind.

A greater commitment needs to be made to the Coast Guard. Congress should establish and allocate funds to revitalize and rebuild the Coast Guard.⁷

Securing the Homeland. There is no single overriding issue facing America in the homeland security realm in 2014. However, if adequate progress could be made in these areas, the American homeland would be measurably more secure.

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7. James Jay Carafano, "America Is Leaving Itself out in the Arctic Cold," *Heritage Foundation Commentary*, October 28, 2013, <http://www.heritage.org/research/commentary/2013/10/america-is-leaving-itself-out-in-the-arctic-cold>.