

**U.S. Department of Homeland Security**  
**Homeland Security Advisory Council Meeting**  
On Site and Virtual Zoom Meeting  
Eisenhower Executive Office Building, Indian Treaty Room  
6101 W Executive Ave NW, Washington, DC 20006  
Thursday, March 16, 2023  
2:10 p.m. – 4:30 p.m. EST

The open session of the Homeland Security Advisory Council (HSAC) meeting was convened on March 16, 2023, from 2:10 p.m. – 4:30 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:**

Jayson Ahern  
Dmitri Alperovitch  
Mary Barra  
Tarika Barrett  
Noah Bookbinder  
William Bratton  
Safra Catz  
Catherine Chen  
Michael Chertoff  
Carrie Cordero  
Arthur Culvahouse  
Lynn Good  
Danielle Gray  
Jane Harman  
Robert Isom  
Carie Lemack  
Michael Masters  
Leon Panetta  
Ted Schlein  
Elizabeth Shuler  
Ali Soufan  
Todd Stern  
Vincent Talucci  
Karen Tandy  
Jonathan Thompson  
Hamdi Ulukaya  
William Webster  
Lynda Williams  
Wendy Young

### **HSAC Subcommittee Member Staff**

Courtney Adante  
Candace Archer  
Allison Grossman  
Adam Rappaport  
Matthew Shortal  
Kerry Sleeper  
Sarah Stewart  
Gary Tomasulo  
Omar Vargas  
Gene Voegtlin  
Jonathan Weinberger

### **DHS Participants**

Alejandro N. Mayorkas, Secretary, Department of Homeland Security  
Brenda Abdelall, Assistant Secretary, Office of Partnership and Engagement  
Eric Hysen, Chief Information Officer, Department of Homeland Security  
Dana Chisnell, Acting Executive Director for Customer Experience at DHS  
Jamie Lawrence, Deputy Assistant Secretary, Private Sector Office  
Rebecca Sternhell, Executive Director, Homeland Security Advisory Council  
Joseph Chilbert, Senior Director, Homeland Security Advisory Council  
Alexander Jacobs, Senior Director, Homeland Security Advisory Council  
Carley Bennet, Student Intern, Homeland Security Advisory Council  
Cori Dawson, Contractor, Homeland Security Advisory Council  
Shawn Hall, Special Advisor, Office of Partnership and Engagement  
Ricki Seidman, Senior Counselor to the Secretary, Department of Homeland Security  
John C. Williams, Executive Leadership Support Team, Office of the Chief Information Officer

**BILL BRATTON:** Co-chair of the Homeland Security Advisory Council (HSAC) - Welcome to our members and the public who have joined this public meeting. Special welcome to former Chairman, Judge Bill Webster. Now HSAC Chairman Emeritus.

Reports to be delivered from four subcommittees cover supply chain security, openness and transparency, technology and innovation, and intelligence and information sharing. Thanks to our subcommittee co-chairs for their time and leadership in developing and delivering these reports. Thank you to the subcommittee members, their staff, and to the HSAC staff for their efforts completing this project.

**REBECCA STERNHELL:** Executive Director of the HSAC – Welcome to the public and all the members who have joined us in person and online.

Special thanks and acknowledgement for the work that was done by our subcommittee members Matthew Shortal, Allison Grossman, Candace Archer, Sarah Stewart, Michael McGarry, Kerry Sleeper, Gene Voegtlin, Adam Rappaport, and others, without whom we wouldn't have the reports today. I also need to thank Joe and Alexander, two of the best public servants I've ever

had the honor of working with. We would not be here without all their efforts, so thank you both.

This meeting is pursuant to the notice published in the Federal Register on February 21, 2023. The HSAC is a federal advisory committee providing strategic advisory support to the Secretary and departmental leadership. Today's meeting minutes will be posted at [www.dhs.gov](http://www.dhs.gov), and the public FACA database within 90 days of the meeting.

**SECRETARY MAYORKAS:** Thank you, Bill and Rebecca. Really, I just want to thank all of you, the people who led the subcommittees and the subcommittee members, thank you all.

A couple weeks ago we celebrated the Department's 20th anniversary. I spoke about the changes in the threat landscape over the past 20 years. We're going to hear Jake Sullivan and Michael Chertoff speak about how national security is converged with Homeland Security. We spoke a lot about the environment in which we operate, but the focus was really all about the people, the people that meet the challenges, allow our country to stay safe and secure, and you're very much integral to that.

We in the Department are at an inflection point. I will ask Mike about artificial intelligence and what that means. Not only for today but for tomorrow. You will hear that we're going to ask that a subcommittee be formed to address artificial intelligence. I think we're at a very important point in the security of the homeland, and that's why our gratitude to all of you for taking the time and using your talent and energy and the people that you can draw upon to make our department better and our nation more secure. I really want to thank you for that.

All of you have been administered the oath of office, have accepted of the oath. I had the privilege of administering the oath to AB Culvahouse in our last meeting. I now will have the privilege of administering the oath to Elizabeth Shuler, our newest member.

**SECRETARY MAYORKAS:** [Administers the oath to Elizabeth Shuler]

**SECRETARY MAYORKAS:** Our department is comprised of about 260,000 people, 50,000 of those are veterans, and about 32,000 are what we call plank holders-they were in the Department of Homeland Security when the doors first opened in 2003. Jane Harman knows this well, being one of the architects of the Department. One of the messages I communicated in my remarks to the workforce was that everything that we do well is made possible by the contributions of those who came before us, that we're building on the achievements of others. No one really personifies more elegantly and more powerfully how one's contributions today can lead to the betterment of tomorrow, than the Chair of this council for 20 years, William Webster, who served as a district court judge, circuit court judge, director of Central Intelligence Agency, and the Director of the FBI, the only individual in our country's history to have both those positions.

As we're celebrating the 20th anniversary of our department and acknowledging publicly how important the contributions of one are to the capabilities of all, we want to honor Judge Webster.

The Department of Homeland Security's highest civilian honor is the Distinguished Service Medal. Judge Webster just celebrated his 99th birthday. Judge Webster, and to your wife Lynda, I would like to present you on behalf of 260,000 men and women in the Department of Homeland Security with our Distinguished Service Medal. Thank you very much.

I thought it timely to ask our second Secretary of Homeland Security, Michael Chertoff, to speak. I referenced the fact that the threat landscape has changed dramatically over the last 20 years. What are your thoughts when we speak of the dynamic in the evolving threat landscape?

**MICHAEL CHERTOFF:** When I think about the current landscape, I think I had it easy compared to what you have. It has changed the quite a bit. I came on board in the period immediately after 9-11, which was a traumatic and tragic event for the country. Preventing it from happening again and tracking down and gathering intelligence and stopping international terrorist organizations like Al-Qaeda was job one through ten of the Department. And there were ten other jobs too. That remains imperative. Now, we face terrorism from within. If you look at the killings that have occurred that have been called terrorism over the last several years, they've been driven more by domestic than international extremes. Partly because we have made our borders more secure against attackers, but it also reflects that it's harder to identify people who are domestic due to legal constraints that often apply.

We have cybersecurity threats which were nascent when I was Secretary but have now become one of the most compelling challenges for security in the world. It's not just a domestic issue; it is a global issue. It deals with crime, nation state actors, disinformation, ransomware and all those things that are much more compelling now than they were then. Now, we have nation state actors who are becoming part of the Homeland Security concern in addition to general national security concerns. When I was in office, we were concerned about Iran and North Korea. But now we look at Russia, and China, and we see much more formidable adversaries. The issue of Homeland Security now embraces the global landscape as well.

What's happened now is a merger of Homeland Security and National Security. One thing we've observed when we look at cyber-attacks or other kinds of attacks is that conflict is no longer applicable in discrete categories. The adversaries play across the board. And we must be prepared to do that. Looking at not just hardening against physical attacks but cyber-attacks, maintaining our supply chain, maintaining trust in government and the integrity of government against people who want to undermine it as the Secretary said, I'm delighted he's in the job, but I have a great deal of consciousness of the many challenges he faces.

**SECRETARY MAYORKAS:** Thank you very much, Mike. We've been joined by Jake Sullivan, the national security advisor, and a special assistant to the President.

Jake, Mike was speaking from his perspective having been not only the second Secretary of DHS, but also an Assistant Attorney General, a judge, a federal judge, on how the threat landscape has changed over the last 20 years. What would you say some of the ways you've seen homeland security converge with national security?

**JAKE SULLIVAN:** Thank you to everybody for giving me the opportunity to be here and to speak among many people who I deeply respect and admire. I agree with the observation that we are living in a strategic moment where we must contend with both a set of transnational challenges that are becoming more acute, more accelerated, more interconnected, while at the same time dealing with the fierce return of geopolitics. The national security strategy of the United States that we put out last year starts from the proposition that we've got to contend with both sets of these strategic challenges at once.

We are up against a uniquely dynamic moment as we have to contend with China, Russia, and other security challenges such as pandemics, terrorism, cyber, and the accelerating impacts of climate.

The good news is that the recipe for putting ourselves in the best position to deal with both sets of challenges is the same. One is investing in the sources of our own national strength here at home. And this gets to your question about the intersection of homeland security and national security, picking up on what the Secretary was saying. The security and resilience of our supply chains from cyber-attacks, disruption by geopolitical competitors and physical disruption by the effects of weather or climate are very real. We saw it acutely in the context of the COVID-19 pandemic, but we are equally seeing it as we try to restore our industrial and innovation strength through clean energy technology and through chips we're working hard to create a circumstance with a more diversified resilience supply chain for these critical inputs. That has an element of geopolitical competition, transnational challenges, and an element of dealing with economic and social vitality of this country. Investing in the sources of our national strength is critical.

The second is investing in our alliances and partnerships so that we're force multiplying and dealing both with collective solutions to transnational challenges and operating alongside partners and dealing with Russia and People's Republic of China.

In terms of the intersection between homeland security and national security, we used to think of geopolitics as the province of national security. Terrorism, or related threats, are really the province of security, but those distinctions have bled out. When you think about Colonial Pipeline, for example, which in 2021 faced a ransomware attack that was mounted from Russia, not by the Russian government, but by a Russian ransomware ecosystem that is tolerated by the Russian government. That attack took down the key conduit for the shipping of petroleum products from the southeast to the northeast in the United States, and every American felt that in the lines of their gas stations and the lack of ability to fill up their tanks. That was a good reminder that the biggest national security questions we're grappling with can end up having national security implications.

When Russia invaded Ukraine a year ago, the Secretary and I spent a lot of time talking with our team about what are the ways we could be vulnerable to Russian counter measures here in the United States? Cyber-attacks and other forms of warfare in this broad spectrum of threat that geopolitical competitors can pose? We have tried to make our critical infrastructure stronger against the potential for nation state attacks because what happens in Ukraine also must activate

a significant effort on the home front to ensure that we are not vulnerable as we work to defend Ukraine's sovereignty and territorial integrity.

A lot of people don't know that the Coast Guard is part of the Department of Homeland Security. It is not just protecting our coasts. It is a critical implement of national power. I spent a lot of my time thinking about how we integrate that tool into our forward-looking affirmative agenda for helping safeguard peace and stability, for helping countries in the Indo Pacific solve their problems, whether it's training them up on illegal and unreported fishing, maritime domain awareness, or humanitarian disaster response. Tools that are fundamentally focused on Homeland Security end up playing an outsized role in the complex landscape we face today in how they are used to address our national security needs thousands of miles from our shores.

Those are some examples, and of course, the terrorism challenge in every dimension has changed since 2001 and since the Department of Homeland Security has stood up. The nexus between plotting financing haven elsewhere coming home to roost in threats here has not changed. It is how that manifest has, but that fundamental problem that we have to work hand and glove on has not, and we have to remain ever vigilant to it, as well as violent extremists and terrorists at the same time.

**DMITRI ALPEROVITCH:** We have seen how Russian's invasion of Ukraine has completely changed geopolitics in the world today. Potential Chinese invasion of Taiwan would be considerably worse from an economic and geopolitical perspective. Do you believe that President Xi is intent on taking Taiwan in his lifetime and if so, can he be deterred?

**JAKE SULLIVAN:** It's impossible for me to inhabit President Xi's mind, so I don't want to predict his intentions or declare upon them. What I would say is the United States has to be prepared for that eventuality sooner rather than later. And we have to do everything in our power to deter it, to keep it from happening. And that is the fundamental objective purpose of our policy. It is to sustain a status quo in the Taiwan strait that has served the interests of our country. We believe it has served the interests of the PRC and it has served the interests of the wider world. Preventing war across the Taiwan Strait is a paramount national security priority for this administration and something we have to focus on because the prospect for war there is real, and I won't put timelines on it. What we can do to be ready for that eventuality, in terms of our capabilities, the support we provide to Taiwan, and the work that we do intensively with partners who are also very concerned about this.

**JANE HARMAN:** I wanted to ask about the border and immigration. I was in Congress when we voted for comprehensive immigration reform, which wasn't perfect, but it was a decent bill crafted in the Bush 43 Administration and it almost passed, lost by just a few votes. Since then, we have been in a very difficult situation over many administrations. I am just hopeful that the National Security Council is doing everything it can to help solve this.

**JAKE SULLIVAN:** That is absolutely our obligation, and it's what we try to do every day. And as Secretary Mayorkas knows, it's an extremely difficult problem with multiple dimensions to it. We are looking at a historic set of factors coming together to produce an enormous amount

of movement in our hemisphere. At the NSC, working closely with Secretary Mayorkas and with Secretary of State Anthony Blinken, we put together a thesis that was signed by more than 20 heads of state from around the hemisphere, that this is a shared problem and other countries must step up as well, that we cannot deal with the border challenge all the way up and down the migratory chain. Part of the NSC's responsibility is, is to make that real.

I know there is still a gap between where we are and where we need to be on that front, but we are putting energy and emphasis behind this. In fact, later today Ali and I are going to talk about further steps we can take on this front.

The other thing I would point out, and Ali has been an innovator in this regard, is to create a legal pathway through parole for people from Haiti, Nicaragua, and Venezuela, with a clear statement that if you try to cross between the ports of entry and didn't do it legally, you will be returned.

This has had a dramatic effect, and it is a model of how we can both create a safe and humane process at our border and provide lawful pathways to people who come to this country from repressive dictatorships in our hemisphere. That's a model because it's not a total solution, and the challenge is only going to become more acute as we go forward. We're going to have to be even more determined, creative, and effective in our implementation. That's not on the Department of Homeland Security and certainly not all on the Secretary. That's on the whole of this government. Because it's a whole of government problem. And the NSC in coordinating all of that, we take accountability for that.

**CARIE LEMACK:** Thank you for these insightful comments. I'm curious about how the administration is looking at communicating the threat to the American public. I frame that in the context of after 9-11. Twenty-one and a half years later, a lot of people were born after 9-11 and I'm curious the administration thinks about how to frame what kinds of threats still face the American public? Ultimately, it takes the American public to be able to counter those threats, not just the government.

**JAKE SULLIVAN:** I think it's a great question as you say, so many citizens in this country were actually born after the events of 9-11 or were very young when they happened. We have an obligation to the American people, to make them vigilant and active participants in the defense of our Homeland Security.

There's more we can do on this front to be sure.

A lot of it is about showing people and not just telling them that we are remaining vigilant and staying after this. There are dedicated professionals across our intelligence, Homeland Security and National Security Agencies working this problem every single day, and part of what we want to be able to communicate to the American people more effectively is, even though you're not reading about this or seeing it on the ticker on the cable day in and day out, we certainly remember.

**SECRETARY MAYORKAS:** Migration, as distinguished from immigration, is that the challenge at our southern border's not exclusive to the United States, there is an unprecedented level of migration throughout the western hemisphere, and the world. Venezuela is a country with a population of about 28 million people. Over 8 million people have left that country. Colombia has 2.5 million Venezuelans in it. Chile has just over a million now, and they've deployed their military to the border. Costa Rica, 75% of its immigrant population is Nicaraguan. When I visited there, they were very concerned that over 2% of their entire population was Nicaraguan. We are seeing an incredible movement of people we haven't encountered for a period of time there. More than 500 Ecuadorians per day at our border. Ecuador is suffering an unprecedented level of gang violence. This is something that is hemispheric. We are doing the best we can within a system that really is not built for this type of migration.

On the threat issue and how are we educating the public, as Mike referenced, the threat landscape has changed on a terrorism-related basis. Certainly, the threats of 20 years ago have not disappeared, the foreign terrorists. In the Obama Administration, we were concerned about the home-grown violent extremists, the individual already resident in the United States who was radicalized to violence by a foreign terrorist ideology.

Now what we're seeing in Buffalo, in Uvalde, in Highland Park, is something very different, whether it's an ideology of hate, radicalized by a false narrative, anti-government sentiment, acute mental health issues and personal grievances. And how we're trying to galvanize the public is, if you see something, say something. That campaign to me speaks of the backpack at the airport that is unattended, that raises a threat. It doesn't necessarily speak to a family member, a teacher, a friend, a neighbor who sees somebody beginning to exhibit signs of concern, of mental health concern, and who also expresses interest in violence as a way of manifesting that dissension. We must find a way to empower and equip individuals in communities to raise the alarm when something like that is manifesting itself. We're very focused on building an architecture to address this challenge which we are not holistically equipped to address from a response perspective.

**JONATHAN THOMPSON:** I think what we're hearing now is that we need a much more holistic approach to the entire issue. The face of violence in the community, crime, and there's a mental health component, as well as an education component. There is the social services component. By the time our deputies or our officers arrive, as I've said to you, it's too late, right? The process has unfolded. So, I do think you put your finger on a brilliant point, which is that we've got to go back to our communities collectively. We've got to empower but we've also got to share that responsibility. They have to be the eyes, the ears, the sensitivity factors, and that sensory device.

**REBECCA STERNHELL:** Next, we're going to hear an update from the December 6 report, customer experience, and the status of implementing those recommendations. I would like to introduce our CIO, Mr. Eric Hysen.



**ERIC HYSEN:** In December, you all issued four recommendations to us on improving customer experience for the millions of Americans who interact with the Department every day. A key development is that the Secretary, for the first time, included customer experience in his 12 key priorities that he recently issued to the Department. This was a key signal to our entire workforce of the importance that he, and our department's top leadership, is placing on this work. As part of that process, the Deputy Secretary is leading the efforts of our advancement priorities, and we are very aggressively setting and tracking towards key milestones in this work.

The first recommendation that you issued was to create accountability for customer experience. We will this year establish a permanent Customer Experience Office at DHS Headquarters. With me today is one of the nation's leading experts on design of civic systems, and we brought Dana Chisnell on board to lead this work. She's already done a great job of attracting key talent and setting up a permanent office at headquarters. We will be doing the same in each of our agencies and offices, knowing that this work will look different across the Department.

Another part of this recommendation urged us to identify and report on metrics. We are committing to publish an annual report on key customer experience metrics Department-wide, as well as working with each of our agencies and offices to identify the appropriate metrics for their own services that they will be reporting. We are also looking to publish real-time dashboards to better inform the public and oversight of the key elements of our services and experiences.

In your second recommendation, you all recommended flexible models for staffing and hiring. Our Office the Chief Financial Officer is actively working to validate the remaining staffing models for our key front-line services to ensure that we are appropriately staffed. Where we have gaps, we are requesting those resources from Congress and doing everything we can to assure we have appropriate staffing to meet customer needs.

I'll highlight one key accomplishment here: Congress' inclusion of pay equity for our transportation security colleagues who had been underpaid compared to other federal employees for many years leading to systemic recruiting and retention challenges for TSA that then affects all of us directly going through airports. That was remedied by Congress in December. We are actively working with TSA to implement that. Starting in July, we will see equity in the paychecks for the first time and we believe that will make a real difference towards improving TSA's ability to appropriately staff our airports.

We are also looking at staffing for professionals in customer experience and service delivery across the Department. We are committed to hiring 100 of them this year. Late last year we launched the federal government's largest ever hiring initiative for customer experience professionals, bringing on board over 20 folks through that effort. And we'll be moving to significantly increase those numbers under Dana's leadership throughout the year.

In your third recommendation, you gave us very strong, detailed, and useful feedback on our Trusted Traveler programs, which we know are a major opportunity to streamline between TSA Precheck and Global Entry. We are working aggressively to do so and are committed to implementing at least one tangible change to streamline that process by the summer. The

Secretary has directed us to establish a shared vision across the Department for what we're calling Trusted Traveler 2.0 that acknowledges that these programs have changed significantly since they were created, and we'll be looking to share more about that over the months to come.

We are continuing to work to simplify and streamline the airport experience to reduce passenger wait times. This includes use of technology. We recently rolled out mobile driver's licenses in more states. Utah was the most recent state to come on board. This allows you to share your driver's license information securely and privately from your phone to the TSA checkpoint. Keep your wallet in your pocket the entire time. We'll continue to expand that effort to more airports and more states throughout the year through great partnership with the tech companies and state DMVs.

We've addressed the next recommendation, which was streamlining the disaster assistance application processes. FEMA Deputy Administrator Hooks spoke at our last meeting about the work they have done to improve their policies and to improve equity in the disaster assistance application process. We are now also making great progress pairing that with a redesign of the [disasterassistance.gov](https://disasterassistance.gov) website that survivors use to apply for assistance. The redesigned version will launch later this year and will shave several minutes off the process of applying for assistance by reducing duplicative information that we're requesting from survivors. We're looking forward to launching that as a critical next step towards better serving disaster survivors.

Finally, your fourth recommendation was to improve customer communication, education, transparency, and accountability. We are doing a lot of work there. Some of that also ties to publishing metrics that I mentioned earlier. We are working to establish and provide transparent communication to customers, starting with some efforts that USCIS and TSA are doing on better sharing and explaining wait times at airports and for critical benefit adjudications. So more to come and share on that work as well. Thank you.

**SECRETARY MAYORKAS:** Thank you. Any thoughts from subcommittee members or anyone else on this front?

**ROBERT ISOM:** Mr. Secretary, all these steps that we've identified here are going to take care of our security needs as well as create an experience that our population deserves.

**SECRETARY MAYORKAS:** Thank you. We'll double down before the summer to make summer seamless.

**LYNDA WILLIAMS:** I just want to commend the council. Would you expound on what the Trusted Traveler 2.0 looks like?

**ERIC HYSEN:** We are actively working to define that and would welcome input. One of the things that we have heard from our TSA Administrator and others is that when TSA Precheck, Global Entry, other programs were created, the expectations around the size of those populations relative to the traveling public were very different. We are seeing different travel behaviors and different populations that are interested in access to these programs, so we have some work to do

to think through what parts of the security experience from Precheck and Global Entry we can offer to everyone. We've seen much of that occur already over the last several years. And then where there are opportunities to further differentiate and streamline the process for our trusted travelers and how can we do so in a way that eliminates the need for travelers to understand what's a TSA responsibility, what's a CBP responsibility.

**SECRETARY MAYORKAS:** Lynda, there are some airports with a TSA precheck sign up process and then down the hall there's a global entry sign up process. And I'm not sure why.

There are 15,000 new applications submitted every day for TSA precheck right now. The uptick is extraordinary as travel is beginning to flourish again, and we expect a very successful summer. It won't be long before the precheck lines are de minimis value given that uptick. This model hasn't changed in a long time. Do we need two different programs? Can we consolidate into one? Further stratification? All these issues. I think we must look at it anew.

I know we have very important reports from the subcommittees. I want to identify four new taskings that we're hoping people will become engaged in in the subcommittee format. Some of them are woven into customer experience and some of the thoughts that have been expressed.

One is artificial intelligence. A subcommittee. And I think we'll probably break it down into two parts. One is harnessing artificial intelligence in our operations. How can we benefit from the advances in artificial intelligence, machine learning to streamline our work and to modernize our processes?

The other is more on the defensive side. How should we as the Department of Homeland Security be building the security of this country in anticipation of AI being in the hands of a nefarious actor. What areas of our department do we really need to focus on this?

The second subcommittee is on our grants. We distribute more than a billion dollars in grants just in the terrorism arena alone. The formula for identifying the terrorism-related risk that is at the foundation of our distribution and our allocation of funds, hasn't changed in 20 years. The structure that we have in place to administer our grants hasn't changed fundamentally in 20 years. In a world that's changed significantly, are we utilizing our grant programs, administering them, are they structured in the way to maximize the intended benefits in a very different world than we lived in 20 years ago.

The third subcommittee is very specific in terms of the mission, and in the context of the immigration. When an individual is not detained in immigration proceedings, we have alternatives to detention. They range from ankle bracelets to now wrist bracelets to phones that don't provide a capability of calling but rather provide a capability of receiving an alert to which one must respond. In 2023, we need to modernize our methods of ensuring that we know where people are and that we can assure their appearance in court proceedings. What is a more modern architecture for alternatives to detention?

The fourth is far broader, getting back to breadth with respect to our workforce. There are two aspects of this. We might break this subcommittee down into two parts. One is the work environment of the future in the Homeland Security enterprise. There are certain aspects that lend themselves to remote work or telework. There are others that do not. But what does in certain aspects of our mission, what should the future work environment really be for our personnel.

The other aspect of the workforce is workforce composition and skills. Do we have the right profile to match the responsibilities that the individual now must meet? For example, in the airport environment -- most people now don't worry about the security of their travel, but rather the seamlessness of it, which is why the U.S. Travel Association's theme for 2023 is Seamless and Secure Travel. We can't take our eyes off security, but we have CBP personnel greeting travelers on international arrivals. Those are uniformed personnel with firearms. With the advent of technology, is that now the profile that we need to fulfill that responsibility? Should we look anew at that?

With respect to benefits that we administer in different parts of our agency, immigration context or the like, is the profile of the individual needed, the current profile, needed? Do we have the right skills? Do we reskill? Upskill? Change composition and the like, given what the first subcommittee is going to look at with machine learning and artificial intelligence? What will the workforce composition in the future be? And we could take a look at perhaps certain discreet mission sets and better understand that.

Those are the four subcommittees that we would deeply appreciate your membership in and work on. And again, very grateful for your dedication.

**REBECCA STERNHELL:** We're going to turn to the reports that the four subcommittees will give brief presentations on each of those. We will then go to public comment, should there be any, and then have council deliberation and then a final vote. And we'll take each one in turn.

I would like to turn it over to Jay Ahern and Vincent Talucci for the information sharing subcommittee report.

**JAYSON AHERN:** Thank you to Rebecca and your team for organizing the subcommittees and keeping us on charge and on time so that we could be here today to present to the secretary and the rest of the HSAC four different reports. That's no easy undertaking and I think we all raised our hand saying we're ready to help, Mr. Secretary.

Looking back at the tasking that our group had, I had the good fortune of being the Vice Chair with Vince Talucci. Commissioner Bratton was on our team, Jonathan, Lynda Williams, Michael Masters, and Patrick Yoes. We had a really good group looking at the tasking you gave us which was, how do we share information to the state, local, tribal, law enforcement folks on intelligence and information that can make them become more effective.

The important thing was, how do we look at the current environment on these taskings you gave us. It was not a full-blown wide assessment of how effective DHS I&A is within the Department, but how they can take some very specific recommendations that we're providing to you to be more effective in this challenge.

Sharing information in a timely fashion is always going to be one of the easiest things to criticize. People want more, they want it now, they want it to be specific, they want to be ahead of CNN, but they also want to make sure as far as they're able to get it and not be concerned by classification levels, and that's something that clearly has become a little bit of an issue.

It is our goal to give you four or five very tight recommendations, this is not a broad assessment but recommendations that can improve that architecture. An area we need to look at is the structure within DHS, not just the components within I&A, but certainly CISA has a responsibility as they emerge from being a former component known as NPPD to becoming actual operating agency within the Department. With that comes a new responsibility for collecting, disseminating information, and doing it in a very specific structured way so it doesn't create confusion for the people they share with I&A.

The process we went through was a lot of roundtables with state and local fusion centers. We met with different components within DHS, the I&A folks, national targeting center, CISA folks as well as some other components. It was our goal to come up with some very specific recommendations for you, Mr. Secretary, that will help a challenged environment where people are looking for perfect and it's not always going to be packaged and delivered in a perfect way.

**VINCENT TALUCCI:** Thank you, Jay. The subcommittee members appreciate your time and talents. To Rebecca, Alexander, and Joe, and those who supported the effort, thank you. And Mr. Secretary, thank you for pairing me with Jay Ahern. What a talented Co-chair.

I'm going to walk through some of the recommendations that the subcommittee came up with relative to the task at hand. Our first key finding details for DHS to maximize and capitalize on existing critical opportunities. We recommend DHS adopt and implement the recommendations contained within the January 2023 final report from the 2022 intelligence summit. Mr. Secretary, given the weight that the department put on that summit recommendation tied with the tasking at hand, we wanted to make sure they were intertwined to avoid duplication.

Second key finding details department needs to embrace nimbleness when adapting to a dynamic threat environment. Calling for the facilitation of common processes for managing, disseminating, tracking, and gaining feedback on intelligence products and reports. We recommend that the department explore opportunities to reenergize and enhance efforts to identify and report suspicious activity, the Department's Office for State and Local Law Enforcement should prioritize information flow by scaling down the classifications of information when possible and scaling up access to increase the number of security clearances given to state and local, tribal, and campus law enforcement. We recommend further study on how to streamline information to public sector partners who are also foreign operators. And last,

the need for continued focus on improving intelligence collection and dissemination to minimize confusion given the streams of information that are coming.

Our third key finding details the need to assess and bolster new technology solutions for intelligence sharing. We recommend that the department codify law enforcement mechanisms and systems utilized to disseminate intelligence products, including mobile applications that allow secure and real-time information sharing. The Department should consult with fellow federal partners to avoid creation of stove-piped and competing platforms and apps for sharing threat information and intelligence products. The Department should work with state, local, tribal, territorial, and campus law enforcement associations to develop consistent and user-friendly platforms for managing and promoting information sharing during times of steady state and in response to critical incidents.

Our fourth key finding is the need to invest and, in some cases, reinvigorate infrastructure at all levels of the enterprise. We recommend providing a framework to assist those establishing or for those who have recently established fusion centers to encourage efficiency across the network. We also recommend identifying best practice solutions and platforms to update existing guidance by fusion center stakeholders. Our final recommendation is for the Department to continue aiding intelligence within fusion centers. The subcommittee looks forward to public comment and HSAC deliberation and we thank you for your engagement and participation.

**REBECCA STERNHELL:** We'll now open it up for public comment. Let me know if you're ready and if there's anybody who wishes to raise their hand. We'll take questions and comments for exactly 1 minute each.

If no public comment, we'll go to council deliberation, at which point you may ask a question. The floor is open to anybody for any comment or question.

**SECRETARY MAYORKAS:** Did you find there to be confusion in the law enforcement community with respect to different products from different agencies and departments?

**JAYSON AHERN:** Yes. The Department of Homeland Security as the starting point will always be a point of confusion. In the recommendations, if there's clear policy indoctrinated within DHS and practice what you put out in a previous One DHS memo, that will help the Department internally. Then, you could go to the DOJ folks and others to start to align in a more organized way.

**VINCENT TALUCCI:** I think there's some blocking and tackling that needs to get done again. DHS should connect with FBI and DOJ to ensure we are operating off the same sheet of music. Also, there were elements engaged at one point that are no longer, like the Program Manager for the Information Sharing Environment and the Criminal Intelligence Coordinating Council. They play a crucial role as well. There are some core elements that may need focus again.

**SECRETARY MAYORKAS:** Thank you.

**JONATHAN THOMPSON:** Additionally, when we looked at the original structure at the fusion centers, it was conceptually a brilliant idea. However, I think it's now to the point where governors have an obligation to be at the table, to be invested, and to be a part of this. You can't carry this burden at the federal government alone.

**MICHAEL MASTERS:** Pivoting off what Jonathan said, I don't think there's anything in the recommendations that's earth shattering. For those of us that have been dealing with intelligence information sharing in the law enforcement or private sector or nonprofit side for a long time, there are a lot of simple things. Your point about intelligence product duplication. Where end users will receive the same product six or seven times with different seals put on it. The idea that we don't have consistent incident reporting forms through suspicious activity reporting or NSI.

What is required is recognizing that simplicity is an innovative, flexible, and adaptive approach to implementing these recommendations. We must be willing to reexamine how our organizational design processes work and challenge the existing environment owners to restructure some pretty endemic systemic processes. It will require a lot of innovation and probably some discomfort if we want to get it right for our stakeholders, communities, law enforcement officers, etc.

**REBECCA STERNHELL:** If there is no more discussion, is there a motion for the HSAC to approve the draft final report and formally transmit it to the Secretary?

**The Report was motioned and was approved unanimously via voice vote.**

**REBECCA STERNHELL:** We'll now turn over to Carrie Cordero and Danielle Gray to provide a report on the Homeland Security tech and innovation network.

**DANIELLE GRAY:** First, thank you to the subcommittee members. The time, energy, and perspectives they brought to there were incredible.

I will join Jay and Vince in acknowledging your extraordinary staff and the support that they provided us over the last few months. Thank you, Rebecca, Joseph, Alexander, and Carley.

Our Subcommittee was challenged to think about how we create a more robust and efficient technology and innovation network at the Department. In thinking about that, we were specifically charged with four lines of inquiry. First, how does the private sector engage with current R&D and acquisition and programs and opportunities. Second, along with public-private partnerships how the Department is utilizing opportunities to increase innovation and technology to further the mission and the different components. The third was around harmonization. There's an appendix in our report that's quite telling. The Department currently has 17 innovation offices across 11 different directorates and components, and so we were charged with thinking about how we harmonize all those different innovation efforts across the department to leverage funding and resources the best way. The final area was just to think the barriers that are encountered by the Department in seeking to innovate.

We met with a wide range of individuals within the Department, the Science and Technology Directorate, CBP, ICE, TSA, the Coast Guard, and the private sector office. We also submitted an RFI to those components and others, including Secret Service, FEMA, and some other areas within the Department. Importantly, we also reached out to private sector to hear from them directly about their engagement with the Department, what the Department can do differently, what the Department can do better. With that, I will turn to Carrie to walk through some of our findings and recommendations.

**CARRIE CORDERO:** I appreciate all the subcommittee's participation because it is a big time and effort investment on the part of the subcommittee members.

Our Subcommittee focused on how the Department can improve its innovation activities with the goal of supporting critical departmental mission objectives. I want to emphasize that "mission" part because we were thinking about how we can help the Department better leverage its ability to obtain technology that will help mission-focused activities.

We came up with a few different recommendations. The first recommendation is for the Department to create a "how to work with DHS" guide tailored to the start-up community of companies that are developing the technologies that can help the Department. We make this recommendation in terms that this guide be geared towards these start-up companies that are trying to break into the market and the companies that are doing so much of the innovation across the country that can serve both departmental and other government interests.

We also recommended developing a process for prioritizing innovation projects across the Department. It would be helpful to prioritize these innovation efforts across the Department to align with mission objectives.

Our third recommendation is to reduce redundancies and leverage best practices for innovation across the Department. For example, certain things that an individual component might be doing that would be useful for the other components to have better insight into how they got to that place. There is some coordination and collaboration that can take place in a more deliberate way across the Department to eliminate redundancies and take advantage of some best practices that have been developed within individual components.

The Subcommittee recommends there be structured metrics and accountability for the innovation efforts that are taking place across the Department. The Department needs a better sense of what is working and what is not working. Implementing structured ways of measuring the effectiveness of different innovation efforts across the Department would be useful.

Our final recommendation is for the Department to conduct an internal review of the contracting authority and processes for supporting mission-related new technologies. We did not endeavor to conduct a comprehensive review of the entire contracting regulations and laws and rules that apply in the procurement space. One thing we heard from the components was that navigating those rules and laws are complicated, and so we do think it would be useful from the leadership



perspective to have a review done more specifically from the legal and regulatory perspective of the barriers that components or companies are experiencing.

**REBECCA STERNHELL:** We will now open it up for public comment. Hearing none, the floor is open for council deliberation.

**SECRETARY MAYORKAS:** One of the things that I asked at the very outset of my tenure was I saw in my prior experience a bit of a federated model of innovation. We had our Science and Technology Directorate, and then each of the agencies had its own hub of R&D and the like. I pose the question whether in fact Science and Technology Directorate should actually be the funnel point for R&D and for that innovation work, or whether there was a benefit gained by the federated model.

Does the subcommittee have a view of that? When we talk about having somebody on point for the headquarters, it seems to me that our Science and Technology Directorate leader would be a natural person to hold that position and a natural office to be that funnel point.

**CARRIE CORDERO:** Thanks for the question. I'll take the first response and maybe then Danielle or others would like to weigh in. The federated model, the one the Department has, being able to manage these components, really did -- and the tensions sometimes that that can bring, was a subject of our conversations and our deliberations.

Where we came out after listening to the different components and engaging with industry was that you don't want to eliminate that federated model because there are strengths that we are seeing coming out of specific components. Taking too strong of a headquarters-driven mandated process might stifle some of those positive and innovative things that are going on within certain components. Some components yes, some not so much.

Where we came out, at the Secretary's level, we thought it might be useful within the Secretary's office to have a person looking across the Department to advise you and the deputy. The Science and Technology Directorate from what we observed plays part of that role but not as comprehensive of a role as really is needed.

One area that we thought it would be useful for this coordination piece to occur out of the Secretary's office. There are a lot of different innovation efforts going on within the Department, but they probably could benefit from a few major investments as opposed to a bunch of small investments.

**KAREN TANDY:** I agree with Carrie's comments. I would add, Mr. Secretary, in terms of the Department harmonizing across its components, there's a role for S&T to play, and individual components have a key expert role as to what their needs are.

A gap reflected in the subcommittee's report is at that prioritization level with a long-term strategy, the bulk of the time is spent on immediate needs. It's not on the long-term piece that requires capital investment, and really the driving force that this is for the outside consumption,

these are our priorities. For S&T, this is how it's going to be tested. We're going to apply the resources towards these key priorities. Those should be the long-term strategy.

TSA has done an impressive job of setting out what its long-term strategies are and what the capital investment is towards those. That is not consistent from one component to the next. What is consistent is what takes precedence often is putting out the immediate fires.

The second gap reflected is the long turn around in acquisition. Couple of years on the testing side. Another 2-3 on the implementation. You're looking at innovation in the private sector that moves very swiftly, but on the federal acquisition side, you're looking at a 5-year cycle from beginning to end, which is a barrier. Lastly, culture change and harmonization could be exactly what the subcommittee came up with, which is driving it out of the leadership office. Having that top down, approach, would be an immediate critical change. And the venture capital side gets left out, because they can't afford the 3-5-year return on their investment. Thank you.

**SECRETARY MAYORKAS:** I appreciate Karen, Carrie, Danielle, and the whole subcommittee. The government must take a wholesale look at procurement in a modern-day environment whereby the time we roll out the product, the private sector has outpaced us with the next generation or multiple generations. Just we must be as quick as the private sector. Two questions that I've been focused on are, is R&D capitalizing on the extraordinary amount of R&D occurring in the private sector, and are we working symbiotically with the private sector? I appreciate the report. Really critical.

**LEON PANETTA:** I made a recommendation for senior adviser in the secretary's office based on my own experience at the Department of Defense. The problem is that obviously you do have to be on the cutting edge of technology. There's a lot of innovation going on. Ultimately the only way you can really move on these things is to prioritize what are the most important developments that must be moved on a fast time frame. Because you're busy, Mr. Secretary, and covering a lot of other bases, it is important to have a senior adviser who is covering that area for you and letting you know exactly what areas need your influence to push them. Otherwise, these things will take a long time, they won't happen, and you will not see technology being developed at the kind of pace that you need to have an efficient department.

**MICHAEL CHERTOFF:** Let me amplify that. In addition to identifying requirements, you must publicize them. A big issue for the private sector is where is there an opportunity. And if you say, we're looking at capabilities that meet this requirement, without getting overly prescriptive about how, I think that will stimulate investment and assistance.

**SECRETARY MAYORKAS:** Thank you, Mike.

**REBECCA STERNHELL:** Additional comments or thoughts? Okay. Hearing none, is there a motion to approve the final draft report and send it to the Secretary?

**The Report was motioned and was approved unanimously via voice vote.**

**REBECCA STERNHELL:** I would now like to turn this over to Dmitri Alperovitch and Mary Barra to provide the council members and members of the public on their findings on the Supply Chain Security Subcommittee.

**DMITRI ALPEROVITCH:** I'll kick things off and then I'll be honored to turn it over to my co-chair Mary Barra. Mr. Secretary, we're at a very pivotal moment just off the COVID-19 supply chain disruptions and as we are in this country contemplating how to address this for critical goods for both homeland and national security objectives. We just heard Jake Sullivan talk about the importance of this. Thank you for tasking our subcommittee to provide recommendations on enhancing the Department's vital leadership role in supply chain security.

To develop our recommendations, the subcommittee met with the Department's Office of Strategy, Policy, and Planning, CBP, CISA, and HSI. We also conducted a visit to the Port of Los Angeles, Long Beach, and LAX to meet with both DHS components stationed there and private industry to gain perspective.

The site visit was particularly beneficial, we highly recommend to all subcommittees in the future to consider field visits in their work because you are just able to identify things that would otherwise not be available to you sitting and listening to presentations.

And with this, I would like to turn it over to my Co-chair Mary Barra to start us off with the findings and recommendations.

**MARY BARRA:** Our first recommendation is for the Department to explore creating a supply chain resiliency center within the DHS Office of Strategy, Policy, and Planning. This center within the Department would champion the important issues, improve information sharing and assist and respond to supply chain challenges effectively and quickly. Recent years have brought this to the forefront with acute challenges across diverse sectors from semiconductors to baby formula. This center should be able to analyze the root causes of recent challenges.

We also recommend the Department or SCRS conduct an after-action report of shipping backlogs of the 2021- and 2022-time frame to identify crucial improvements that could be made to reduce the impact of future backlogs. They could develop tabletop exercises within CISA for key stakeholders in the supply chain, to demonstrate the impact of disruptions on logistics, infrastructure, act to import and export goods. It should also be a focal point to synthesize input and advice within the Department's various agencies from front line employees and unions.

Our second recommendation is to revise and expand the section 9 list of critical infrastructure entities maintained by CISA. We recommend the Department ensure its organizational lens and policies robust enough to recognize and protect against future supply chain disruptions. For example, it should include the critical infrastructure list is expansive enough. We also ask for the sharing of classified lists with other critical partners. Within this recommendation, we advocate for the Department to explore ways to grant more clearances to vetted critical private sector partners.

And third, we recommend that the Department seek ways to improve collaboration and information sharing by seeking additional legislative authorities for component programs to gather necessary information. A common theme that emerged across many of our specific recommendations is that DHS should strengthen its own lab rehabilitation and information sharing mechanisms. This applies within DHS and with the U.S. interagency including commerce and treasury on export control and sanction issues, and with private sector stakeholders. In some cases, components of DHS may benefit to gather information from the private sector to identify, for example, export control violations more quickly or to better understand critical segments of the overall supply chain.

Again, thank you for this important initiative, for underscoring the profound importance of this issue as a part of this important discussion today.

**DMITRI ALPEROVITCH:** The Subcommittee also proposed several recommendations that relate to enhancing the efficiency and security of the Department's work in the screening of imports and exports to protect the nation and enforce our laws in export control policies. First, we recommend greater information sharing and operational efficiencies across DHS component operations. Specifically, we urge the greater access be granted to CBP automated targeting system, ATS, a highly effective system, and we would encourage you to provide access of that to other relevant DHS components for rapid violations of imports and exports.

Also, practices to resolve duplication of screening efforts. Efficiencies in security enhancements could be achieved by collocating personnel from various components on related but different security missions and having them work together on simultaneous rather than sequential cargo inspection.

Second, increased interagency cooperation between DHS, the Department of Commerce, and the Department of Treasury, to enhance efforts enforcing the nation's export controls and sanctions. HSI and Bureau of Industry and Security is vital for enforcing export controls. We were happy to see the new strike force focused on export controls enforcement and thank you for your leadership on this very important issue, Mr. Secretary.

Further, we recommend the Department promulgate new regulations requiring advanced electronic data collection from carriers, similar to the 24-hour rule. This would help to enhance our export control regime particularly with regards to exports to Russia, China, Iran, and North Korea.

Third, improving the utilization of CBP resources and personnel, perhaps limiting goods that need to be fully inventoried, and using technology to do so and allow officers to spend more of their time on screening cargo for threats.

We recommend looking at recycling methods for seized cargo and having personnel inspect goods before they arrive in our ports. We recommend bolstering private sector companies with CTPAT program to improve security and free up more resources for screening non-CTPAT

cargo. Finally, we recommend the Department assess the efficacy of the TSA TWIC card program at ingress and egress ports. We look forward to public comment.

**REBECCA STERNHELL:** Great. Now over to public comment. Hearing none, the floor is now open for council deliberation.

**SECRETARY MAYORKAS:** On the screening issue. You mention a prioritization matrix, if you will, those items that need to be fully screened because they do indeed pose a national security risk. We can't do everything, and there are certain things that just are vital security concern. Fentanyl is looking at 76,000 deaths last year.

I have posed this question internally about, for example, our anti-counterfeit work, do we need to reduce our footprint in this area, albeit of importance, so that we can reprioritize our personnel to the interdiction of precursor chemicals in fentanyl and really rely upon the private sector to safeguard the integrity of brands, given the exigencies. This holds true not just in the context of the scope of addressing a scourge of fentanyl, but rather more broadly. And you alluded to this earlier, Dmitri.

**DMITRI ALPEROVITCH:** I think that's right. We saw the CBP is doing terrific work in the ports, screening cargo, the intelligence targeting they're doing is vital. We cannot screen every container coming into our country so targeting based on threat is important.

We saw that the counterfeit issue is taking a lot of resources, not just on the identification part, but once the cargo is seized, CBP is spending 3-5 days just inventorying Gucci bags and shoes that are counterfeit. We questioned whether that is the best use of their time when they could be doing more to screen for fentanyl production machines and so forth.

We found that you have several agencies responsible for this. Both CBP is screening containers but also Coast Guard is as well for a different mission, and we wonder if there's more that can be done collaborating between the agencies to do it all together and speed up the processing of cargo coming into our ports.

**SECRETARY MAYORKAS:** Thank you. Liz?

**LIZ SHULER:** I wanted to just thank our co-chairs and the staff as well. It's been a remarkable experience. I wanted to highlight that our subcommittee report, Mr. Secretary, has a worker-centered approach. It's embedded throughout, perspectives of workers. I wanted to just reinforce that so we could think about that for future subcommittees, to talk to working people. We learned more in the car rides on our site visit because we're interacting with the people who are doing the front-line work, who see it day-to-day, and are not part of like a dog and pony show. We want to see what's really happening here. I just wanted to reinforce that. That cataloging issue was a perfect example, where could we come up with a private sector partnership that could alleviate the burdens of the federal government, because most of this is cataloging to prepare for a lawsuit that may or may not ever happen. I found that fascinating.

**SECRETARY MAYORKAS:** Thank you, Liz. You know, if I can, you mention a worker-centered approach and I alluded to earlier in the context of a new subcommittee on AI and machine learning and up skilling and reskilling. It's all about maximizing the capabilities of an individual. Deferring to a machine -- well, first, eliminating tasks that are not necessary by reason of a prioritization matrix. We have limited time and capability. Whether that's a machine, person, or both.

When I speak of workforce composition realignment, it's maximizing the capability of a human versus a machine. If we could push things to a machine that could move faster and limit the human element to that which requires the human being, we just gain such greater efficiencies spending 3-5 days on cataloging is something and what could we do with those 3-5 days of personnel is monumental.

**MICHAEL CHERTOFF:** I wonder if there's an opportunity if I dare mention it to use AI as a way of enhancing the ability to screen for certain things. I wonder whether AI would help take some of the hay off the haystack.

**DMITRI ALPEROVITCH:** One of the things I found fascinating is that CBP, in most cases, knows that cargo is likely to be suspicious long before it arrives at our borders. The targeting system they use is terrific. Do more work to process that data. They get about 24 different pieces of information every time someone tries to import data into our country, 24 hours before it gets on a ship, so mining that data to find threats is a great idea.

**SECRETARY MAYORKAS:** The issue of anomalies and identifying them very early on I think is an extraordinary time saver, and the question is on something like AI, could those anomalies be detected? For reasons everyone tragically understands we're very focused on fentanyl. The people in law enforcement will remember, back in California when we were doing methamphetamine prosecutions, when methamphetamine was a scourge, we would have these mom-and-pop convenience stores selling an exorbitant amount of Sudafed, which was a precursor chemical. Unless someone is trying to cure the common cold for the entire western United States, you knew something.

I think we underutilize Suspicious Activity Reports and I've asked the Department working with the Department of Justice on how we can deploy suspicious activity reports in other areas of our work. For example, in looking at the chart for precursor chemicals used in fentanyl and meth production, I notice that one precursor chemical is the licit chemicals that are used, not illicit. I notice that one of them, its primary licit use was the manufacturer of fertilizer. Well, we can identify in the United States where fertilizer is manufactured, and I would bet that it's probably not in Los Angeles, California, and New York City, but if this precursor chemical is being trucked in large volumes to Los Angeles and New York City, that's something that we can detect early on, and whether we impose a Suspicious Activity Report requirement on people, entities in the supply chain.

There's a lot of work to do, because in the allocation of resources in one place that's strategic, we open the workforce capabilities to address supply chain choke points in others. There's a benefit to be gained from these reports as they work collectively together. Very much appreciate it.

**The Report was motioned and was approved unanimously via voice vote.**

**REBECCA STERNHELL:** Last but not least, we have Noah Bookbinder and Catherine Chen who will be reporting on Openness and Transparency here at the Department.

**NOAH BOOKBINDER:** Thanks a lot, Rebecca. I'll get started and we'll go back and forth a little bit. The Secretary asked the HSAC to form a subcommittee to provide recommendations on how the Department can improve its commitment to transparency and open government. Specifically, he asked us to provide recommendations on how the Department and its components can expand on the foundation set by the previous open government plans for the Department, to look at new initiatives to increase transparency and sustain its mission to protect the homeland, and how DHS can be held accountable in meeting its commitment to the modeling of openness and transparency in government.

We were briefed by SMEs from CBP, FEMA, ICE, CISA, TSA, Secret Service, and within headquarters, the Office of Public Affairs, the Chief Information Officer, the Office of General Counsel, the Office of Chief Human Capital Officer, the Privacy Office, and the nonprofit sector.

The Subcommittee developed key findings and we're proposing five recommendations. I'll hand it over to Catherine.

**CATHERINE CHEN:** Thanks, Noah. Thank you again for the opportunity. I'm going to talk about some of the recommendations that our subcommittee is putting forward, but I want to start by just saying we were operating from a core premise that openness and transparency leads to public trust. And that public trust helps us with our security posture as a country. Everything that we're talking about here is really thinking about it from that perspective.

The first will not be a surprise, but we heard a resounding need for greater resources to ensure the Department has everything it needs to follow through on its commitment to provide greater transparency. The Department has made a ton of progress, but resources have not kept pace with the demand for information coming from the public, from media, from advocates, and from individuals who themselves have information being held by the Department.

There were a couple of common difficulties that we saw surrounding the Freedom of Information Act, including significant backlogs, not enough personnel, and inefficient data management systems for the kinds of requests that are coming through to the different components. We wanted to see increased resources in three specific areas. One was really making sure that resources are dedicated to a full department-wide transparency effort. Those offices that are really going to touch multiple facets of the Department to make sure those are well resourced. The second was to have resources for key policies and processes that promote openness while protecting vulnerable populations. The third was resources for transparency, particularly from

new technologies. We heard about, for example, the excellent practice of now using body-worn cameras and the very specific technology and technical capacity that's needed to redact body-worn camera footage.

The second recommending is really focused on culture. One thing that we are suggesting, is that the Department would benefit from a Department-wide vision for how openness and transparency makes the nation more secure. And to really connect the dots between transparency leads and security. What does that mean for the Department and what does it look like for each of the components to operationalize that vision that you've set out?

There are two specific ways we suggest addressing this. We saw an opportunity for exchange between front line staff and DHS leadership to make sure that people understand the balance of pressures that the Department is under when it comes to building trust among multiple stakeholders. The second one was under your directive, Mr. Secretary, there's been excellent work on records retention requirements for the Department, and we see an opportunity for comprehensive training so that there's large scale compliance on this directive.

The third subcommittee recommendation is the digitization of the alien files. A files are the document that the Department uses to contain information for all immigration and naturalization work. We repeatedly heard that A-files are the number one item requested through FOIA, and the Department faces an enormous burden of FOIA from A-files.

The work that the CIO office and others are doing right now to digitize those files to make sure that a single file is accessible to both the applicant and multiple components of the agency. The applicant is seeing, for the most part, the same information as what the agencies are seeing. This is a best practice when it comes to transparency. We also saw that this is an excellent example of how technology can be leveraged to ensure that transparency is happening.

In terms of leveraging data and technology, is that the Department proactively and timely disclose performance data. We understand that there's a forthcoming independent Statistics Office within Homeland Security. I think it's a fabulous idea. There is going to be predictable information that is independent and that is shared with stakeholders. We would encourage the Department to consider what public engagement looks like for all the statistics that are going to come out, and specifically, to make sure that there is the Department's explanation of what's in those statistics. These statistics can be used as a mechanism both to tamp down mis- and disinformation, as well as to make sure any political salient things that the Department is releasing, that there is an opportunity to proactively define what the narrative looks like for those statistics.

As technology is being deployed for the Department to be able to be transparent about the core design principles that are being considered, like the example of the use of AI and facial recognition, there are a lot of considerations related to civil rights and civil liberties being taken into account.



Our group happened to be folks who focus a lot on vulnerable populations, so we thought that, as technology is being deployed, a mechanism for you to build trust is to make sure that users are prioritized who are from marginalized and vulnerable communities as the Department is building technology. Folks who are non-English speakers, from populations with low tech literacy or access, tribal communities, immigrant communities, and migrant communities all considered when deploying new technologies.

Lastly, two specific recommendations. One is that the Department continue to place super high priority and appropriately resource the continued digitization of A-files. Then, we also heard that there's an opportunity to streamline policies and laws to provide FEMA and other disaster assistance agencies with more speed and flexibility and information sharing.

**NOAH BOOKBINDER:** Thanks, Catherine. We recommend that the Department establish an alternative system for First-person Records Requests that will be timelier than the Freedom of Information Act. I think a lot of people here have dealt with the Freedom of Information Act in one context or another. It's a system that is set up for the public and the media and advocates to kind of find out what's going on in government. And far more requests go to DHS than to any other agency in the federal government. The vast majority of those are people seeking their own records, their own files, for immigration proceedings or benefits, which is not what FOIA was designed for. And what happens is that it slows the responses both to those people seeking their own records and to the public seeking information about what's happening at DHS through the more traditional use of the FOIA process.

A separate system that is tailored to people seeking their own records would help speed up both kinds of requests. The subcommittee is recommending that the Department establish an alternative system, at least for those First-person Records Requests, that affect an individual's benefits or that can adversely affect them in immigration proceedings. We're recommending that DHS tap an appropriate internal or external expert to make recommendations for the design or implementation of this system. We can say there should be a system, but someone must figure out what it is going to be, and we recommend DHS tap an expert to make those recommendations within the next 12 months.

Finally, we recommend that the Department further improve transparency and accountability with regard to immigration detention facilities, which is an area where a number of unique transparency issues came up. We recommend that the Department prioritize monitoring, evaluating, and accountability in its oversight of immigration detention facilities including facilities operated by outside contractors and increase timely transparency of that oversight process. Specifically, DHS should promptly and publicly disclose reports documenting violations of the Prison Rape Elimination Act. The current system says when violations are found, there's then a 6-month period to address the problem and the findings are made public only after that and they can at that point make it not a problem anymore. We think that when there are these findings of serious problems, the people affected by those findings should find out right away.

We recommend that the Department also promote transparency through continuing to scale back on large contracts with private entities, particularly, in the immigration detention context. Instead, doing smaller contracts with greater Department control and that the Department also work to ensure that when there are contracts with private entities, there's government control of all of the information and data related to those contracts.

**REBECCA STERNHELL:** In the interest of openness and transparency, any public comments? Hearing none, we're open for deliberation.

**SAFRA CATZ:** When I read your report, the fact that all those FOIA requests are personal record requests basically, is what I found unbelievably stunning. I think we're actually very lucky that the Department's CIO is here because this is part of the idea of these committees, is this type of sharing between a recommendation from last time and this matter, because that's so personal. All those personal record requests mean so much to people. They are people's lives. They're not just a policymaker or the press trying to get you in some way. It is important. I mean, this is the perfect outcome and critically important.

**SECRETARY MAYORKAS:** Well, Safra, thank you for that. Eric is the architect of the process of digitizing the A-files, which is the innovation that would lead to so much efficiency. I only wanted to make one comment. Your 12-month period for the expert to review is a far more generous timetable than what I had in mind. But I appreciate that.

**The Report was motioned and was approved unanimously via voice vote.**

**REBECCA STERNHELL:** I would now like to turn the meeting back over to Bill Bratton.

**BILL BRATTON:** Thank you to you and your staff for putting this together over the last couple of months. And to all of you who worked on these reports. It does not come easy. The comprehensiveness is very, very indicative of the work that went into the effort. As co-chair of the council, I want to extend my personal thank you. And with that, thank you for joining us today. This meeting is now adjourned.


**SECRETARY MAYORKAS:** Thank you all very, very much.

**REBECCA STERNHELL:** Thank you everyone on Zoom.

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

Signed and Dated

REBECCA K  
STERNHELL

 Digitally signed by REBECCA K  
STERNHELL  
Date: 2023.05.15 11:33:33 -04'00'

Rebecca Sternhell, Executive Director, Homeland Security Advisory Council