

ISSUE BRIEF | Center for Homeland Security & Immigration

21 YEARS AFTER 9/11, HAS DHS LOST ITS MISSION?

By Robert Law, Andrew Whitaker, and Kristen Zicarelli

TOPLINE POINTS

- ★ The America First policy approach towards securing the homeland embraced the mission of counterterrorism, resulting in a series of successful measures that made Americans safer.
- ★ The resurgence of al-Qaeda training camps in Afghanistan and the targeting of their leader Ayman al-Zawahri in Kabul reveals a complete loss of gains fighting terrorism since 9/11.
- ★ The Department of Homeland Security has lost focus on its counterterrorism mission, turning the department against perceived domestic political enemies while exposing the southern border as an avenue for terrorists to enter the country.

Introduction

The tragic attacks on our Nation’s homeland on [September 11, 2001](#), not only launched the Global War on Terrorism but also served as a catalyst for transforming the Intelligence Community (IC), America’s approach to the counterterrorism mission, and immigration. Directly after the attacks, which killed nearly 3,000 Americans, the Federal Bureau of Investigations (FBI) opened the largest criminal inquiry in its history—codename [PENTTBOM](#)—to identify and investigate the terrorists responsible for these attacks. The Pentagon waged the [War in Afghanistan](#) as a part of the [War on Terror](#), a bigger campaign that is still ongoing today.

On November 27, 2002, Congress launched the 9/11 Commission to prepare a complete account of the terrorist attacks. The 9/11 Commission’s investigation identified strategic failures among policymakers and intelligence gatherers that led to the terrorist attacks. In response, Congress overhauled and restructured U.S. national security agencies, including creating the Department of Homeland Security (DHS) through the [Homeland Security Act of 2002](#). DHS was established with a clear mission: to safeguard the American people, our homeland, and our values.

[The 9/11 Commission Report](#) states, “The 9/11 attacks were a shock, but they should not have come as a surprise,” and 21 years after the attacks, America appears as vulnerable today as it was back in the fall of 2001. Although DHS has made notable progress on its counterterrorism mission and protecting the homeland since its creation through each subsequent administration, today, unfortunately, that progress has been eroded. The Biden Administration has seemingly

eroded its homeland security objective through a combination of actions abroad and at home, such as admitting thousands of unvetted Afghans into our cities, refusing to secure the border, and attempting to use DHS to silence Americans who object to the current administration. This misalignment of DHS's focus makes the 9/11 Commission Report's warning more relevant than it has ever been since the establishment of the Department.

DHS: Linking Counterterrorism Efforts and the Intelligence Community

The [9/11 Commission Report](#) found that the IC had the information to potentially forecast the attacks, but the lack of communication and intelligence sharing between agencies failed to prevent them from happening. Specifically, information was not shared effectively between the Central Intelligence Agency, the National Security Council, the FBI, the Pentagon, and others, including local law enforcement. Beyond the intelligence realm, more than 100 different government organizations were tasked with homeland security missions, elevating the need to move away from a siloed approach to creating a unified effort that focuses on [securing the Nation](#) and protecting against threats.

DHS was established as the unifying force through the passage of the Homeland Security Act of 2002. The White House Office of the Director of National Intelligence and the DHS Office of Intelligence and Analysis were created in the following years to optimize integration in the IC and hone the changing threat landscape around the world. It is now the second largest department containing 22 agencies and supporting components, including the Transportation Security Administration, U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement, and the U.S. Coast Guard. Since its inception, [the mission has centered](#) around protecting the American homeland by securing the border and critical infrastructure, synthesizing intelligence from multiple sources, and putting more security officers in the field to stop terrorists.

Winning the War on Terror: Whole-of-Government Approach

Over the years, this reorganization of the federal government has executed successful counterterrorism activities to stop plots against the U.S. and our strategic allies. These successes are attributable to the maturation and refinement of counterterrorism prevention skills and strategies over subsequent administrations. There have been failures, including the [2013 Boston Marathon bombing](#), [2016 Orlando nightclub shooting](#), and [2017 New York City subway bombing](#). Yet, overall, past administrations embraced the whole-of-government approach to counterterrorism and intelligence sharing that Congress envisioned when it created DHS.

The Trump Administration furthered this legacy in 2017 when it issued National Security Presidential Memorandum (NSPM) 7 and NSPM-9. NSPM-7 empowered the IC to work more collaboratively on the vetting enterprise and integrate information for the common national security interest. NSPM-9 created the National Vetting Center, which is housed at CBP within DHS. These memoranda ensured that the IC, including the National Counterterrorism Center, were able to share information in real time to compare information and grant or deny access to the homeland on a case-by-case basis.



Also, in October 2018, the Office of the Director for National Intelligence (ODNI) released the National Strategy for Counterterrorism, the first official strategy released since 2011. The [strategy centered on a whole-of-government approach](#) to pursue and isolate terrorists from the source, and employ an aggressive pursuit against those that seek to violently undermine the American way of life. In September 2019, the administration issued an executive order expanding the Department of State’s (DOS) ability to sanction terrorists and their financial backers, marking the most significant upgrade to terrorism sanctions authorities since 9/11.

The Failed Afghanistan Withdrawal Strategy Has Directly Exposed the Homeland

The August 2021 botched withdrawal of U.S. troops from Afghanistan was a poorly conceived and executed exit that cost 13 U.S. service members their lives and created a power vacuum for the Taliban to fill. Since the U.S. withdrawal, Afghanistan has become a safe haven for terrorist organizations, including the one responsible for 9/11—Osama bin Laden’s al-Qaeda. With the Taliban’s quick resurgence, any U.S. military progress made over the past 21 years there seems to have disappeared, and displaced Afghan nationals have been largely [left](#) abandoned under Taliban rule.

DHS’s role in the chaotic withdrawal from Afghanistan has also exposed the homeland to national security threats. Secretary Alejandro Mayorkas’s decision to unlawfully [transport into the U.S. unvetted, visa-less Afghans](#) cast aside our immigration laws and allowed otherwise inadmissible aliens into the country. A DHS Office of Inspector General (OIG) [report](#) made public on September 6, 2022, just days before the 21st anniversary of 9/11, confirms the alarming national security consequences of the Biden Administration’s mishandling of the Afghanistan withdrawal. The report entitled, “*DHS Encountered Obstacles to Screen, Vet, and Inspect All Evacuees during the Recent Afghanistan Crisis (REDACTED)*” found that “CBP admitted or paroled evacuees who were not fully vetted into the United States.” The OIG continued, “As a result, DHS may have admitted or paroled individuals into the United States who pose a risk to national security and the safety of local communities.”

The DHS OIG’s report reads like the 9/11 Commission’s findings. Of particular relevance, the OIG “determined some of the information used to vet evacuees through U.S. Government databases, such as name, DOB, identification number, and travel document data was inaccurate, incomplete, or missing. CBP also admitted or paroled evacuees who were not fully vetted into the United States.” Consistent with the siloed approach to vetting and intelligence that failed the American people on September 11, 2001, the OIG wrote, “According to CBP and FBI officials, IC vetting databases are founded on biographic data. However, we identified discrepancies with the CBP data used to vet Afghan evacuees against U.S. Government databases.”

Worse, career officials revealed that they were required to accept the claimed biographic information provided by the Afghan evacuees without the ability to verify it. “One CBP official discussed how evacuees housed temporarily in foreign countries did not always know their DOB, and without a verification document to cross-check against, the official simply entered the



evacuee’s biographic information as told by the individual.” As a result, the OIG “questioned data in many of the 88,977 TECS records.”

The OIG’s conclusion began by restating what should be DHS’s mission. Namely, “The safety and the security of the American people is the highest priority for the U.S. Government. Preventing criminals, suspected terrorists, or other nefarious actors from entering the United States requires thorough screening and vetting.” What follows is an alarming indicator that the government has reverted to a ‘September 10, 2001’ mindset: “CBP’s use of incomplete or inaccurate data would not have yielded positive matches from intelligence databases if the individuals had derogatory records under a different name or DOB. Therefore, DHS and CBP cannot be sure they properly screened, vetted, and inspected all evacuees.”

The Biden Administration rejected the OIG’s findings and said DHS is “proud” of how it handled the Afghanistan withdrawal, including allowing 79,000 visa-less Afghans into the U.S.

Afghanistan Today: All Prior Counterterrorism Gains Gone

In addition to the failed Afghanistan withdrawal jeopardizing homeland security, the counterterrorism gains in the country have largely evaporated. On July 31, 2022 the IC sent a hellfire missile strike, [eliminating al Qaeda leader Ayman al-Zawahiri](#), who was on a balcony in downtown Kabul. Though the strike was technically successful, it revealed a [strategic failure](#) by demonstrating that the Taliban regime is again providing sanctuary to al-Qaeda and the Islamic State of Iraq and Syria (ISIS). If high-ranking al-Qaeda leaders like al-Zawahiri were living comfortably in the Afghanistan capital less than a year after the U.S. troop withdrawal, it raises the question of what other terrorists and bad actors the Taliban are protecting there. Additionally, al-Zawahiri’s resettlement in Kabul before his death indicates that the Taliban are [violating the 2020 Doha Agreement](#). [Sirajuddin Haqqani](#), the Taliban’s acting Minister of Interior and a State Department designated Global Terrorist, [reportedly](#) oversaw Zawahiri’s security and accommodations. The Taliban’s alliance with al-Qaeda and ISIS has made malign actors in Afghanistan and abroad more of a threat since 9/11. With these developments, coupled with the loss of foreign allies and assets being boots-on-the-ground, our defenses should be increasing to detect and intercept threats emanating from Afghanistan before making their way to the homeland.

Border Insecurity: Known-and-Suspected Terrorists Taking Advantage of Unsecure U.S. Southern Border

Under the Biden Administration, DHS is ignoring the laws meant to safeguard our borders and the American people. The administration’s flawed immigration policy that emphasizes processing as many aliens as possible is letting known-and-suspected terrorists (KSTs) and other bad actors enter the country. Once a crucial part of the counterterrorism mission, the border is no longer seen as relevant to DHS’s mission, therefore making America more vulnerable.

The current open border policies have created a new avenue for terrorists to try to infiltrate the U.S. Thus far in the Biden Administration, CBP has apprehended 81 [suspects on the terror](#)



watchlist at the southern border. By comparison, just 14 KSTs were apprehended during the entire Trump Administration—not because the Biden Administration has a more successful border security strategy, but rather because it shows a belief by these bad actors that crossing the southern border unlawfully has never been easier. It is only those who got caught or did not realize the U.S. had their fingerprints on file that are being apprehended. The fact that they’re even trying to go through the southern border shows that the strategy is a homeland security failure. The current border security crisis has reportedly led to [around 900,000](#) illegal alien “gotaways,” a population that went to great lengths to avoid detection.

These apprehensions reveal the threat of an open border to national security, particularly when KSTs attempt to enter illegally. In May 2022, an FBI search warrant revealed an Iraqi suspect likely affiliated with ISIS [was planning to smuggle](#) a team across the southern border to assassinate former President George W. Bush. In August 2022, a Pentagon whistleblower revealed that [324 unvetted Afghans](#) released into the U.S. are on a Department of Defense (DOD) watchlist of known KSTs, suggesting that the number of high-threat individuals coming into our country is much larger than reports reveal. It was also likely that DOD agency personnel took shortcuts in the vetting process for evacuated Afghans, abbreviating biometric tests and letting them in the country despite [documented security flags](#). A DOD OIG report from February 2022 revealed that as of November 2021, the National Ground Intelligence Center [identified 50 Afghans in the U.S.](#) with “potentially significant security concerns.” Border patrol agents are strained with limited resources to deal with masses of immigrants, leaving them with even less capacity to address counterterrorism to make matters worse. The resurgence of al-Qaeda training camps in Afghanistan has already been well-documented, demonstrating a warning to counterterrorism forces [in both the U.K. and the U.S.](#) With such drastic security breaches, the Biden administration’s subversion of the law is putting the homeland at greater risk for terrorism.

Weakening the Grounds of Inadmissibility and Deportability for Those who Provide Material Support to Terrorist Organizations

In the aftermath of 9/11, Congress strengthened the terrorism grounds of inadmissibility and deportability through the USA-PATRIOT Act of 2001 and the REAL ID Act of 2005. Additionally, these new laws strengthened the inadmissibility and deportability grounds for aliens providing material support to terrorist organizations recognizing the clear culpability for providing such aid to these organizations. The definition of material support also had a trigger for non-designated terrorist organizations with the analysis for inadmissibility or deportability depending on whether the alien “did not know, and should not reasonably have known, that the organization was a terrorist organization.” This definition enhanced the grounds of inadmissibility or deportability because it no longer required a showing that the alien knew, or should have known, that his or her support went to a specific terrorist act.

But, in June 2022 the Biden Administration weakened these grounds of inadmissibility and deportability, exposing the homeland to aliens who otherwise should be denied entry or ordered removed. Although Biden Administration officials claimed [this rule change](#) was amended to help vulnerable Afghans come to the U.S., several Members of Congress and experts believe the timing



of the new rule was related to the ongoing nuclear talks with Iran and are intended to make it easier for aliens who worked with or for Iran's Islamic Revolutionary Guards Corps to come to America.

In a [Federal Register notice](#), DOS and DHS quietly and unilaterally created this enormous and dangerous exception to U.S. immigration regulations.

*[A]s a matter of discretion in accordance with the authority granted by [the Immigration and Nationality Act] ... **the grounds of admissibility and deportability regarding the provision of material support to an organization designated by the Secretary of State as a foreign terrorist organization] shall not apply with respect to an individual who provided ... insignificant material support (i.e., support that was minimal in amount and inconsequential in effect); or ... limited material support under circumstances involving certain routine commercial transactions, certain routine social transactions (i.e., in the satisfaction of certain well-established or verifiable family, social, or cultural obligations), certain humanitarian assistance, or substantial pressure that does not rise to the level of duress, to a designated terrorist organization ... or to any member of such organization. [Emphasis added.]***

As the 9/11 Commission found, the terrorists were able to successfully attack the U.S. in part by the material support provided to them by other foreign nationals around the globe. The Biden Administration's decision to overlook such contributions reverts to an overly narrow interpretation of the terrorist threat and increases the likelihood that a bad actor will find his way into the country because of this new exception.

Failure to Reform Student Visas Continues to Expose the Homeland to Security Vulnerabilities

The 9/11 terrorist attacks were also a failure of our immigration system. In fact, the [nineteen 9/11 hijackers received twenty-three lawful U.S. visas](#) beginning in 1997, even though their applications contained false statements and missing information. The 9/11 Commission report [expresses the need](#) for greater "attention to America's porous borders," with the specific imposition of tighter controls on student visas. From there, they entered the U.S. 33 times. Since then, the threat of malign foreign actors using visa fraud, namely through student visas (F-1), as a tool to endanger our Nation has not gone away. The Trump Administration attempted to reform the student visa program to enhance vetting and integrity measures but did not complete the regulatory change before the change in administration. Thus far, the Biden Administration has failed to finalize those reforms or propose new ones.

In the absence of reform, the Chinese Communist Party (CCP) has gotten bolder in its exploitation of student visas that expose the homeland to a variety of threats. Intellectual property theft has already cost our nation [billions of dollars](#), particularly as a result of China, which easily takes advantage of the transparent and open communications infrastructure of our institutions. In recent years, [numerous intelligence reports](#) have revealed the massive extent of the CCP's counterintelligence threat, using terrorism, cybercrime, and espionage to influence and attempt to overpower our Nation. Notable cases of F-1 visa and passport fraud from Chinese



nationals reveal how they are using the visa process as a tool to conduct varying kinds of intellectual property theft. Universities are particularly vulnerable, as they are the site of leading research and innovation. CCP's influence on individual Chinese students has amplified [scientific and industrial espionage](#), raising the need for stricter vetting measures and thorough intelligence-gathering to warn targets of the threat.

[In 2020](#), DHS set up a China Working Group to protect the American people from the threat of the CCP's campaign to destabilize our Nation. Specifically, action was taken to target Chinese illicit manufacturers, combat cyber intrusion and disinformation, protect our infrastructure, and leverage the Committee on Foreign Investment in the U.S. to ensure businesses would not fall victim to exploitation. The administration also [curtailed travel visa issuances](#) to members of the CCP, [implemented additional screening](#) for those in particular fields, and canceled visas of students with ties to Chinese military institutions. In 2019, the [FBI urged universities](#) to monitor students from Chinese-affiliated research institutions, particularly those involved in science, technology, engineering, and math.

Despite evidenced malintent from the CCP, recently, the [Department of Justice disbanded](#) the 'China Initiative,' directly aimed at combating the threat of CCP espionage, on the grounds of Asian-American bias and the need for a broader approach. It appears that DHS has disbanded or sidelined the China Working Group as there has not been anything publicized about it since the change in administration.

DHS Disinformation Governance Board

While continuing to downplay the threat of malign foreign actors, the Biden Administration attempted to target Americans perceived to oppose its policies. Earlier this year, Biden's DHS shifted its priorities away from focusing on the vetting enterprise's rampant immigration issues and border crisis to creating a government 'fact-checking' panel to vet information for the public. In April, Secretary Mayorkas announced the creation of a "[Disinformation Governance Board](#)," a cross-agency entity with an Executive Director, Nina Jankowicz, based in the Secretary's suite. In testimony, Mayorkas offered no clarity regarding how the Board would function, the legal authority DHS possessed to establish it, or the hiring and vetting process for the Board's Executive Director.

Although the stated mission was to "protect national security" by combating foreign misinformation, mal-information, and disinformation is within the realm of DHS's security mission, Jankowicz's nomination as Executive Director sparked bipartisan outrage. Jankowicz is a verifiably progressive partisan who would have been given the authority to determine for the American public what is real and what is not—what the public should see and what it should not. Her public opinions have named Republicans as "misinformers," and she has expressed concerns over unfettered free speech, encouraging the federal government to [restrict](#) the spread of information. After significant public and bipartisan outrage, and a recommendation from the Homeland Security Advisory Council, DHS officially [terminated](#) the Disinformation Governance Board in August 2022.



While DHS was focusing on building the Board and holding Subcommittee meetings, the southern border remained wide open for a record 2,100 pounds of fentanyl to cross the Border in July 2022. As thousands of unvetted illegal immigrants pour over the border every day (with a grand total of [4.9 million illegal aliens](#) crossing the border since President Biden took office), we are no closer to stopping foreign threats from reaching the homeland.

Conclusion: Remembering 9/11 and the Mission of DHS

The 9/11 attacks prompted the federal government to reassess its handling of IC and immigration responsibilities. Congress established DHS with a clear mission: to secure the homeland through a wealth of new security measures and restructuring of the federal government. Current policies are sadly leaving Americans increasingly vulnerable to the southern border invasion, surging drug inflow, disinformation, intellectual property theft, and the increased likelihood of terrorism. Make no mistake: the Biden Administration has gotten complacent with the counterterrorism mission, taking little precautionary measures to secure the homeland in the spirit of peace through strength.

The tragic events 21 years ago on that clear, sunny morning should most importantly call to mind the dedication of our service men and women at home and abroad. The diplomatic and military personnel, together with thousands of agents conducting missions overseas and our local emergency responders, are instrumental in securing the homeland from new threats that emerge every day. As we honor them and their families, policymakers cannot lose focus on their mandate to secure the homeland and protect the American people.



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