

ISSUE BRIEF

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Time to Reform the U.S. Counterterrorism Enterprise—Now

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Several months ago, President Obama announced that the Department of Homeland Security (DHS) would provide work authorization and protection from deportation to as many as 5 million unlawful immigrants. While The Heritage Foundation has written extensively on the harm done to the U.S. immigration system and the rule of law, another serious side effect of Obama's executive action on immigration is the harmful redirection of attention and resources away from other pressing homeland security issues, ranging from terrorism to emergency preparedness to institutional reform at DHS. In order to implement the President's sweeping order, Secretary of Homeland Security Jeh Johnson and other leaders at DHS will simply not have the time, money, manpower, or trust of Congress to make important reforms to these other areas of critical importance. It falls to Congress to correct these misplaced priorities.

Created in the aftermath of 9/11, combatting terrorism is the central mission of DHS. Major problems with DHS's counterterrorism enterprise, however, continue more than a decade after the department's creation. Specifically, problems with the production and dissemination of intelligence and information continue to undermine U.S. security.

Imperfect Intelligence Sharing

In the aftermath of 9/11, DHS was created to ensure that silos of information are broken down, and that counterterrorism agents are able to use the best intelligence proactively. While great strides have been made in this direction, DHS's role in the intelligence and information-sharing arenas remain limited.

In 2012, the Senate Homeland Security and Government Affairs Committee found that fusion centers "often produced irrelevant, useless or inappropriate intelligence reporting to DHS and many produced no intelligence reporting whatsoever." It also provided multiple assessments and examples that show fusion centers were not meaningfully contributing to counterterrorism measures and may have even been harming efforts.¹ More recent reports also show fusion centers to have mixed results.² Meant to serve as hubs of sharing between federal, state, and local officials, the 78 fusion centers often serve cities or regions already covered by 104 FBI Joint Terrorism Task Forces (JTTFs) and 56 Field Intelligence Groups (FIGs), which play a similar role to that of fusion centers.³ This broad duplication of efforts results in an inefficient and counterproductive use of counterterrorism funds.

In 2013, the DHS Inspector General (IG) reported that DHS's Homeland Security Information Network (HSIN)—designed to share sensitive but not classified information with federal, state, local government, and private-sector partners—was only being used by a small percentage of all potential partners. State and local officials stated that one reason for not using HSIN was that "the system content was not useful."⁴ Since the IG report came out, however,

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HSIN has successfully migrated to an updated system and is seeking to add desired content from DHS components.⁵ At around 40,000 active users at the end of 2013, HSIN is far short of its 2015 objective of 130,000.⁶ Furthermore, a RAND report sponsored by DHS found that HSIN was only a somewhat useful source of information.⁷

Other DHS intelligence products and efforts also had mixed results. In 2013, the Senate Select Committee on Intelligence found that DHS's Office of Intelligence and Analysis (I&A) had more analysts than reports.⁸ In 2014, Government Accountability Office (GAO) surveys found that private-sector, intelligence-community, and DHS-component customers of DHS's intelligence products generally found them not useful, although the primary customers, DHS headquarters and state and local law enforcement partners, found them helpful.⁹ Combined with low morale—I&A was rated the third-worst office to

work for in the federal government in 2014—DHS's intelligence operations are far from where they should be.¹⁰

Of course, DHS is not alone in its shortfalls in the intelligence and counterterrorism sphere. While the FBI has made progress in its intelligence activities and sharing information with state and local law enforcement or private-sector partners, the recent report by the FBI's 9/11 Review Commission found that there is "still room for improvement"¹¹ as partners often view the FBI as "a one way street."¹² The report also found substantial problems in the FBI's larger intelligence endeavor, finding "a significant gap between the articulated principles of the Bureau's intelligence programs and their effectiveness in practice."¹³ While the National Security Branch and newly established Intelligence Branch, together with other substantial endeavors to build intelligence structures and programs, are steps in

1. Permanent Subcommittee on Investigations, "Federal Support for and Involvement in State and Local Fusion Centers," Committee on Homeland Security and Governmental Affairs, U.S. Senate, October 3, 2012.
2. Brian Jenkins, Andrew Liepman, and Henry H. Willis, "Identifying Enemies Among Us," Rand Corporation, 2014, http://www.rand.org/content/dam/rand/pubs/conf_proceedings/CF300/CF317/RAND_CF317.pdf (accessed April 10, 2015).
3. Department of Homeland Security, "Fusion Center Locations and Contact Information," January 9, 2015, <http://www.dhs.gov/fusion-center-locations-and-contact-information> (accessed April 10, 2015), and Federal Bureau of Investigation, "Protecting America from Terrorist Attack," http://www.fbi.gov/about-us/investigate/terrorism/terrorism_jtfts (accessed on April 9, 2015).
4. DHS Office of the Inspector General, "Homeland Security Information Network Improvements and Challenges," OIG-13-98, June 2013, p. 17, http://www.oig.dhs.gov/assets/Mgmt/2013/OIG_13-98_Jun13.pdf (accessed April 10, 2015).
5. DHS Homeland Security Information Network, "2013 Year in Review," <http://www.dhs.gov/sites/default/files/publications/HSIN-Fact%20Sheet-Year%20in%20Review.pdf> (accessed April 9, 2015).
6. DHS Office of the Inspector General, "Homeland Security Information Network Improvements and Challenges."
7. David Carter et al., "Understanding Law Enforcement Intelligence Processes," Report to the Office of University (of Maryland) Programs, Science and Technology Directorate, U.S. Department of Homeland Security, 2014, http://www.start.umd.edu/pubs/START_UnderstandingLawEnforcementIntelligenceProcesses_July2014.pdf (accessed April 10, 2015).
8. U.S. Senator Tom Coburn, "A Review of the Department of Homeland Security's Missions and Performance," Senate Select Committee on Intelligence, January 2015, p. 24.
9. U.S. Government Accountability Office, "DHS Intelligence Analysis: Additional Actions Needed to Address Analytic Priorities and Workforce Challenges," GAO-14-397, June 4, 2014, <http://www.gao.gov/products/GAO-14-397> (accessed April 10, 2015).
10. The Best Places to Work in the Federal Government, "Intelligence and Analysis (DHS)," 2014, <http://bestplacestowork.org/BPTW/rankings/detail/HS07> (accessed April 9, 2015).
11. Bruce Hoffman, Edwin Meese III, and Timothy J. Roemer, "The FBI: Protecting the Homeland in the 21st Century," FBI, March 2015, p. 111, <http://www.fbi.gov/stats-services/publications/protecting-the-homeland-in-the-21st-century> (accessed April 10, 2015).
12. *Ibid.*, pp. 83 and 94. A recent example is the case of Tamerlan Tsarnaev, the mastermind behind the Boston Marathon bombing in 2013. The FBI interviewed Tsarnaev in 2011 on the recommendation of the Russian government, but the Boston Police were never notified of the interview or of a potential terrorist connection. Had the Boston Police been made aware of such information, it is more likely that the police would have pieced together the murders of a Tsarnaev associate in 2011, Tsarnaev's travel to Chechnya in 2012, an extremist video on a YouTube account bearing Tsarnaev's name, and other suspicious and extremist activity. See Michael P. Downing and Matt A. Mayer, "Preventing the Next 'Lone Wolf' Terrorist Attack Requires Stronger Federal-State-Local Capabilities," Heritage Foundation *Backgrounder* No. 2818, June 18, 2013, <http://www.heritage.org/research/reports/2013/06/preventing-the-next-lone-wolf-terrorist-attack-requires-stronger-federal-state-local-capabilities>.
13. Hoffman, Meese, and Roemer, "The FBI: Protecting the Homeland," p. 6.

the right direction, intelligence analysts need more resources and opportunities to train, develop, and advance professionally, and the uneven integration of intelligence with law enforcement activities must be fixed by further elevating the role of intelligence in the FBI.¹⁴ As a result, both DHS and the FBI remain works in progress in the analysis, sharing, and use of intelligence.

Proactively Defending the U.S. Homeland

DHS and the FBI stand at the center of many of the U.S.'s efforts to combat terrorism. Despite the importance of its positions, its efforts are often plagued by inefficiencies and ineffectiveness. To better protect the U.S. from terrorism, Congress should:

- **Streamline U.S. fusion centers.** Congress should limit fusion centers to the approximately 30 areas with the greatest level of risk as identified by the Urban Area Security Initiative (UASI). Some exceptions might exist, such as certain fusion centers that are leading cybersecurity or other important topical efforts. The remaining centers should then be fully funded and resourced by UASI.
- **Refocus DHS's intelligence capabilities.** Intelligence and information is critical to stopping terrorist attacks before they occur. Instead of allowing DHS to continue to struggle with its role as an intelligence producer, Congress should consider redirecting DHS efforts toward information sharing and coordinating proper roles and responsibilities for federal, state, and local counterterrorism.

- **Push the FBI toward being more effectively driven by intelligence.** While the FBI has made high-level changes to its mission and organizational structure, the bureau is still working to integrate intelligence and law enforcement activities. This will require overcoming cultural barriers and providing FBI intelligence personnel with resources, opportunities, and the stature they need to become a more effective and integral part of the FBI.

- **Ensure that the FBI more readily and regularly shares information** with state and local law enforcement, treating state and local partners as critical actors in the fight against terrorism. State, local, and private-sector partners must send and *receive* timely information from the FBI. DHS should play a role in supporting these partners' efforts, by acting as a source or conduit for information to partners and coordinating information sharing between the FBI and its partners.

Focusing on Security

With lone wolf and homegrown terrorists an increasing concern, Congress simply has to get serious about reforming the counterterrorism enterprise. This means refocusing DHS on its original mission and improving the coordination between DHS and other agencies, such as the FBI, and with state and local partners. Failure to do so leaves America at risk.

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14. *Ibid.*, pp. 35-37.