

U.S. Department of Homeland Security
Homeland Security Advisory Council Meeting– Open Session

The Woodrow Wilson International Center for Scholars

January 21, 2016

EXECUTIVE SUMMARY

1:23 p.m. to 3:07 p.m.

The meeting of the Homeland Security Advisory Council (HSAC) was convened from 1:23 p.m. to 3:07 p.m. at the Woodrow Wilson International Center for Scholars in Washington, D.C. The meeting was open to members of the public under the provisions of the Federal Advisory Committee Act (FACA), P.L. 92-463 and 5 U.S.C. § 552b.

The following individuals were in attendance:

HSAC Members

Judge William Webster, <i>Chair</i>	Mr. Bill Livingood
Commissioner William Bratton, <i>Vice-Chair</i>	Mr. John Magaw
Chief Art Acevedo	Mr. Christian Marrone
Mr. Steve Adegbite	Mr. David A. Martin
General John Allen	Mr. Jeff Moss
Admiral Thad Allen	Mr. Ned Norris, Jr.
Mr. Norm Augustine	Mr. Michael Nutter
Hon. Ron Barber	Mr. Matthew Olsen
Mr. Richard Danzig (via telephone)	Ms. Farah Pandith
Ms. Elaine C. Duke	Ms. Annise D. Parker
Mr. Marshall Fitz	Mr. John Pistole
Mr. Paul Goldenberg	Mr. Robert Rose
Hon. Lee Hamilton (video)	Mr. Paul Stockton
Hon. Elizabeth “Liz” Holtzman	Ms. Lydia Thomas (via telephone)
Ambassador Jim Jones	Mr. John Chaussee (proxy for Gary Kelly)
Ms. Juliette Kayyem	Mr. Michael Masters (proxy for Ali Soufan)
Ms. Carie Lemack	

Department Leadership and Other Attendees

Jeh C. Johnson, Secretary, DHS
Sarah Morgenthau, Executive Director, Homeland Security Advisory Council, DHS
Adnan Kifayat, Co-Chair, Countering Violent Extremism Subcommittee
Karen Tandy, Co-Chair, CBP Integrity Advisory Panel

Welcome by HSAC Leadership and Swearing-In of New Council Members

William Webster, Chair of the HSAC, called the open session of the meeting to order at 1:23 p.m. The members present introduced themselves. Chair Webster thanked Sarah Morgenthau, HSAC Executive Director, for her efforts in support of the Council.

Secretary of Homeland Security Jeh Johnson administered the Oath of Office to the newly appointed HSAC members Michael Nutter and Christian Marrone.

Remarks by Secretary Jeh Johnson

Secretary Johnson thanked Executive Director Morgenthau for bringing this exemplary group of citizens together as part of this important advisory council. Secretary Johnson thanked HSAC Vice-Chair Bill Bratton, Police Commissioner for the New York City Police Department, for inviting him to speak at the recent New York City Police Academy graduation in late December.

Secretary Johnson said there is much left to accomplish in this final year of the Administration, and expressed his intention to complete his remaining objectives for the Department. His principal priority for senior management is to leave the Department in better shape than when the team arrived, so it functions more efficiently, and more effectively in delivering its homeland security services for the American people. As part of this process, DHS leadership continues to institutionalize the principles of the “Unity of Effort” initiative. DHS is working to reform the hiring, acquisition and budget processes, with the ultimate goal of raising the level of employee satisfaction.

Counterterrorism remains a cornerstone mission of the Department. There is a new environment when it comes to the global terrorism threat, which includes not only terrorist-directed attacks, but terrorist-inspired attacks. These threats call for a whole-of-government response, including military, law enforcement, and robust intelligence gathering and sharing efforts. These efforts extend to the private sector as well, and DHS is very active in this arena. In recent months, DHS has enhanced the Federal Protective Service presence at federal offices around the country. In addition, DHS is currently reforming and strengthening the Visa Waiver Program security processes.

Last year, DHS established the Office for Community Partnerships as part of its efforts in Countering Violent Extremism (CVE). The White House announced this month the creation of an interagency CVE Task Force, in which DHS plans to be deeply involved. DHS is very active in community outreach to complement these efforts. Last week Secretary Johnson visited Dearborn, Michigan to meet with the community there.

Secretary Johnson also discussed recent efforts related to aviation security, including enhancing overseas pre-clearance reviews. DHS recently revised its National Terrorism Advisory System (NTAS) to include a new intermediate message to better inform the public about the threat environment. It is also focused on cybersecurity threats, and expanding and enhancing information-sharing efforts both across the federal government and private sector entities. The

EINSTEIN 3-Accelerated (E3A) monitoring and intrusion prevention program is now live and available for use by all federal agencies. Currently about half of the federal government is covered by E3A and DHS will continue to work to expand coverage.

On the immigration and border security front, DHS awaits the Supreme Court ruling on the *Texas v. United States* case which bears heavily on the Department's Deferred Action for Childhood Arrivals program. DHS has reframed and focused its priorities for removal on convicted criminals and those apprehended at the border. DHS is viewing the ongoing events in Central America as a refugee problem and must be handled like one. The Secretary of State has called for a regional solution and approach to the problem. Meanwhile, DHS is obligated to enforce U.S. law consistent with U.S. priorities, not least of which is border security.

Secretary Johnson closed his remarks by lauding the quiet, day-to-day efforts of DHS employees in ensuring the safety of the American people. Executive Director Morgenthau thanked Secretary Johnson for his remarks and opened the floor for HSAC subcommittee updates.

CBP Integrity Advisory Panel Progress Report

Karen Tandy, Co-Chair of the CBP Integrity Advisory Panel, provided the update. The Advisory Panel issued its interim report in June 2015 and will deliver its final report to the Secretary via teleconference in March of this year. Since its inception, the Panel has focused on several key areas: transparency, stakeholder and public outreach, and use of force issues. Since the issuance of the interim report, the Panel has met with representatives from Congress to discuss the report's initial findings and recommendations related to internal affairs staffing at CBP. In drafting its report, the Panel met with numerous stakeholders, Inspector General representatives, employee unions, and visited several sites along the border. This subject will remain a focus of the Panel's final report, as the Secretary has highlighted the proactive prevention of corruption as area of particular importance. The Panel expects to make recommendations on data analytics, intelligence gathering, identification of red flags related to potential corruption, and partnering with the Federal Bureau of Investigation (FBI) Border Corruption Task Forces.

DHS Grant Review Task Force Progress Report

Bill Livingood, Chair of the DHS Grant Review Task Force, thanked Ms. Morgenthau for her and her staff's commitment and dedication to the HSAC and its members. Mr. Livingood also thanked FEMA representatives for their support and assistance to the Task Force.

Michael Masters, Vice Chair of the Task Force, briefed the Secretary and the Advisory Council on the Task Force's preliminary findings. The Task Force examined methods to ensure DHS is enhancing homeland security and emergency management as efficiently and effectively as possible. The Task Force reviewed existing programs, conducted data collection and analysis, and engaged in outreach to key stakeholders. The Task Force reviewed the entire suite of non-disaster preparedness grant programs and has conducted over six months of stakeholder engagement. While significant progress was achieved in ensuring that preparedness grants are better meeting their objectives, particularly in respect to guidance, metrics, and follow-up from

FEMA, there remains significant opportunities for the programs to better meet their objectives. Those opportunities are particularly evident at the local level, where competencies, consistency and communication remain very unequal among different stakeholders.

Mr. Masters highlighted some of the progress that has been achieved over the last several years. FEMA's Grant Programs Directorate (GPD) has made considerable progress addressing historic issues and providing much clearer guidance and stronger support for those who work at the state and local level. FEMA has implemented risk-based monitoring of grant recipients, but work can be done to improve coordinating these auditing procedures. The period of performance has been lengthened to three years which has received universal praise from stakeholders. In addition, GPD has also greatly improved its communications efforts with stakeholders.

Going forward, the Task Force will focus its recommendations on improving competency and grant execution, enhancing consistency in understanding and application, and communication by and between stakeholders.

Elaine Duke, Task Force Vice-Chair, briefed the HSAC on the details of these findings and recommendations. The Task Force's scope was to review the grants programs' outcomes, mechanisms, and whole community approach. The Task Force identified a pattern in the responses from the stakeholders, primarily directed towards consistency, communication, and unequal applications and understanding of the grants process. In particular, the Task Force noted a lack of clarity on whether grants possess a terrorism-specific or an all-hazards approach. The Threat Hazard Identification and Risk Assessment (THIRA) process was another area where unequal application was noted by stakeholders. A number of the Task Force's recommendations will be focused on improving clarity in grant guidance. The final report will be presented in February.

Cybersecurity Subcommittee Progress Report

Jeff Moss, Co-Chair of the Subcommittee, updated the HSAC on the committee's recent activities. The Subcommittee was created in August 2015 and was issued its first two taskings: providing recommendations on a national cyber incident response framework and reviewing state, tribal and territorial cybersecurity matters.

Regarding the National Cyber Incident Response Framework (NCIRF), the Subcommittee was charged with strengthening U.S. plans, capabilities, and coordinating mechanisms to restore services if defenses fail in response to a catastrophic cyberattack. In addition, the Subcommittee was asked to assess the readiness of lifeline sectors to meet emergent cyber threats and provide recommendations for building cross-sector capabilities to rapidly restore critical services in the event of an attack.

For the second tasking, the Subcommittee has been asked to explore how the Department provides a more unified approach to include components responsible for the allocations of funds, providing threat briefings, and building resilience in support of state, local, tribal, and territorial (SLTT) governments in the field of cybersecurity.

Task forces within the existing subcommittee structure have been established for each of these subtaskings and their interim reports are due in June 2016 for the NCIRF task force, and October 2016 for the SLTT task force.

Paul Stockton and Juliette Kayyem, Vice Chairs of the Subcommittee, also provided comments. Mr. Stockton expressed the hope that the Subcommittee will provide robust recommendations on the establishment of a National Cyber Incident Response Plan. Ms. Kayyem identified several themes that have risen to the surface in the preliminary stages of the Subcommittee's SLTT review: the lack of a national plan for SLTT governments, importance of recognizing the cultural challenges in changing emergency response strategies, and the crucial role DHS can play in assisting and educating SLTT agencies.

Countering Violent Extremism (CVE) Subcommittee Progress Report

Farah Pandith, Co-Chair of the Subcommittee, reviewed the components of the Subcommittee's tasking:

- What opportunities or platforms can be used to facilitate public-private partnerships between technological and philanthropic sectors?
- How can the Department develop new networks and frameworks for sustained dialogue and engagement with technology companies and philanthropic organizations?
- What other non-governmental sectors should be leveraged for CVE and how should those sectors be engaged?
- How can DHS work with education and mental health professionals to help parents and schools understand how to counter youth radicalization?
- How can the Department inspire peer-to-peer attempts to challenge violent extremism through public-private partnerships?

The Subcommittee will be working very closely with the Department's new Office for Community Partnerships (OCP). Ms. Pandith thanked the Secretary for spearheading and encouraging efforts in the arena of CVE. The Subcommittee plans to focus on six sectors in particular: engagement with millennials and pop culture, communication and messaging, social media, funding sources, education, and mental health.

Adnan Kifayat, Subcommittee Co-Chair, emphasized that the report will be respectful of the communities it seeks to engage with, and will take into account those communities specific needs.

Public Comment

Executive Director Morgenthau opened the floor for public comments; however, there were no comments from members of the public.

Member Nutter thanked the Secretary for his efforts in engaging with local communities throughout his tenure, and particularly thanked the Department for their help in Philadelphia during the visit of Pope Francis.

Member Acevedo reminded the Council that the threat from right wing extremists domestically is just as real as the threat from Islamic extremism. Secretary Johnson agreed and noted that CVE, by definition, is not solely focused on one religion. Member Goldenberg seconded Member Acevedo's remarks and noted the importance of online sites in right wing extremist communities, not only in America but worldwide.

Member Norris thanked the HSAC and DHS for acknowledging the unique government-to-government obligations and relationships between the federal government and tribal governments.

Public Session Concludes

Executive Director Morgenthau adjourned the open session of the meeting at 3:07 p.m., and the Council returned to closed session.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

May 2, 2016

A handwritten signature in black ink, appearing to read "William H. Webster". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Signed and Dated

Judge William H. Webster, Chairman, Homeland Security Advisory Council

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Closed Session: 10:10 a.m. to 12:00 p.m.

HSAC Chairman Judge William Webster and Vice Chair Bill Bratton welcomed the Homeland Security Advisory Council (HSAC) members to the meeting and brought the closed morning session to order at 10:10 a.m.

Senior U.S. Government leaders presented an overview on the benefits and challenges of encryption technology.

Judge Webster adjourned the morning session at 12:00 p.m.

Closed Session: 3:10 p.m. to 4:40 p.m.

HSAC Chairman Judge William Webster brought the afternoon closed session to order at 3:10 p.m.

Farah Pandith and Adnan Kifayat, Co-Chairs of the Countering Violent Extremism (CVE) Subcommittee, provided HSAC members with an overview of CVE threats.

Juliette Kayyem and Paul Stockton, Vice-Chairs of the Cybersecurity Subcommittee, provided HSAC members with an overview of the Cybersecurity threat.

HSAC members also received briefings from the Cybersecurity Subcommittee's private sector leads who provided their perspectives as well as insights on the current threat and measures they are taking to counter the threats.

Secretary of Homeland Security Jeh Johnson provided the members with an update on current issues surrounding the Department of Homeland Security.

Judge Webster adjourned the meeting at 4:40 p.m.