



Homeland Security

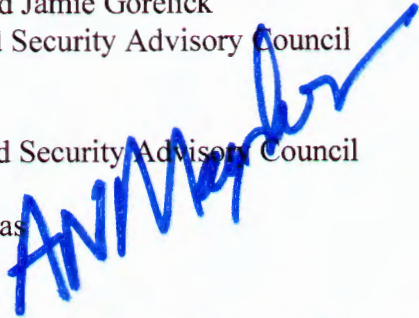
March 27, 2023

MEMORANDUM FOR: William J. Bratton and Jamie Gorelick
Co-Chairs, Homeland Security Advisory Council

CC: Karen Tandy
Vice Chair, Homeland Security Advisory Council

FROM: Alejandro N. Mayorkas
Secretary

SUBJECT: **New Homeland Security Advisory Council Subcommittees**

A handwritten signature in blue ink, appearing to read "ANM", is written over the "FROM" field and extends into the "SUBJECT" field.

I greatly appreciate the recently submitted HSAC reports on Intelligence and Information Sharing, Technology and Innovation Network, Supply Chain Security, and Openness and Transparency. The reports present thoughtful recommendations that we are looking forward to implementing with deliberate speed.

As signaled in our March 16, 2023 meeting, I respectfully request that the HSAC form new subcommittees to study and provide recommendations in four critical areas for our Department:

1. Development of the Department's Artificial Intelligence (AI) Strategy. This effort will be divided into two subcommittees. One will be focused on how the Department can best use AI to advance critical missions, and the other will be focused on how the Department should be building defenses to the nefarious use of AI in the control of an adversary.
2. Potential revisions to the homeland security grant programs, including the risk methodology that is applied, to ensure the Department is operating the programs optimally in light of the changed threat landscape over the past 20 years.
3. A wholesale review of the immigration Alternatives to Detention (ATD) programs, and recommendations to modernize the programs and make them more effective.
4. Potential revisions to the DHS workplace and workforce skill set. This effort will be divided into two subcommittees. One will review the Department's current diverse work environments - from secure spaces and ports of entry to remote offices - and make recommendations for the workplace of the future. The second subcommittee will assess the alignment of workforce skills with work responsibilities in discrete, critical mission areas.

These subjects are described in more detail below. I will follow up with you shortly regarding formation of the subcommittees.

I request that the HSAC submit its findings and key recommendations to me no later than 120 days from the date of this memorandum, consistent with applicable rules and regulations.

Thank you for your work on these important matters, your service on the HSAC, and your dedication to securing our homeland.

Artificial Intelligence (AI) Strategy

In November 2019, the HSAC issued a report titled *Emerging Technologies Final Report on AI and ML*, which outlined threats to the homeland from artificial intelligence and machine learning and provided recommendations to the Department. In December 2020, DHS issued the *DHS Artificial Intelligence Strategy*, which outlined the potential impacts of AI and addressed investments in AI capabilities, the mitigation of AI risks, its implications for workforce development, and how to improve public trust and engagement. The complex threat environment continues to evolve, as reflected in the rapid advances in AI over just the past year. The Department must be equipped to leverage and address the advances with the nimbleness that the pace of advance requires.

DHS intends to ethically and responsibly leverage the potential of AI to transform its operations, and also recognizes that AI technology presents new risks and threats. AI technology can be used in innumerable ways, such as to identify and target inbound cargo that may present a potential risk to the U.S., and to create bots that increase employee efficiency. As the Department moves forward, AI must be embraced as a force multiplier and task facilitator; AI offers rich opportunities to improve the ways in which we accomplish our mission across DHS agencies and offices. The Department is currently working on congressionally mandated policy guidance, to be issued later this year, for our use of AI.

In light of the 2020 AI Strategy, the robust work underway to develop guidance, and the increased use of AI by adversaries who wish to cause harm, the HSAC will form two subcommittees. One will examine the use of AI to advance DHS's missions, and the other will examine threats AI poses to the security of our homeland and develop corresponding defense strategies.

The first subcommittee's review should include, but need not be limited to, the following:

1. An assessment of current and emerging AI uses in private sector enterprises and other government agencies.
2. An assessment of which DHS missions and operations could be most positively impacted by leveraging AI.
3. Recommendations on how DHS can ensure robust governance and oversight of AI use to prevent disparate impacts and algorithmic bias, and how DHS can most effectively

communicate with the public, oversight entities, and other stakeholders to clearly explain its use of AI and build trust in it.

The second subcommittee's review should include, but need not be limited to, the following:

1. An assessment of ways in which our adversaries are already leveraging and could leverage AI in the future.
2. Recommendations on how DHS can best develop, including by investing in research and development, a forward-looking defensive strategy against adversarial AI.

Homeland Security Grant Program Review

In 2003, Congress established the Homeland Security Grant Program (HSGP), which includes three individual grant programs – the State Homeland Security Program (SHSP), the Urban Area Security Initiative (UASI), and Operation Stonegarden – to help bolster the nation's capabilities to prevent terrorist attacks. In the decades since, the grant programs have undergone only slight legislative revision despite the dramatically changed and evolving threat landscape. The Department has made modest changes to the risk methodology and the number of jurisdictions awarded UASI grants has fluctuated, but otherwise the HSGP has remained fairly static. Now, at the 20th Anniversary of the HSGP, a thorough review is warranted.

The Department has increasingly received feedback from stakeholders that the programs have become less transparent and collaborative. This feedback also surfaced underlying tensions between stakeholder groups, which contribute to frustrations with the grant programs. There is the tension between states and localities and between emergency management and law enforcement. Driving these tensions are scarce dollars, state and local funding allocation decisions, and shifting national priorities.

The HSAC will form a subcommittee to engage with subject matter experts and provide recommendations for the reform of HSGP, with consideration of stakeholder feedback and inclusive of potential legislative reforms. Specifically, the review and recommendations should include, but need not be limited to, the following:

1. How the Department should assess and rank terrorism risk at the national, state, and local levels.
2. Whether current congressional direction that Metropolitan Statistical Areas (MSAs) that comprise 85% of the national risk threshold eligible to receive UASI funding reflects the current threat environment.
3. How the Department should provide funding to States and MSAs.
 - a. Whether funding should be distributed to recipients through State Administrative Agencies (SAAs) or directly.

- b. How SAAs can reduce the administrative burdens of the application process within their States.
 - c. The appropriate State and local allocations, including allowable administration percentages.
4. Whether funding should be annual or multi-year awards, and what the respective performance periods should be.
5. Whether grant programs should be bifurcated or new grant programs should be created to account for:
 - a. large, heavily-funded and smaller, seldom-funded jurisdictions;
 - b. sustainment of existing capabilities and capacity building; and
 - c. funding distributed among emergency management, law enforcement, and fire fighters.
6. Qualified uses of grant funding, including percentages of Law Enforcement Terrorism Prevention Activities (LETPA).

Immigration Alternatives to Detention (ATD)

Individuals arriving at the border who are placed in removal proceedings should have their cases decided in an orderly, efficient, and fair manner. Certain individuals at the border can be detained while they are in removal proceedings. DHS's Alternatives to Detention (ATD) programs provide oversight of certain individuals who are released from DHS custody during the pendency of their removal proceedings. The ATD programs were developed to ensure compliance with release conditions, provide important case management services for non-detained noncitizens, and alleviate stress on detention facilities. ATD consists of multiple distinct subprograms, such as the Intensive Supervision Appearance Program (ISAP), Young Adult Case Management Program (YACMP), and the Case Management Pilot Program (CMPP). Each ATD program utilizes certain tools, such as technology and case management, to support noncitizens' compliance with release conditions while on ICE's non-detained docket and to increase court appearance rates. ATD has become an important tool to ensure non-detained individuals understand and comply with their obligations while they are in removal proceedings.

The HSAC will form a subcommittee to conduct a wholesale review of the ATD programs. The review should include, but need not be limited to, the development of recommendations on the following:

1. How the Department can more effectively ensure that individuals in removal proceedings remain in contact with ICE and accessible as required.
2. The identification of new ATD programs and areas of improvement for existing ATD programs.

3. Steps the Department should take to broaden ATD, improve the reach of ATD programs, and ensure that processes are in place to monitor the effectiveness of the ATD programs.

DHS Workforce and Development

Since the creation of DHS 20 years ago, the Department has confronted challenges of unprecedented breadth, ranging from global terrorism, ransomware, a rise in targeted violence, emergent humanitarian crises abroad, natural disasters, and much more. The Department has responded to the dynamic landscape with leadership, skilled personnel, cross-component collaboration, and new programs. The workplace model has also changed in dramatic ways, from allowing for more flexible work schedules to enabling remote work, including, for example, remote interviews of individuals seeking benefits that DHS administers. The Department looks to improve the current work environment and ensure it is adaptable and ready to meet future challenges. This aligns with the DHS 2023 priority to transform the Department's infrastructure to ensure it is a more productive and flexible workplace responsive to the needs of the workforce and the public.

The HSAC will form two subcommittees:

1. The first subcommittee will review the Department's current diverse work environments, from secure spaces and ports of entry to remote offices. The subcommittee is to provide recommendations on, among other things:
 - a. Models for the next generation work environment that may be employed in different mission areas, to enable the DHS workforce to be prepared for a wide range of changes ahead.
 - b. How DHS can leverage existing and emerging technology to enable mobile learning, cross-training, and services to develop a well-informed, skilled, and agile workforce that effectively meets evolving stakeholder needs.
2. The second subcommittee will assess the alignment of workforce skills with work responsibilities. The subcommittee is to provide recommendations on, among other things:
 - a. How the Department can effectively upskill and reskill certain elements of its workforce to expand their capabilities and enable them to more ably fulfill their evolving job responsibilities.
 - b. How the Department can, where necessary, effect workforce composition changes to ensure the alignment of skills with new or evolving work responsibilities.