

Chapter 5

What Does the United States Need to Do? The United States and Homeland Security

Lawrence J. Korb

Fighting terrorist networks abroad is a vital part of protecting the American people, but it is far from a comprehensive strategy. The United States must also work relentlessly to ensure that we do not suffer any more devastating attacks on our own territory. Homeland security is one of the most complex tasks we face, but complexity is no excuse for inaction. Terrorist groups like Al-Qaeda have the luxury of targeting Americans at the time and place of their choosing.

To be sure, the United States has made some progress in safeguarding the homeland since the attacks of September 11, 2001. Over White House objections, Congress created the Department of Homeland Security (DHS) to consolidate in a single agency border protection, immigration, transportation safety, emergency management and more. The Bush Administration has also created several other new positions and centers. These include the White House Homeland Security Adviser, the Director of National Intelligence, the National Counter Terrorism Center, and the National Security Service in the FBI. The Pentagon has created a new combatant command, the Northern Command (NORTHCOM) and an assistant secretary of defense with responsibility for protecting the homeland.

In 2002, the Department of Homeland Security issued the first National Strategy for Homeland Security and more recently identified the kinds of attacks most likely to cause catastrophic casualties and damage. Washington has also increased funding for federal agencies, state governments and local communities. And some private sector companies have increased security. In June 2005, the Pentagon

released its strategy for homeland defense and civil support, which delineated the role of the Department of Defense (DoD) in homeland defense and homeland security over the next decade.¹

The Problem

However, more than four years after 9/11, homeland security in the United States is not the priority it should be. As analyses from the Homeland Security Department's Inspector General, the Government Accountability Office (GAO), congressional committees, and the 9/11 Public Disclosure Project (a group established by the 9/11 commissioners to see how its recommendations are implemented) demonstrate, the administration's efforts to protect the homeland have been slow at best and reckless at worst, leaving the American people far less secure than we should be more than four years after 9/11. Policies and funding priorities only vaguely reflect the professed strategy or the numerous other blueprints that have followed. The public disclosure project concluded on October 21, 2005 that the Bush Administration and the Congress have made minimal or unsatisfactory progress on more than half of its recommendations. And in its final report on December 5, 2005, the commissioners gave the U.S. government grades of C, D, and F on 28 of its 41 recommendations.²

Examples of our failings in this area are numerous. Our borders are still porous. Only those who fly into the country are screened by the Department of Homeland Security's Biometric Identification System. Visitors at land border checkpoints are not screened and the 25,000,000 people flying in represent only 3 percent of those who come to the United States each year.³ Moreover, there are only 10,000 border patrol agents guarding the 8,000 miles of land borders, and

¹ Department of Homeland Security, *National Strategy for Homeland Security*, July 2002. Department of Defense, *Strategy for Homeland Defense and Civil Support*, June 2005.

² Philip Shenon, "9/11 Panel Criticizes Reform Effort at the F.B.I.," *New York Times*, October 21, 2005, p. A19. 9/11 Public Disclosure Project, *Final Report on 9/11 Commission Recommendations*, December 5, 2005, available at <http://www.9-11pdp.org/>. For a summary of all the failings of the Bush Administration in this area see Richard A. Clark, "Things Left Undone," *The Atlantic Monthly*, November 2005, pp. 37-38.

³ Implementation of the United States Visitor and Immigrant Status Indicator Technology Program at Land Border Ports of Entry, Office of Inspector General, Department of Homeland Security, February 2005.

only 1,000 of these agents patrol the 3,000 mile long border with Canada. Finally, the number of immigration agents has remained steady at 2,000 while the number of people unlawfully present in the U.S. has risen from a few million in the early 1990s to 12 million.⁴

Protection of our sea coasts is not in much better shape. Only 5 percent of the 9,000,000 sea going containers, that enter this country, are even given a cursory examination for signs of use or infiltration.⁵ The Customs Trade Partnership against Terrorism relies primarily on the “pledge” of shippers to send the only “legitimate cargo,” rather than having customs agents validate security for these shippers.⁶

The primary agency for safeguarding this country from threats from the sea is the Coast Guard. Yet this nation’s oldest sea service has only 186 aircraft, 88 cutters, and 40,000 people to protect 95,000 miles of shoreline and 3.4 million miles of open water of our economic zone. Moreover, many of the Coast Guard ships are nearing the end of their useful service lives. Of the world’s 39 naval fleets, the U.S. Coast Guard ships are on average younger than only one other fleet.⁷ Given the fact that the coast guard budget for buying new ships and aircraft in fiscal year 2005 was only \$1 billion (\$20 million less than 2004), this situation will not improve soon.

The nation’s capability for finding terrorists once they are here is not much better than our ability to prevent their entering. The FBI, rather than DHS, has been given the domestic counter terrorism mission even though the bureau bungled the mission prior to 9/11. Yet four years after 9/11, it still has not overhauled its anti-terrorism programs and is still plagued by institutional customs and cultures that continue to resist change. Thus, it is not in much better shape to carry

⁴ Blas Nuñez-Neto, Border Security: The Role of the U.S. Border Patrol, CRS Report for Congress, Updated May 10, 2005, available at <http://www.fas.org/sgp/crs/homesecc/RL32562.pdf>. Heritage Foundation, *Executive Memorandum No. 982*, September 25, 2005.

⁵ 9 Million Containers: Audit of Targeting Ocean Going Inspection Containers (unclassified summary), Office of the Inspector General, Department of Homeland Security, July 2005. 10% inspection rate: Alex Ortolani and Robert Block, “Keeping Cargo Safe from Terror,” *The Wall Street Journal*, July 29, 2005.

⁶ Cargo Security: Partnership Program Grants Importer Reduced Scrutiny with Limited Assurance of Improved Security, Report to Congressional Requesters, Government Accountability Office, March 2005 (GAO-05-404).

⁷ Mimi Hall, “Coast Guard Plagued by Breakdowns,” *USA Today*, July 6, 2005.

out this mission now than it was on September 11, 2001. The FBI's \$170 million software program, which is supposed to let agents in one city let agents in another city know what they have in the files, does not yet work; as of July 2005, the bureau has over 8,000 hours of wiretap recordings not yet translated; and the FBI still does not provide much useful information to state, local, and private sector security directors.⁸

Airline security is supposed to be a high priority, but despite the fact that the Transportation Security Administration (TSA) has 60,000 employees and a \$5 billion a year budget, a Government Accountability Office (GAO) study has concluded that screening of checked passenger baggage is still inadequate.⁹

Train and subway security is in even worse shape. Despite the fact that every day ten times more people use public transit than fly, and that terrorists have targeted surface transportation far more than aircraft, the federal government has allocated only \$155 million of the \$6 billion necessary to secure the nation's transit systems. In effect, the federal government spends only 2.5 cents on rail subway security for every dollar it allots to aviation security.¹⁰

The federal government has actually compounded the problem of surface security by allowing highly lethal chemicals and gases to be shipped routinely on rail cars through major urban areas, and for the first time in three decades, it approved replacement of a liquid natural gas tank port in a city.

But, the greatest failure of the Bush Administration over the last four years in protecting the homeland has been its unwillingness to accelerate its efforts to secure Russia's nuclear bombs and other weapons-adaptable nuclear materials, which are subject to theft or diversion. Less nuclear material has been secured in the past four years than in the four years before 9/11 because we have spent less money on the Nuclear Cooperative Threat Reduction (Nunn-Lugar)

⁸ Shenon, *op. cit.*

⁹ Aviation Security: Screener Training and Performance Measurement Strengthened But More Work Remains, Government Accountability Office, May 2005 (GAO-05-457).

¹⁰ Center for Defense Information and Foreign Policy in Focus, *A Unified National Security Budget for the United States*, May 2005, p. 39.

program in that time. As the 9/11 commissioners noted in their final report, “Countering the greatest threat to America’s security is still not the top national security priority of the President and the Congress.” At the present rate, the job will not be finished until 2022, despite the fact that a terrorist acquiring this material could use it to kill more than 1 million people in a major American city.¹¹

Nor are we much better prepared to deal with the aftermath of another terrorist attack. For example, police and firefighters in large cities still cannot communicate reliably in a major crisis, and no American city has sufficient excess capacity to deal with such occurrences as a major lethal chemical plant attack, rail car leak, biological weapons attack or pandemic. For example, only 10 percent of fire departments nationwide have personnel and equipment to handle a building collapse, police departments throughout the United States do not have protective gear required to secure a site after an attack with WMD; public health laboratories in most states do not have the basic equipment to adequately respond to chemical or biological attacks, and most cities do not have the equipment needed to determine which hazardous agents emergency responders are facing following an attack.¹²

Finally, as the response to Hurricane Katrina demonstrates, DHS has made only limping progress in the admittedly difficult task of integrating 22 agencies and 180,000 employees. Despite the creation of the Homeland Security Council in the White House and the promulgation by the DHS of a National Response Plan, homeland security remains bureaucratically separated from national security inside and outside the White House. This was demonstrated by a Joint Chiefs of Staff (JCS) review of the failed response to Hurricane Katrina. According to the JCS, DHS response plans lack detail on how the Pentagon and other federal agencies should assist local leaders in the event of a natural or man-made disaster.¹³

¹¹ Ibid, p. 34, and the *Final Report on the 9/11 Commission Recommendations*, p. 14.

¹² See *Emergency Responders: Drastically Underfunded, Dangerously Unprepared*, Independent Task Force on Emergency Responders, Council on Foreign Relations, June 2003, *Defeating the Jibadists: A Blueprint for Action*, Richard Clarke, et al., Century Foundation, 2004, p.129, and Stephen Flynn, *America the Vulnerable: How Our Government Is Failing to Protect Us from Terrorism*, HarperCollins, 2004.

¹³ Tom Bowman, “Reviews Fault U.S. Disaster Response Plans,” *The Baltimore Sun*, October 24, 2005, p. 1.

Perhaps most egregiously, the government has failed to take the necessary steps to protect citizens from catastrophic risks posed by terrorist attacks on our critical infrastructure, 85 percent of which is owned by the private sector. Every day thousands of chemical plants manufacture and use deadly chemicals such as chlorine that, if released into the atmosphere, can cause massive casualties. Yet the White House has effectively turned over responsibility for protecting the public to private companies that too often have chosen not to bide by voluntary safety standards. The government has defended industry's right to ship toxic substances through major urban areas, been lax in safeguarding civilian and military nuclear facilities, and removed potentially life-saving public information from the Internet. It has underfunded and given scant attention to the protection of railways, the electrical power grid, the country's computer systems, and emergency personnel. Nor has it adequately prepared communities for a potential catastrophe.¹⁴

The Reasons

Why has so little has been done to protect the homeland since 9/11? There are three interrelated reasons.

First, and foremost is the lack of funding. In any area of government, dollars are policy. Not only did the president not raise taxes after 9/11 to fight what he calls the global war on terrorism, he actually continued to cut them. Consequently the federal government is running annual deficits of about \$500 billion, making it difficult to allocate increased funds to many areas of the federal budget, including Homeland Security.

Moreover, when it comes to allocating scarce resources to threats to our national security, the Bush Administration has emphasized or given priority to the offensive component of its national security strategy. Since 9/11 spending for the offensive component the Department of Defense has risen from \$304 billion to \$442 billion, not counting the \$300 billion spent on the wars in Iraq and Afghanistan. This

¹⁴ Lawrence J. Korb and Robert O. Boorstin, *Integrated Power: A National Security Strategy for the 21st Century*, Center for American Progress, June 2005, p. 42.

increase is more than three times the entire annual budget for Homeland Security, which is currently \$40 billion.¹⁵

Second, the strategy of the Bush Administration to combat radical jihadists is to fight them over there in Iraq so we do not have to fight them here. Since the invasion of Iraq in March 2003, the United States has spent more than \$200 billion prosecuting the war in that country. This is about five times what the administration spends annually on Homeland Security. Moreover, we continue to spend nearly every six weeks in Iraq more than we spend yearly on Homeland Security. For example, this country could provide security upgrades for or all subways and commuter rails for what we spend every 20 days in Iraq; security upgrades for 361 ports for four days in Iraq; and explosive screening for all U.S. passenger airliners for ten days in Iraq.

In addition, because so much of the National Guard's personnel and equipment is in Iraq, the Guard would have severe problems in responding to a natural or man-made disaster in the United States. In December 2005, seven of the Army National Guard's enhanced or top notch brigades and their equipment were in Iraq. Consequently, according to the GAO, guard units in the U.S. have only 34 percent of their authorized equipment.¹⁶

Finally, the war in Iraq has monopolized the time and attention the president and his security team leading them to ignore many of the problems of homeland preparedness. As we have seen in the aftermath of Hurricane Katrina, neither the president nor his advisers realize how unprepared this nation is for a natural let alone a man-made disaster, that is, another major terrorist attack.

This emphasis on fighting them over there so we will not have to fight them here and using the National Guard as adjuncts to the deployed Army is very much in keeping with the American tradition, that dates back to World War I, of taking the fight to the enemy. However, after the attacks of 9/11, that mindset should have changed. In the age of global terrorism, protecting the homeland should be

¹⁵ The budget for DHS is \$27 billion. Not counting funds in the Department of Defense's Homeland Security programs, 31 other agencies spend \$13 billion on homeland security.

¹⁶ David S. Cloud, "Lack of Equipment Slowed the Guard, Report Contends," *The New York Times*, October 21, 2005, p. A20.

given equal priority with projecting power abroad. But this balanced approach has not been embraced in practice by the Bush Administration. Four years after 9/11, combating the terrorists in Iraq and Afghanistan receives the bulk of time, attention, and money.

Ironically, an activist foreign policy of taking the fight to the enemy should require a strong homeland security policy to protect one's population from retaliation by the enemy. However, the Bush Administration feels that engaging them overseas will actually have the opposite effect. By sending the forces to Iraq, the Bush Administration wants to make that nation the new front in the global war on terror. It hopes to draw into Iraq those radical jihadists who otherwise would focus on attacking the U.S. homeland. The fact that the invasion of Iraq has not only increased the number of terrorists with a global reach, but also offered these new recruits training in terrorist tactics seems not to have occurred to the president and his advisors.

Third, there is ongoing historical tension in this country over the appropriate size of the government and the appropriate role of the various levels and branches of government. Republicans, who currently control both the executive and legislative branches of the federal government, are against big government and for a unilateral foreign policy. Therefore, when DHS came into existence, the administration tried to make it revenue neutral, that is, the new department would receive no more money than the 22 previously existing organizations that merged into it. And to pursue a unilateral foreign policy, the Republicans feel this nation needs a national missile defense. Consequently, the Bush Administration now spends six times more per year on national missile defense than on port security and more on national missile defense than the entire Coast Guard, even though there is a much greater likelihood that a nuclear weapon will enter this country in a shipping container than on a long-range missile.¹⁷

The federal system also complicates responsibility for Homeland Security. Because of skyrocketing national budget deficits, the federal government seeks to get hard pressed state and local governments to take on the responsibility for protecting their own areas. For example, nearly one third of the states had to cut their public health budgets in

¹⁷ In fiscal year 2005, the Bush Administration spent \$7.6 billion on the Coast Guard and \$11 billion on Missile Defense.

the last two years.¹⁸ Moreover, when the federal government does give grants to state and local governments, their representatives in the Congress insist that the same priority be given to low risk rural states as endangered populated areas. Thus, states have used federal Homeland Security funding on such “critical” projects as air conditioning garbage trucks and buying Kevlar body armor for dogs.

The Solutions

Urgent action is required to prevent future attacks, reduce existing threats, and manage the consequences of a successful attack on the U.S. homeland. Given current federal budget deficits and constant constraints on resources, we must apply our energies and resources to those targets where an attack would cause the greatest loss of life and economic damage. We must also escape the “protect against the last attack” mentality that followed 9/11 as evidenced by disproportionate spending to protect airline passengers while shortchanging other important areas.

An effective homeland security strategy must have three primary components: detecting and disrupting potential terrorist attacks while protecting civil liberties; guarding critical infrastructure; and improving emergency planning, response and recovery. In each of these areas the United States must provide funding according to the magnitude of the vulnerability; increase transparency; and—where applicable—invest in research and development. The combination of trained personnel and our country’s natural advantages in technology and science will prove critical to our success.

Preventing Attacks

As the 9/11 Commission and others have argued, the United States must move immediately to improve our domestic intelligence agencies, upgrade detection and warning systems, and improve border security. Achieving these goals will require extraordinary efforts to change institutional cultures and will mean long-term commitments of resources.

¹⁸ *A Unified National Security Budget for the United States* Ibid, p. 8

As part of this, we must also reverse the policies adopted in the wake of 9/11 that violate core American values, threaten our economic growth and pose false choices. We can both disrupt terrorist networks and protect civil liberties. We can keep our doors open to non-citizens who make a real and lasting contribution to our society and still bring to justice terrorists who have taken up residence in the United States. The United States must take the following actions:

- Increase dramatically the FBI's counterterrorism capabilities and upgrade its analytic staff and information technology.
- Improve intelligence sharing within the federal government and establish Homeland Security Operations Centers in critical locations to improve the flow of threat information between federal and state and local authorities.
- Update airline passenger screening to include use of consolidated terrorist watch lists and improve the speed with which international and domestic airlines share passenger manifests with appropriate authorities.
- Introduce biometric technology within three years at all land, port and air terminals while implementing strong and appropriate privacy safeguards.
- Implement immediately the top priority recommendations of the National Strategy to Secure Cyberspace, including special efforts to guard the banking and financial sectors.
- Amend the Patriot Act to rescind all authorities that do not enhance American security from terrorists. Require the FBI to demonstrate clearly that any request for additional authorities will enhance our security from terrorists without unnecessarily limiting our civil liberties.

Securing Critical Infrastructure

The years since 9/11 have taught us that purely voluntary approaches are insufficient to safeguard communities from attacks on chemical plants and other potential terrorist targets. Tax incentives, low interest loans and homeland security grants to relieve some financial burden on industry can encourage the upgrading and implemen-

tation of stronger security standards. But, where voluntary codes and incentives fail, the United States should create new regulations and legal safeguards. These should be based on a national infrastructure protection plan with priorities guided by a comprehensive inventory and assessment of public and private critical infrastructure. At every step, the United States should increase transparency and provide communities with as much information as possible about hazards and emergency procedures while protecting data that is classified or could be used to assist an attack. The United States should:

- Implement a 12-month action plan to reduce risks posed by chemical facilities by creating a priority list of vulnerable sites; issue new federal guidelines to reduce hazards, introduce safer chemicals; and institute hazard-reduction and target-hardening measures.
- Improve port security by increasing Coast Guard funding; accelerate implementation of the Maritime Transportation Security Act; and promote global standards, research, and installation of state-of-the-art container safety and scanning technology.
- Improve air security by instituting 100 percent air cargo screening funded by a surcharge on shippers; upgrade explosive detectors at airports; increase perimeter security at airports; and fund continued research to deter the threat to commercial aircraft from shoulder-fired missiles.
- Redirect hazardous rail shipments away from urban centers, including prime targets such as Washington, D.C.; provide resources to help localities better protect rail tracks and train stations; and implement comprehensive security standards for the transport of hazardous materials.
- Set and enforce more stringent security standards at nuclear power reactors and other facilities where nuclear and radiological materials are used or stored, and transfer responsibility for safety at all nuclear facilities to the National Nuclear Security Administration.
- Design and coordinate new regional plans to provide protection and backup for the country's electrical power grid.

Improving Emergency Preparedness and Response

The United States must invest in emergency response personnel, equipment and technology that will minimize damage and speed recovery in the case of a successful attack. Much of the ultimate cost of a terrorist attack depends upon the speed and effectiveness with which the government responds. Our goal must be to prevent significant casualties, destruction of property, economic disruption, and a loss of public confidence in government policies and institutions. On the positive side, investments in this sector will also improve our country's everyday health, law enforcement and emergency services capabilities.

The nature of today's weapons and a terrorist group's asymmetric advantages, and public psychology mean that every incident will require a tailored plan and response. Our most effective federal plan is to focus on the basics. That means integration at all levels: unifying so-called "crisis management" and "consequence management" plans; rationalizing responses from the public and private sectors; linking federal, state and local government personnel; and standardizing preparation and response measures.

Completing these tasks requires, first and foremost, a new reporting and information-sharing system in which decision makers and emergency personnel speak the same language and understand how individual tasks fit into an overall plan. It will also require a new federal commitment to helping states and localities receive homeland security grants and get reimbursement for unexpected security costs. Only then will we build the cooperation and confidence necessary to assess, respond, recover and adapt our strategy to prevent future attacks. The United States must:

- Improve tactical counterterrorism, with a focus on response to an attack in an urban area using a nuclear weapon, biological agent, or radiological bomb.
- Create specialized National Guard units devoted to incident response that are not deployed overseas except in times of extreme national emergency.
- Invest in public and private efforts to improve chemical, biological and radiological sensors; develop and prepare to use decontamination processes; and upgrade medical surveillance capabilities.

- Increase pharmaceutical and vaccine stockpiles and invest in development and distribution systems for a broad spectrum of vaccines, preventive medications and antidotes.
- Replace the current color-coded public alert scheme with a system that issues warnings to the general public only when specific actions need to be taken.
- Work with the insurance industry to create a permanent risk arrangement system, such as a government-sponsored reinsurance corporation capitalized by the private sector and backed by the government.

The Costs

Taking all these steps can be done by increasing the budget for Homeland Security by \$25 billion a year.¹⁹ While this is not an insignificant amount, it represents only 5 percent of what the Bush Administration spends on the offensive component of national security. More than \$25 billion can be found in the defense department's annual budget by eliminating obsolete weapons like the F/A-22 and the Virginia class submarine, which are designed to fight enemies from a bygone era, keeping national missile defense in a research mode until it is fully tested, and reducing our nuclear weapons stockpile from 7,000 to 1,000 warheads.

Conclusion

Protecting the U.S. homeland will require a shift in attention and priorities. Since 9/11, the Bush Administration has focused too much energy and resources on the offensive component of national security and not enough on the defensive or Homeland Security portion. But, unless it takes the steps outlined above, it may win the battle abroad, but lose the war at home, which after all is the goal of the radical jihadists.