

U.S. Department of Homeland Security
Homeland Security Advisory Council Meeting
On Site and Virtual Zoom Meeting
U.S. Department of Homeland Security - St. Elizabeths Campus
Ray Evans Conference Room
Thursday, September 14, 2023
2:00 p.m. – 4:30 p.m.

The open session of the Homeland Security Advisory Council (HSAC) meeting was convened on September 14, 2023, from 2:00 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
Cheryl Andrews-Maltais
Tarika Barrett
Noah Bookbinder
William Bratton
Safra Catz
Catherine Chen
Michael Chertoff
Carrie Cordero
Kristen Crowley
Lynn Good
Jamie Gorelick
Danielle Gray
Jane Harman
Robert Isom
Carie Lemack
Michael G. Masters
Leon Panetta
Elizabeth Shuler
Ali Soufan
Karen Tandy
Jonathan Thompson
Hamdi Ulukaya
Lynda Williams
Patrick Yoes
Wendy Young

HSAC Subcommittee Member Staff:

Candace Archer
Alyssa Fisher
Steve Morrissey
Adam Rappaport
Matthew Shortal
Craig Stephen
Gary Tomasulo
Hardy Vieux
Daniel Voloch

DHS Participants

Secretary Mayorkas
Kristie Canegallo, Acting Deputy Secretary
Rebecca Sternhell, Principal Deputy Assistant Secretary, OPE. Executive Director, Homeland
Brenda Abdelall, Assistant Secretary, OPE
Joseph Chilbert, Senior Director, Homeland Security Advisory Council
Alexander Jacobs, Senior Director, Homeland Security Advisory Council
Cori Dawson, Contractor, Homeland Security Advisory Council
Rachel Kaufman, Contractor, Homeland Security Advisory Council
Shawn Hall, Special Advisor, Office of Partnership and Engagement
Ricki Seidman, Senior Counselor to the Secretary
David Larrimore, Chief Technology Officer, Office of Chief Information Officer (OCIO)
Matthew Ferraro, Senior Counselor (Cybersecurity), Office of the Secretary
Anil Dewan, Senior Advisor, MGMT/OCIO
Adam Cox, Director, Strategy and Policy, Science and Technology
Brian Myers, Section Chief, Executive Leadership Support Team, MGMT/OCIO
Team, Office of the Chief Information Officer
John C. Williams, Executive Leadership Support Team, Office of the Chief Information Officer

REBECCA STERNHELL: Welcome to the public and all the members who have joined us in person and online. The HSAC is a Federal Advisory Committee which provides strategic support to the Secretary and Department leadership. Today's meeting will be webcast here for those joining us on Zoom. Meeting minutes will be posted at www.dhs.gov and the public FACA database within 90 days of today's meeting.

WILLIAM BRATTON: It is now my pleasure to introduce Secretary Mayorkas to deliver remarks.

SECRETARY MAYORKAS: The week began with the 22nd commemoration of the 9/11 attacks and it was a very sobering reminder of the fact that the threat that gave birth to our Department certainly persists. There were several extraordinarily moving remarks by individuals who read the names of those loved ones who were lost. It was very moving. I walk away from that with extraordinary gratitude for the fact that all of you are willing to take your time to contribute to this Department's resolve, to make sure that those wounds are somehow healed or

at the very least new ones are not created. All of you here today and those participating virtually are extraordinarily busy individuals with significant responsibilities in your full-time occupations. Volunteering your time and allocating additional resources to the work of this committee is something I want to thank and recognize very profoundly.

Today we announce Eric Hysen as our new Chief Artificial Intelligence Officer and we are very excited for him to take point on leading the innovations in our Department. The Office of Customer Experience was established, a recommendation of the Council, and is very important to Department stakeholders. Also, we published the Homeland Threat Assessment which describes the state of the threat to the homeland and its diversity. This will now be published annually. In addition, we implemented the National Terrorism Advisory System (NTAS) which serves as a mechanism to alert the American public of an imminent grave threat and any changes to that threat. We appreciate the recommendations of this Council.

SECRETARY MAYORKAS: [Administers the oath to Chief Kristin Crowley of the Los Angeles Fire Department]

REBECCA STERNHELL: Highlights the implementation of recommendations from previous reports delivered to DHS from HSAC.

Intelligence and Information Sharing Subcommittee – The Department reactivated the Nationwide Suspicious Activity Reporting Initiative at the behest of the HSAC. Our Office of State and Local Law Enforcement and Intelligence and Analysis directorate developed an engagement strategy to reengage and encourage participation from small and rural law enforcement and to have a more robust relationship with the Department. Also, the Office of International Affairs and the Office of the Chief Information Officer (OCIO) are currently evaluating potential new platforms to improve information sharing practices with the private sector and NGOs.

Homeland Security Technology and Innovation Subcommittee – The DHS Chief Procurement Officer issued an updated guide on how to do business with DHS, a key recommendation of the HSAC. The Office of Science and Technology issued a partner guide with public facing funded and unfunded opportunities for the private sector. They've also formed the Innovation and Research Council where they have developed a strategy that is a focal point for our R&D. The Department has started to prioritize investments, reevaluate spending, and identify areas for streamlining existing fund transfer to enable technological advancements. Shortly after the report was issued, they initiated a DHS group to partner with DefenseWerx, which is the defense innovation hub. As a result, a total of 11 DHS projects were selected that to support Secret Service, Transportation Security Agency (TSA), Countering Weapons of Mass Destruction Office, Customs and Border Protection (CBP), and U.S. Coast Guard.

Supply Chain Security Subcommittee – A core recommendation was to develop a supply chain resilience center. We'll have more to say about that in the coming months. The Cybersecurity and Infrastructure Agency (CISA) is working on expanding the critical infrastructure and taking

a fresh look at who needs to be part of this information sharing. Several pilots are underway right now and the Department is also exploring digitization.

Openness and Transparency Subcommittee - OCIO issued guidance to address the transition from iMessage to SMS that occurred shortly after the report was issued. procurement and limiting solutions for SMS for the department. Also, the Department has moved forward with establishing plain language work streams to transmit the Department's messages in multiple languages which will foster better community outreach. Leveraging native Spanish speakers to test usability for products, those work streams have been deployed at all eight southwest Border locations, including those with a CBP One™ app. Certain policy changes with Immigrations and Customs Enforcement (ICE) are underway, especially regarding transiting and posting reports.

REBECCA STERNHELL: Turns over current report presentations.

Homeland Security Grant Program Review Subcommittee:

CARRIE CORDERO: We appreciate the opportunity to look at the DHS grant programs, particularly, terrorism-focused grants and how they align with Department missions in the evolving threat environment. Even though international terrorism remains a threat, there is a larger growing domestic terrorism continues to evolve and become more complex.

We examined the State Homeland Security Grant Program (SHSP), Urban Areas Security Initiative (UASI), and Operation Stonegarden (OPSG), a complex task due to their deep-rooted nature. They're entrenched in congressional allocations, community expectations, and bureaucratic administration through FEMA, despite being terrorism grants for 20 years by law.

Our approach aimed to enhance the process and analysis of grant administration without causing harm. We refrained from suggesting bureaucratic or structural changes within the department. We focused on proposing implementable recommendations within the current operational framework, possibly involving legislative cooperation.

Three policy-oriented recommendations and three requiring legislative changes emerged. A key issue was mitigating or reassigning the risk in the grant-making process. The current risk methodology, though attempted to be transparent, remains complex and non-expert friendly. We suggest streamlining it rather than further complicating it, leaving room for either a complete overhaul or refinement.

Our second policy recommendation involves establishing an interagency task force to better coordinate intelligence community components. This would inform which communities face terrorism threats, consequently shaping grant distribution and aiding in revising the risk methodology.

SECRETARY MAYORKAS: One of the entrenched aspects of the methodology is to sustain or maintain capacity of a particular urban area and one of the changes in the threat landscape is certainly an increased diversity in what is targeted no longer are we only dealing with major

metropolitan areas as targets, but rather, and we've seen this tragically, small towns and communities can be targets of a terrorist attack of whatever type.

There is a fundamental policy question about the use of the grant funds for sustainment and/or capacity building. We have a limited number of dollars. The interagency task force is a great idea. We have to also include external stakeholders in that task force – the customers who are receiving the grants.

CARRIE CORDERO: Absolutely. In our report, we highlighted the need to factor in insights from state and local partners in the risk methodology. The task force acknowledges our subcommittee's limitations, stressing the necessity for better coordination mechanisms.

Recommendation three aligns with this idea, proposing not a new office but a senior leader accountable to the Secretary. This person would oversee the interagency task force, offering enhanced visibility into FEMA's grant administration.

Legislatively, current laws restrict the Secretary's options in grant administration. We propose granting the Secretary the authority to designate a component, providing flexibility in choosing the best approach. This way, whether FEMA continues, or a different unit takes charge, the legislation remains adaptable.

SECRETARY MAYORKAS: It will be interesting to understand what is meant by administer under the legislative mandate because there may be some flexibility there.

CARRIE CORDERO: There may be. There is a section of law granting the Secretary some flexibility, but Congress has limited its use. Hence, our specific legislative change recommendation. Another legislative suggestion revolves around multiyear funding to enhance grant effectiveness, shifting focus from annual applications.

The final legislative recommendation aims to grant DHS flexibility in deciding if specific urban areas can directly receive grants. While we don't specify criteria, we propose establishing a departmental mechanism for such analysis and decision-making. With that, I want to open the discussion to my colleagues who may have additional comments.

LEON PANETTA: Mr. Secretary, first, thank you for the opportunity to look at this, and I want to commend Carrie for her leadership with the committee and my fellow members. It is a very complicated area but at the same time, it's an important area because this deals with the community's ability to deal with terrorism and the threat. Our primary focus lies in streamlining these programs, aiming to prevent bureaucratic complexities. The recommendation for an interagency task force intends to involve the intelligence community in threat analysis, essential due to the complex metrics developed within the process.

Moreover, having someone in your office overseeing these grants is crucial for effective program monitoring. Our recommendations aim to provide you with the flexibility to shape and implement them effectively.

SECRETARY MAYORKAS: Very much appreciate it.

MICHAEL MASTERS: I want to echo the Secretary's comment and thank Carrie for her amazing leadership and amazing staff. Incredibly complex problem and often we hear this notion that this is the "way it's always been done" which ultimately limits solutions. Flexibility in the threat matrix, involving various partners, ensures understanding and buy-in for DHS's threat assessment. In a dynamic threat environment, grant programs must offer flexibility for essential resources like squad cars and fire rigs. Multiyear funding can shift focus from maintenance to strategic planning for state, local, and tribal partners, fostering substantive progress.

REBECCA STERNHELL: Now members of the public may offer comments. We'll go to council deliberation right after public comment. Members of the public may offer comments from this report for up to one minute to ensure everyone has a chance to speak.

No public comments made.

REBECCA STERNHELL: Any comments about the report from the HSAC members?

CHERYL ANDREWS-MALTAIS: As a direct funding recipient out of FEMA funds, I do know how first-hand complicated these mechanisms can be. I want to note that I did not see tribal committees consulted. Specifically, feedback regarding OPSG from tribes along the coast which are considered permeable and less protected. Also, I want to emphasize and commend the Secretary flexibility in streamlining the process because more resources and time are spent reporting than doing the groundwork. Thank you very much for this opportunity and I'm curious to find out if the tribal advisory committee had also been engaged for their expertise.

JANE HARMON: Having flexibility is right, but I was there for the creation of the Department. The proposal arrived in Congress fully fleshed out and there is very little room to maneuver. Just pointing that out. Since then, the housing committees I served on the committee for a long time have very little jurisdiction to do the work that needs to be done. I just point those out as obstacles. You are right about multiyear funding. However, many in Congress resist that because they want to have appropriators, total control year to year. Asking for endless, and sometimes completely duplicative and useless reports is something a member of Congress can point to as an accomplishment.

REBECCA STERNHELL: Thank you, Jane, very much. The Secretary's comment about harnessing the capabilities of the intelligence community will certainly facilitate that. These grant programs and what Carrie has spoken, has addressed in terms of capturing the dynamism of the threat landscape and meeting the moment as opposed to historic threats, that is where we would capture that. With respect to the question proceeding, if, in fact, the tribal committee was not consulted in this process, that is a wonderful point. We certainly will seek their input moving forward because these recommendations are important.

WILLIAM BRATTON: I am strongly in support of the recommendation to try and effectively get the state out of the mix. Also, the idea of continuing to modify what UASI is going to fund, we've seen over these last 20 years, the threat has changed. I support very much the multiyear aspect of this because every year the amount of bureaucracy we have to go through is mind-boggling. One caution: going after the 20% that goes to the state, you've got 50 governors that are going to fight tooth and nail because they have bureaucracies they want to support. In the meantime, you get a couple thousand mayors who are supportive.

REBECCA STERNHELL: Are there any other comments? Hearing none, is there a motion to adopt the report?

HSAC MEMBER: Motion.

REBECCA STERNHELL: Is there a second?

HSAC MEMBER: Second.

REBECCA STERNHELL: All in favor say aye.

MULTIPLE HSAC MEMBERS: Aye.

REBECCA STERNHELL: Any opposed say nay. Any abstentions, please identify yourself. With that, the report is adopted. I'd like to turn it over to Wendy Young.

Workforce Subcommittee:

WENDY YOUNG: Mr. Secretary, it was a great honor to cochair the Workforce Subcommittee with my colleague, Liz Shuler. I would also like to thank our other colleagues on the Subcommittee, Scott Kirby, Steve Morrissey, Carie Lemack, Jonathan Thompson, Candace Archer, and Hardy Vieux as we negotiated the complex issues facing the DHS workforce and beyond. In addition, I can express enough appreciation we received from the staff, including Rebecca, Alexander, and Joseph.

In briefings, the Subcommittee received critical insights into the evolving landscape of the Department's workforce. The Department's success hinges on the commitment of its diverse 250,000-strong workforce dispersed across the nation and globe, juggling discrete missions and diverse needs. Key findings highlighted the paramount importance of maintaining and enhancing employee morale. DHS employees often face threats, violence, and misunderstandings of their mission, impacting morale and job performance. To address this, the Subcommittee recommended updated benefits, compensation, and professional development opportunities alongside increased emphasis on workplace flexibility, inclusion, and accessibility.

The second crucial aspect pointed toward technological advancements and cybersecurity. Recognizing the transformative potential of technology, particularly AI, the Subcommittee urged investment in tech supporting flexible work arrangements. They emphasized the need for robust

training to effectively leverage these technological advancements and foster a culture of innovation across DHS components. Training programs stood out as an area needing an overhaul. To address this, the Subcommittee advocated for the procurement of a Learning Management System (LMS) to better track and assess training effectiveness. They stressed the importance of aligning training programs with job responsibilities and considering the impact of in-person training, especially for law enforcement personnel.

In adapting to the changing landscape, the Subcommittee underscored the necessity of flexible work environments. This recommendation urged agency leadership to prioritize infrastructure changes supporting remote and hybrid work setups. Cost-benefit analyses were advised for property acquisitions, with a focus on enhancing collaboration for space needs, including specialized facilities in remote and hostile environments.

Lastly, the Subcommittee highlighted the significance of prioritizing diversity, equity, and inclusion (DEI). DHS aims to enhance recruitment and retention by focusing on DEI initiatives. They emphasized the importance of recruiting talent from diverse sectors, aligning with the increasing demand for cybersecurity and technology skills.

These recommendations provide a strategic roadmap for DHS, aligning with the evolving needs of its workforce and reinforcing the agency's capabilities to meet the challenges of a dynamic and complex operational environment. I am happy to address any questions that others have or kick it to Liz to wrap up.

LIZ SHULER: I was critical at first, but Mr. Secretary, I want to say first thank you for including a worker perspective because your boss, our boss, very much prioritizes, of course, workers voices and perspectives. I wanted to add we had a chance to speak to the workers when we did our site visit. Listening to the concerns of TSO's and others that are on the front lines is important. Just like meetings like this when you leave often rich conversations happening in the hallway. That's what happens when you talk with workers because they really know what's going on. It's 250,000 people we are talking about that are impacted by this report. I want to echo the recommendations, where your energy would be well spent, Mr. Secretary, because these observations are affecting the most important part of the agency, which is your talent. I know that frontline worker experience was something Wendy mentioned, but I want to put a fine point on it because there's a lot of anxiety that we heard. We talked about the OMB memo was one of the anxieties that surfaced that potentially asserting morale, and this notion of dealing with hostile and violent public, whether you're at work or outside of work. If you're wearing your uniform and you're spotted, the challenges people are enduring based on perception and what people encounter. Also, the career path prospects. I wanted to emphasize that because it's people knowing what their career paths and opportunities are. That affects retention because that's what everyone is concerned about. Attracting and retaining a good set of workers also with the discussions around remote work, of course. We hear repeatedly even outside of homeland security, right? We're proud of these recommendations, including what we call a worker centered approach. It's a model that a lot of the Subcommittees could use. They are better received if you're workforce, you know, is included. The people doing the work are involved in determining what those changes could look like on the front end instead of the back end as those

reports are past. I know DHS has a long history of working collaborative with your unions, so I just want to say this labor-management partnerships are the secret sauce.

SECRETARY MAYORKAS: Please explain the OMB memo that's driving the workforce back to the office to a degree.

WENDY YOUNG: That memo came out just before or around the time we launched the Workforce Subcommittee, and it drew considerable media attention. Briefings revealed it was misconstrued, causing a morale dip. Though somewhat confusing, the Department had already contemplated remote and hybrid work policies before its issuance, crucial for frontline workers. It's apparent you're adeptly managing this, hopefully restoring lost morale.

LIZ SHULER: We heard from a lot of individuals who are doing work that could be done remotely, like training, and they are feeling the pinch of recruitment. People want flexibility and some roles allow for more flexibility than others. That contributes to that morale issue.

REBECCA STERNHELL: Any public comment in the room? JC, is there public comment online?

JC WILLIAMS: We do have one comment.

REBECCA STERNHELL: Please go ahead.

ANNIE DANCE: My name is Annie Dance and I live in a rural area of North Carolina, so I hope you all consider the need for fully remote work. I know that would greatly help me and a lot of my community. Thank you.

REBECCA STERNHELL: Thank you.

WENDY YOUNG: We also heard that opening remote positions opens the recruit and talent pool for the agency as well. There are also some benefits as well.

REBECCA STERNHELL: Other comments? Hearing none, is there a motion to adopt the report?

ALI SOUFAN: Motion.

REBECCA STERNHELL: Thank you, Ali. A second?

NOAH BOOKBINDER: Second.

REBECCA STERNHELL: Thank you, Noah. All in favor say aye. All the post say nay. Any abstentions? With that, the report is adopted and will be transferred to the Secretary.

SECRETARY MAYORKAS: Thank you because this is all about our greatest and important resource, our people.

REBECCA STERNHELL: Mr. Chertoff, the floor is yours.

Artificial Intelligence – Mission Focused:

MICHAEL CHERTOFF: Artificial intelligence is a very hot topic now. The Subcommittee’s aim was to provide strategic recommendations for the department’s AI utilization without an exhaustive current usage review. We received briefings from components and private sector entities involved in AI. The rapid AI progress challenges even well-funded commercial ventures. Federated machine learning models emerged as a method preserving individual data privacy while utilizing data parameters effectively. This approach seems beneficial for DHS, consolidating behavioral information while safeguarding privacy. Private industry is creating tools to complement existing products rather than starting from scratch. While AI excels in efficiency and accuracy, human oversight remains crucial for trustworthy outcomes. This balance between AI and human judgment varies across different scenarios, warranting careful consideration.

We’ve put forth five recommendations. Firstly, establishing a centralized group within the department ensures policy advancement while aligning with constitutional principles and respecting the independence of its components. This group leverages a vast dataset to educate and inform, respecting the authority of each component. Secondly, integrating AI into various DHS missions is crucial, yet we emphasize that certain decisions, like law enforcement, demand human intervention due to potential biases in AI outputs. While machines could handle repetitive queries about travel and entry requirements, critical decisions should remain human-driven.

Thirdly, fostering strong economic alliances and partnerships in the private sector helps DHS stay abreast of technical advancements in AI and prioritize high-value propositions for implementation and acquisition. Fourthly, we shouldn’t solely rely on developing technology in-house; leveraging existing commercial off-the-shelf solutions could provide quicker implementation opportunities. Lastly, to effectively develop AI, granting access to diverse data via a federated model while upholding privacy is vital. Public awareness about privacy measures and human involvement in crucial decisions involving AI is essential. I advocate for the “3 D’s” model: ensuring accurate, unbiased, and privacy-respecting data; disclosing AI’s role in creation; and ensuring human involvement in pivotal decisions impacted by AI.

This recommendation underscores the importance of federating information for effective AI by accessing diverse data without compromising individual privacy. Public awareness regarding privacy measures and human involvement in decision-making when AI is utilized is crucial. I propose the “3 D’s” model: Data accuracy, unbiasedness, and privacy respect; Disclosure of AI involvement in creations; and final Decision-making by human beings in critical areas like travel and benefit allocation affected by AI.

REBECCA STERNHELL: I'd like to propose keeping human within decision-making especially in context of benefits decisions or law enforcement. If there is no objection to that, we will vote to adopt the report with that language change to reflect Michael's comments. With that, are there public comments?

JC WILLIAMS: No, ma'am.

REBECCA STERNHELL: Public comments in the room? If the Subcommittee members does not have any thoughts, we will go to the Council now.

TARIKA BARRETT: Hello, everyone. Mr. Secretary, I want to double-click the algorithmic issue, particularly in our daily work with girls and nonbinary students who lack representation. Emphasizing the human aspect is crucial. It's vital to ensure that young people, especially those of color, have a say during this transformative period. Historically marginalized voices need representation in shaping data and forming interest pools, aligning with your vision to diversify cybersecurity. When considering AI, combatting biases requires diverse voices to offer different perspectives and ensure sound recommendations. Your commitment to these issues is critically important.

JONATHAN THOMPSON: Great report. We wrestled with some of the issues in manpower and skills in the workforce report. Through our research, we identified essential but unaffordable skills. The agency needs to innovate, exploring temporary assignments and pathways to access these skills creatively. Leveraging internal resources and FLETC for specialized centers is recommended. Establishing partnerships with universities can create a talent pipeline while exposing students to the department's needs. Clear communication about AI is crucial, avoiding undue procurement pressure on buyers.

SAFRA CATZ: We aimed to simplify this as much as possible and to highlight this important moment. Implementing large language models and machine learning (ML) has various implications, especially concerning data bias, privacy, and security. Decisions regarding agency data sharing vary based on these factors. It's a matter of context when considering AI applications. Collaboration with other departments, industries, and universities is crucial to solve these challenges affordably and positively utilize AI.

JONATHAN THOMPSON: Considering data lakes, where data is constantly increasing, how does DHS push out transformative actions transparently and with visibility? I get a lot of questions about our data sources from law enforcement. We have to be very cautious here. This is on the right path and a huge, huge step forward for the Department.

REBECCA STERNHELL: Regarding off-the-shelf purchases, in our discussions, the Subcommittee considered whether we should build our own chat bot, which takes time, or adopt existing commercial versions. It seems there are viable options available for low-risk scenarios without rushing ahead.

JONATHAN THOMPSON: I don't think we can undertake that comparison of internal development versus commercial. Changes must be made in the Department's procurement capabilities in order to move quickly, nimbly, and with dynamism. I'm not suggesting moving to a sole-source model, but we must be quick.

MICHAEL CHERTOFF: I think the concept is to ensure the Department components stay updated on both positive and negative AI trends. Exploring new tools and identifying associated risks is key. It's not about restricting agencies but providing visibility across components on opportunities and challenges. The central group aims to maintain transparency, avoiding overreach, and doesn't need to be a large bureaucratic entity but a gathering of component representatives and officers.

LIZ SHULER: I just wanted to thank the Chairman for the report. This is a very complex subject matter and not a lot of time to unpack it. We didn't really have time to give our feedback as committee members. So, I am giving this feedback in this period of that. My comments cover two areas: technology itself and the need for diverse perspectives. Regarding technology, considering worker perspectives in procurement is crucial, especially as government jobs historically provided opportunities for people of color. Caution is needed in AI's potential impact on jobs, emphasizing a gradual rollout to mitigate human impact. Developing clear standards for technology implementation is essential, especially concerning AI tools with complex histories. Recommendations should be cautious, not prematurely endorsing tools raising concerns. From a union standpoint, involving unions in discussions about worker integration into AI adoption is crucial; workers are essential stakeholders who deserve involvement in the process. We are not anti-technology. We recognize and see the promise. We know it is a double-edged sword with the risk and reward, but I will be voting no. Thank you so much.

SECRETARY MAYORKAS: Can you expand on your point about procurement?

LIZ SHULER: There is a lot of attention being paid and embedding that in the process of the government. Examining how and when we are using these tools and if they are implemented in a way that disproportionately affect particularly workers of color.

JAMIE GORELICK: Would it make sense to you for the Department, as it's considering the uses of AI in its own processes simply, to put some principles out that might guide a procurement decision without completely gumming up the works? I think it's impractical for the Department to not use tools that are becoming available to it to do its job better. In terms of both guardrails and protecting some of the interests that you refer to, would just a memo from the Secretary addressing the considerations work? Would that be helpful?

LIZ SHULER: A note in the report or something certainly would be helpful. I am sure the new guidance from OMB will affect this, but there might be somewhere we can pepper it in.

NOAH BOOKBINDER: I have a much narrower point on the issue. If you're talking about where to deploy resources, the use of these tools makes perfect sense. As you get closer to law

enforcement decisions that can result in people being arrested or charged, then I think it goes back to what Secretary Chertoff was talking about the need for human judgment. If we end up in a place where decisions that affect people's liberty are being made by machines, that is something people are very worried about. In talking about those areas, it is necessary to be precise in talking about exactly what we mean by that.

MICHAEL CHERTOFF: That is a very fair point. Precision is critical and we must look at it through a workforce impact filter. One thought I have is to ask the two Subcommittees or another group to work through workforce impact.

JONATHAN THOMPSON: Floating the idea that we recognize this report may need to be revisited again in a year to see there is any change, evolution, or amendment. Mr. Secretary, you've got a masterful opportunity to look at this as a longitudinal study.

REBECCA STERNHELL: In light of this, we can pass this amendment in the final report. The recommendation will read, "integrate AI and machine learning into as many areas of the DHS mission as practical considering the Workforce Subcommittee report, and also recognizing that certain AI ML uses will require a human to make final determinations." Does that work?

JAY AHERN: You may want to use AI as an assistive measure that can help human decision-making. In my experience, we had a decision support tool that officers used to inform their final determination. For example, it can help officers at the border decide whether to pull someone in for secondary questioning. You may want to use AI as an assistive measure that can help human decisions without solely making the decisions for the human.

DMITRI ALPEROVITCH: One of the things that you can do with these algorithms now is provide reasons and factors that go into the decision making. This allows the human to make judgement based on whether the technology's suggestion is reasonable.

REBECCA STERNHELL: Any other comments?


REBECCA STERNHELL: All right. Is there a motion to adopt the report as I amended just a few moments ago? All in favor say aye.

MULTIPLE SPEAKERS: Aye.

REBECCA STERNHELL: All opposed please raise your hand. Those who abstain, please raise your hand. The report is adopted and will be transmitted to the Secretary. With that, thank you for joining us today. This meeting is adjourned.

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

Signed and Dated

A handwritten signature in black ink, appearing to read 'Rebecca Sternhell', written in a cursive style.

12/11/2023

Rebecca Sternhell, Acting Executive Director, Homeland Security Advisory Council