

U.S. Department of Homeland Security
Homeland Security Advisory Council Meeting
Wednesday, August 24, 2022
Meeting Minutes
3:00 PM – 3:30 PM EST

The open session of the Homeland Security Advisory Council (HSAC) meeting was convened on August 24, 2022, from 3:00 p.m. to 3:30 p.m. 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 attended the meeting:

HSAC Members

William Bratton (Co-Chair)
Jamie Gorelick (Co-Chair)
Karen Tandy (Vice-Chair)
William Webster (Chair Emeritus)
Jayson Ahern
Cheryl Andrews-Maltais
Tarika Barrett
Noah Bookbinder
Safrat Katz
Catherine Chen
Michael Chertoff
Carrie Cordero
Michael Masters
Leon Panetta
Ted Schlein
Sonal Shah
Ali Soufan
Todd Stern
Vincent Talucci
Jonathan Thompson
Lynda Williams
Wendy Young

HSAC Subcommittee Member

Matthew Ferraro

DHS Participants

Melissa Smislova, Deputy Under Secretary, Office of Intelligence and Analysis
Erin Waters, Deputy Assistant Secretary, Office of Public Affairs
Jamie Lawrence, Deputy Assistant Secretary, Office of Partnership and Engagement
Jennifer Daskal, Deputy General Counsel, Office of General Counsel
Andrew Fausett, Assistant General Counsel, Office of General Counsel

Matthew Fleischman, Attorney Advisor, Office of General Counsel
Christopher Wright, Senior Counselor, Office of the Secretary
Michael Feldman, Director of Public Affairs, Cybersecurity and Infrastructure Security Agency
Jessica Schau Nelson, Senior Counsel, Cybersecurity and Infrastructure Security Agency
Sabastian Fischer, Attorney Advisor, Cybersecurity and Infrastructure Security Agency
María Barsallo Lynch, Cybersecurity and Infrastructure Security Agency
Mariefred Evans, Cybersecurity and Infrastructure Security Agency
Alex Zaheer, Cybersecurity and Infrastructure Security Agency
Malia Collins, Federal Emergency Management Agency
Saraswati Shah, Special Assistant, Office of the Secretary
Eric Falcon, Senior Advisor, Office of Policy
Kevin Quinn, Senior Policy Advisor, Civil Rights and Civil Liberties
Jason Mayer, Designated Federal Official, Homeland Security Advisory Council
Rebecca Sternhell, Executive Director, Homeland Security Advisory Council
Mike Miron, Deputy Executive Director, Homeland Security Advisory Council
Joseph Chilbert, Senior Director, Homeland Security Advisory Council
Alexander Jacobs, Senior Director, Homeland Security Advisory Council

William Bratton: My name is William Bratton and I am the Co-Chair of the Homeland Security Advisory Council, or “HSAC”. I welcome you to today’s public meeting where we will receive the draft final report and recommendations from the Council’s Disinformation Best Practices and Safeguards Subcommittee.

I would like to welcome our HSAC members and members of the public who have joined this meeting.

I’d like to thank Jamie Gorelick and Secretary Michael Chertoff for their leadership and their service as co-chairs to the Disinformation Best Practices and Safeguards Subcommittee, along with fellow subcommittee members Ted Schlein, Sonal Shah, and Ali Soufan.

Lastly, a special thank you to Matthew Ferraro who was a member of the subcommittee and supported drafting the report, as well as to our HSAC staff for their efforts to bring this project to completion.

Jason Mayer: Thank you, Commissioner Bratton for those remarks. My name is Jason Mayer, and I am the designated federal official for this HSAC subcommittee. I would also like to thank the 22 HSAC members who joined this call, as well as members of the public for joining today’s public call. As a reminder that we are recording minutes for today’s conference call for the public record.

This meeting is convened pursuant to a notice that appeared in the Federal Register on Monday, July 18, 2022.

By way of background, the HSAC is a Federal Advisory Committee at the Department of Homeland Security which provides strategic advisory support to the Secretary and Department

leadership. Under the Federal Advisory Committee Act or “FACA,” these meetings are open to the public. An executive summary and meeting minutes will be posted on the DHS web site at www.dhs.gov and the public FACA database within 90 days of today’s meeting.

After the report is briefed, members of the public may offer comments for up to one-minute. I will prompt you to do so at the appropriate time. The HSAC will then deliberate on the report, followed by a member vote.

At this time, I’d ask Secretary Michael Chertoff and Jamie Gorelick, the Co-Chairs of the Disinformation Best Practices and Safeguards Subcommittee to present their final report and recommendations.

Secretary Chertoff and Jamie, the floor is yours.

Jamie Gorelick: Members of the HSAC and the public, we look forward to sharing our final report and recommendations with you today. Before we do that, we wanted to summarize the tasking issued to this subcommittee by Secretary Mayorkas

On May 18, 2022, Secretary Mayorkas asked a Subcommittee of the Department of Homeland Security’s Homeland Security Advisory Council to make recommendations for how the Department can most effectively and appropriately address disinformation that poses a threat to the homeland while protecting civil rights and providing greater transparency across this work.

To develop our findings and recommendations, the Subcommittee met with leaders and subject matter experts from every DHS component that plays a role in the mis- dis- and mal-information mission, including:

- Office of the Secretary (OS)
- The Privacy Office (PRIV)
- Office of Public Affairs (OPA)
- Civil Rights and Civil Liberties (CRCL)
- Cybersecurity and Infrastructure Security Agency (CISA)
- Office of Intelligence and Analysis (I&A)
- U.S. Customs and Border Protection (CBP)
- Federal Emergency Management Agency (FEMA)
- Office of Strategy, Policy and Plans (PLCY)
- Office of General Counsel (OGC)

We have previously recommended to the full Council – and the Council has accepted our recommendation – that there is no need for a separate Disinformation Governance Board.

The final report presents our assessment and recommendations. Part I defines our terms. Part II provides concrete examples of disinformation’s deleterious impacts on DHS’s Congressionally mandated missions. Part III describes DHS’s current activities. Part IV contains our recommendations. Our review preceded the release by the DHS Inspector General (IG) of its report, “DHS Needs a Unified Strategy to Counter Disinformation Campaigns,” but many of the

observations in that report are consistent with our own. Our recommendations would produce a more strategic approach to disinformation.

I would like to turn it over to my fellow co-chair Michael Chertoff to provide the subcommittee's findings and recommendations.

Michael Chertoff: Thank you and let me echo the thanks to the members of the subcommittee who worked on this project as the people of DHS who cooperated in allowing us to ask some questions and give us some important information.

Let me give you the kind of highlight of the findings of recommendations. First, we do believe it is Imperative that DHS Address Inaccurate Information that Undermines its Critical Missions.

The Department must be able to address the disinformation threat streams that can undermine the security of our homeland.

We emphasize, that the Department of Homeland Security does not have a broad remit to address all inaccurate information or disinformation, nor does it have the authority to silence or sanction anyone's speech. Rather, its efforts should focus on (a) assessing whether publicly disseminated disinformation impedes missions assigned to the agency by law and (b) disseminating correct information.

DHS Must Assure that Standards are Maintained

The components of the Department responsible for the protection of legal and civil rights and liberties should enhance their interaction with the components that have operational roles in this area, to provide assurance that the work of Departmental components is consistent with the law and the relevant civil rights and privacy protections.

We recommend that these offices be tasked with affirmative engagement with each of the relevant components on a regular basis to ensure that operational components are implementing that guidance; that they routinely review the work of the components to ensure compliance with such guidance; and that they review and, as needed, update rules governing the analysis of disinformation and permissible responses.

The Office of Public Affairs should be tasked with engaging on a regular basis with the public affairs offices in each of the components so that public statements about disinformation are made in a consistent manner and benefit from best practices across the Department.

DHS Should Assure that the Department Has the Technical Expertise to Confront Future Threats

We recommend that I&A, with support from the Directorate of Science and Technology, ensure that the Department and its components have the technical capability to address future challenges related to disinformation. In particular, this should include analysis of strategic trends in disinformation content, identification of significant disinformation propagators, and explanation of technologies being used to amplify, mask, or intensify disinformation, including through the propagation of synthetic media or “deepfakes.”

DHS Should Bolster the Role of the Office of Intelligence and Analysis

I&A should serve as a principal channel for obtaining disinformation warnings from the U.S. Intelligence Community and from other entities. I&A should furnish to other components guidance and notice of significant disinformation threats to DHS missions

DHS Should Promote Transparency

Disinformation flourishes when authoritative voices are absent. To establish trust and to establish authority, we recommend that the department adopt the following three principals which would be useful across all of the DHS missions.

First, the department should communicate consistently about what it is doing, and significant emerging challenges in disinformation space so that the public is aware of what the department is focused on and why the department is speaking out.

Second, and this may seem counter intuitive to some people who are used to observing government, we think it is important that the department speak clearly and simply about what is being done. The truth is in this area, there's a lot of academic jargon and inside baseball terminology which makes it seem obscure and difficult to really understand for the average person. That's why the principals here ought to be explained in plain English. The importance of truth, why disinformation can interfere with mission, and what are appropriate responses to clarify misinformation or misleading activity.

And finally, the department should always emphasize the legal and civil liberties and privacy principals which show the way we do this process to ensure that the public is confident that the department is operating within constitutional and legal and ethical constraints in pursuing and need to make sure accuracy triumphs over lying and misinformation.

This was a general overview and outline of our findings. We look forward to further HSAC deliberation and vote on our recommendations. Jason, we will return the floor to you.

Jason Mayer: Thank you cochairs and committee. I would like to open it up to public comment. They will be reflected in the meeting minutes. Operator, please go to the first commenter.

No public comments received.

I now recognize members of the HSAC for comments and questions on the Report.

Chairwoman Cheryl Andrews-Maltais: I just want to thank you for your efforts. Accurate information is critical to the health and well being of all of us. I just want to thank you and applaud your efforts on this.

Leon Panetta: I too want to thank both Jamie and Michael for their great work in putting together this report. I have one question, however. You have identified all of the different offices that would be involved. But I am wondering, just from my own experience, whether there needs to be an individual at the secretary's office that can oversee all of these efforts to make sure it is happening, otherwise it will be very tough to monitor it. So that's just a comment and a guide.

Jamie Gorelick: Secretary, we did talk about that and speaking as a former deputy in a different department, I think in general our view is that the deputy has responsibility across the board for organizing efforts and following up on them and making sure that everyone is doing their job. And I guess our assumption is that under the deputy or someone else, we will track this for the Secretary once we have an opportunity to talk with him about our recommendations, making sure that they don't just sit on a shelf is a high priority for us.

Leon Panetta: Thank you. I think that's right, Jamie. You know the problem, and if you could at least get some sense that the deputy would have that responsibility, I would feel a lot more comfortable.

Jayson Ahern: Congratulations to the group. After reading it, there is just one observation I would share. When I look at the components that were actually cited as having responsibilities for disinformation campaign to be able to combat it, I note that with significant interest that ICE isn't listed. And particularly since they have a shared responsibility with CBP on human trafficking and smuggling aspect, and they have a Human Trafficking Center that someone of their five main functions, looking at disinformation and dissemination. Were they asked if they want to be engaged, or is it just something that time didn't allow to reach out to them?

Michael Chertoff: I think they were asked, but the basic logic and principals were applied as well and ICE has issues that affect its operational activities. So this wasn't meant to suggest that the particular component names are the only ones that might be engaged in the dealing with this, but it was picking the ones that were kind of most salient in terms of what they have been doing up until now in dealing with this information.

Jayson Ahern: Got it. Thank you for that, Michael. I think the important thing too is the recommendations provide a go forward strategy. I would encourage as the department oversees the implementation of the recommendation, that they drill in a little deeper, particularly since there is a center that actually is involved with information disinformation at the ICE Human Trafficking Center to make sure that is also included in the overarching strategy.

Carrie Cordero: I want to thank the subcommittee for its work and the chairs for their leadership of this project. I completely agree with the subcommittee recommendation that a separate governance board is unnecessary and so I look forward to being able to vote on adopting the recommendations of the report.

I do have two comments just to share as far as observations on two of the recommendations. I appreciate that the subcommittee focused its guidance on the department countering disinformation that specifically relates to impeding the department's mission.

On the second recommendation, I had a similar reaction to Secretary Panetta, which is that it still probably would be useful for there to be some sort of defined coordination, mechanism. The place that struck me might be useful perhaps is the deputy's office. Might also be a senior official in the policy office that could effectively coordinate that role to make sure that the recommendations are implemented.

On recommendation four that the Office of Intelligence and Analysis provide guidance and notice regarding the identify of high volume disinformation purveyors, I hope we might be able to clarify that in implementing that, they should want to take care and consultation probably with the Office of General Counsel to focus that warning or information on issues that are relevant to impeding the department's mission, to make sure that doesn't become too broad of a remit and they want to take care they're operating under appropriate guidelines and that there is a cabinet way they're approaching the identification of what are called high volume purveyors in the recommendation section.

Overall, I just want to thank the subcommittee for their deliberate and prompt work on this and appreciate the hosting of this public call.

Michael Chertoff: And let me just state on the second point, it is quite clear in the actual text of the recommendations, first of all that we are indicating that it should be focused on disinformation that undermines the operational activities or interferes with the mission of DHS, they don't have a red pencil to correct everything that is wrong in the world.

Second, that's why we really drive home the point, that the Office of General Counsel and the Privacy and Civil Rights offices have to not only promulgated guidelines, but we have built in to these a couple of strong recommendations to make sure people are staying within the guardrails and are focused on the mission and not just wandering off to everything else.

Noah Bookbinder: I just wanted to join everybody else in thank the subcommittee for the great work. I just had one clarifying question. Clearly a couple of the issues that are discussed in the report, particularly disinformation around the election and disinformation around COVID, are issues where information and disinformation has become highly politicized. And because of that, I think efforts to correspond to disinformation has been attacked as perhaps political. It was my sense that the recommendation five under transparency was really intended in part to inoculate the department against accusations that correcting disinformation was political. But I just wanted to clarify if that was a part of the intent of that particular set of recommendations.

Jamie Gorelick: Let me note one thing. We put together an appendix of the kinds of, if you will, corrections of inaccurate information that the components put out. The reason we did that is, I wouldn't use the word anodyne, but they're so normal, so not political, that they do illustrate the care that the department takes to stay out of politics and just address accuracies, or disinformation that undermine the mission.

And we give lots of examples of how each component addresses that challenge. And we have all of that explanation out there because it was our sense that the actual work of the department had been exaggerated, and that the real work is extremely straightforward.

Jonathan Thompson: Just one question. I thought it was a terrific report, great job, well done. How is success measured by the Department in regards to these recommendations?

Michael Chertoff: That is an interesting question. It is not, it doesn't reduce itself to numbers. And nor do I, in speaking personally for a moment, do I believe that somehow the people who are doing disinformation didn't give up. But I do think that if one uses qualitative analysis, which I & A can do, to understand whether the most salient and far-reaching disinformation is being captured, observed and being responded to, that I think would be I think a positive sign of success. You want to focus on the main threats in terms of what the scope and coverage is, and make sure your responses appear to be having some effect.

Jonathan Thompson: Yeah, I think that's right. I think Noah was also addressing the utilization of a lot of us nowadays, so I was just thinking how do we, and I'm not sure there is an answer to it, but I think you're right, somehow make it as anodyne but it has to be crystal clear. We need to have some understanding of how did we do this year versus last year, good point.

Michael Chertoff: Yes, and I think as Jamie points out, the examples in the appendix are very helpful. Because when you see the actual elements, the problem is when you talk about disinformation as an abstraction with a term of art, people can take it however they want to take it. But when you actually give examples of what is being put out there, that is being caught and then responded to, that has a much more persuasive effect.

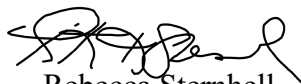
Jason Mayer: If there are no more comments, is there a motion to move and second to the secretary?

Moved and second. At this time, those in favor of approving this report, please indicate aye.

Multiple HSAC Members Aye.

Jason Mayer: Thank you. Those opposed, please indicate nay. (no response) Those abstaining. (no response) The recommendation passed by acclamation. Members of the public that would like to provide questions or comments may do so via e-mail at HSAC@HQ.DHS.gov. Meeting minutes can be found online. Commissioner Bratton, I now yield to you to close the session.

William Bratton: I want to thank the members and public. The findings will be given to the Secretary in the coming days. We are now going to bring this public session to a close. This meeting is now adjourned. Thank you all.



Rebecca Sternhell
Executive Director, Homeland Security Advisory Council