

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

The Woodrow Wilson International Center for Scholars

September 29, 2015

EXECUTIVE SUMMARY

11:23 a.m. to 2:06 p.m.

The meeting of the Homeland Security Advisory Council (HSAC) was convened on September 29, 2015 from 11:23 a.m. to 2:06 p.m. at the Woodrow Wilson International Center for Scholars in Washington, D.C. The meeting was open to members of the public under the provisions of the Federal Advisory Committee Act (FACA), P.L. 92-463 and 5 U.S.C. § 552b.

The following individuals were in attendance:

HSAC Members

Judge William Webster, <i>Chair</i>	Ms. Carie Lemack
Commissioner Bill Bratton, <i>Vice-Chair</i>	Mr. Wilson “Bill” Livingood
Mr. Stephen Adegbite	Mr. John Magaw
Admiral Thad Allen	Mr. David A. Martin
Hon. Ron Barber	Mr. Jeffrey “Jeff” Miller
Mr. Richard Danzig	Mr. Jeff Moss
Ms. Elaine C. Duke	Mr. Ned Norris, Jr.
Mr. Marshall Fitz	Ms. Farah Pandith
Mr. Paul Goldenberg (via telephone)	Mr. John Pistole
Hon. Elizabeth “Liz” Holtzman	Mr. Robert Rose
Hon. Jim Jones	Mr. Ali Soufan
Ms. Juliette Kayyem	Mr. Paul Stockton
Mr. Gary Kelly	Mr. John Chaussee (proxy for Gary Kelly)

Department Leadership and Other Attendees

Alejandro Mayorkas, Deputy Secretary, DHS
Christian P. Marrone, Chief of Staff, DHS
Russ Deyo, Under Secretary for Management, DHS
Suzanne P. Spaulding, Under Secretary for the National Protection and Programs Directorate, DHS
General Francis X. Taylor, Under Secretary for Intelligence and Analysis, DHS
Brodi Kotila, Principal Deputy Assistant Secretary for Policy, DHS
R. Gil Kerlikowske, Commissioner, Customs and Border Protection (CBP)
Brian Kamoie, Assistant Administrator, Grant Programs Directorate, Federal Emergency Management Agency (FEMA)
Michael G. Masters, Executive Director of Homeland Security and Emergency Management, Cook County, Illinois

Welcome by HSAC Leadership

William Webster, Chair of the HSAC, called the open session of the meeting to order at 11:23 a.m. The members introduced themselves. Chair Webster acknowledged HSAC Executive Director Sarah Morgenthau and Vice-Chair Bratton.

Vice-Chair Bratton began by saying he felt honored to serve on the Council, and praised the work being done by the group.

CBP Integrity Advisory Panel Progress Report and Discussion

R. Gil Kerlikowske, Commissioner, CBP, began the discussion with the HSAC members with stating that Secretary Jeh Johnson has granted the agency's Office of Internal Affairs law enforcement authority with the ability to investigate allegations of corruption and excessive use of force. CBP currently has 120 internal investigators and is working on a plan that will allow more hiring. The internal affairs office is now led by former Metropolitan Police Department Deputy Chief Matt Klein. Since then, CBP has issued an integrity and personal accountability strategy to all employees.

CBP has publicly released a report by the Police Executive Research Forum, a nonprofit organization, on the use of force. CBP has completely revised its use of force policy. The new policy stresses the preservation of human life and both the safety and security of personnel and innocent individuals. A new training program created from the new policy emphasizes scenario-based decision-making and the use of less lethal technology.

The Commissioner passed on the Secretary's encouragement for CBP to be more open with the press and nongovernmental organizations. Within two hours of a serious incident, CBP will issue an acknowledgement of the incident occurring and, within 24 hours, a command level individual will host a press conference.

CBP has established a complaints process through its website. The site includes information in Spanish and four bilingual individuals have been hired to staff the complaints process.

Member Jones asked the Commissioner to comment on the body camera issue. The Commissioner said body cameras were valuable, but they tended to last about 90 days in the environments CBP agents normally work in. The agency is looking for ways to improve the quality and extend the life of the cameras.

Member Barber said he welcomed CBP's new policy of openness with the press. Member Martin asked if the new efforts with internal affairs were having an effect. The Commissioner said he thought CBP was making headway in building trust with local prosecutors and law enforcement.

Member Moss asked how many more internal investigators CBP wanted to hire. New York Police Department Commissioner Bratton stated that for their 52,000 employees, they have 600

personnel assigned to the internal affairs function. The CBP Commissioner said there was a workload staffing model, but that he would prefer between 400 and 550 new investigators.

DHS Grant Review Task Force Discussion

Brian Kamoie, Assistant Administrator of FEMA's Grant Programs Directorate, provided a status report to the members and introduced his presentation with stating DHS grant programs provide about \$2.3 billion a year to 56 primary grantees and thousands of sub-grantees including state, local, territorial and tribal governments, nonprofit organizations, and ports and transit agencies.

The Task Force issued two preliminary recommendations to FEMA at the last HSAC in-person meeting on May 21, 2015. The first recommendation called for DHS/FEMA to encourage grant recipients to purchase equipment from federal contracts or use federal schedules as a similar timeline for purchasing. Assistant Administrator Kamoie said FEMA is currently encouraging recipients to follow the first recommendation where it is permissible by state and local procurement laws. The second recommendation was to ensure grant recipients were aware of best practices through a web-based tool. He confirmed that DHS has a number of mechanisms to share such information, including the Lessons Learned Information System, Homeland Security Digital Library storing case studies, and a toolkit already provided to all grantees.

The Task Force will evaluate DHS on six action items on issues including standardizing assessments, de-conflicting grant life cycles, reviewing current policies and procedures imposed by grantees on sub-grantees, and developing better two-way communication between DHS and grant recipients.

Member Pistole asked if there were any noticeable recent trends within the grant programs. Assistant Administrator Kamoie replied that more fiscal discipline by FEMA and grant recipients has led to a reduction in unspent grant money from \$8.6 billion to less than \$1 billion.

Member Miller asked if any controls or restrictions had been put in place to require better regional coordination. Assistant Administrator Kamoie mentioned the creation of Urban Area working groups and the requirement that grantees participate in the Emergency Management Assistance Compact.

Member Holtzman expressed concern that DHS grants could facilitate the militarization of equipment by police departments based on the recent events. Assistant Administrator Kamoie assured her that these funds do not allow the purchase of ammunition or weaponry, and that the Administration has worked closely with law enforcement and other stakeholders to implement the President's Executive Order on equipment and grant support to local law enforcement.

Michael Masters, a Co-Chair of the Grant Review Task Force, said the Task Force is continuing its outreach with grant communities. Since it began, the Task Force has worked with various

entities within FEMA and DHS to better understand particular grant programs.

Mr. Masters continued announcing that Dr. Ned Norris of the Tohono O'odham Nation will spearhead the engagement and outreach with tribal nations and facilitate issues related to tribes and their experiences with the preparedness grant programs.

The work of the Task Force has been divided into three subtaskings to focus its efforts on specific areas of the tasking. The subtaskings address: What are the outcomes the grant process are intended to achieve? What mechanisms are best suited to achieving the desired outcomes? How does a whole community approach impact this effort?

Foreign Fighter Task Force Subcommittee Report Discussion

Francis X. Taylor, the Department's Under Secretary for Intelligence and Analysis, and Dr. Brodi Kotila, Principal Deputy Assistant Secretary for Policy, led the discussion. Under Secretary Taylor began by stating that one of the report's recommendations called for robust leadership engagement and Secretary Johnson has reorganized the Counterterrorism Advisory Board (CTAB) to address these recommendations. The CTAB, which includes the senior leadership of the Department and its Components, meets weekly on a range of issues concerning the Department, particularly aviation security, cybersecurity, border security, and preventing terrorist attacks.

The DHS strategy to implement the Task Force's recommendations relies primarily on an exchange of intelligence and information among Federal, state, local, tribal, territorial, and international partners. This includes a strategy for identifying foreign fighters and individuals who express interest in attacking the U.S. Homeland, improving the Electronic System for Travel Authorization, and sharing secret and unclassified information with state and local partners.

Under Secretary Taylor appreciates the Task Force's recommendations on DHS's data framework. The Department has many disparate data sets, most of which do not talk to each other, diminishing the ability to use data analytics to find intelligence and other important leads. The Secretary and Deputy Secretary support the integration of 22 data sets into a framework and a general recommendation by the Task Force to add more sets by the end of FY2016.

Principal Deputy Assistant Secretary Kotila spoke about the Task Force's recommendations on countering violent extremism. The Task Force's report recognized the importance of empowering local communities to partake in early detection, prevention, and intervention, calling for DHS to assist with building trust and security between law enforcement and community leaders at the local level as well as improve research and training efforts and identify best practices.

Dr. Kotila noted that the Department appreciates the report, and noted that Secretary Johnson recently issued an internal memo entitled "Building Community Partnerships to Counter Violent Extremism," which addresses many of the recommendations from the Foreign Fighter Task

Force. One of the most important changes will be the consolidation of Department resources into a new office to support community-based efforts to counter violent extremism. DHS will build on existing field-based community engagement through the Office of Civil Rights and Civil Liberties and DHS components. The new office will develop a digital engagement strategy to support innovative practices. DHS intends to review its grant programs and make funds more accessible to support community-based efforts to counter violent extremism. The Science and Technology Directorate will work with the new office to identify research and development gaps for these efforts. Also, FEMA and the Federal Law Enforcement Training Center will enhance training for federal, state, local, tribal, and territorial law enforcement to help them support community efforts to counter violent extremism. The Director of the new office will provide a progress report on these and other efforts to the Secretary annually. The Secretary has tasked the HSAC to establish a subcommittee that will focus on efforts to counter violent extremism.

Member Pandith asked whether the new office plans to engage with partners in Europe, how large the Department's FY2017 budget would be to address violent extremism, and if it would be concerned with threats that may emerge down the road, rather than threats already known. Principal Deputy Assistant Secretary Kotila answered that DHS representatives regularly engage with our international counterparts to discuss efforts to counter violent extremism, and noted that DHS has already been engaged with Europe and other countries overseas. The office's budget is under review.

Member Goldenberg, one of the Task Force co-chairs, stressed the importance of making sure state and local law enforcement officers are properly equipped to deal with these threats.

Member Rose asked how the Department was dealing with clearance issues. Under Secretary Taylor estimated 90 percent of the relevant data was unclassified and that the Department was trying to keep the classified label off anything that did not need it.

Member Lemack asked how DHS planned to engage other organizations and provide communities necessary resources to support efforts to counter violent extremism. She also asked whether DHS would share information on effective community partnerships with those organizations. Principal Deputy Assistant Secretary Kotila said DHS is supporting efforts to build tools to assess the impact of programs designed to counter violent extremism and build community resilience, and to make those tools available to community groups.

Swearing-In of New Council Members

Executive Director Morgenthau introduced Alejandro Mayorkas, Deputy Secretary of the Department of Homeland Security. Deputy Secretary Mayorkas swore in the new members of HSAC: Robert Rose, John Pistole, Marshall Fitz, and Jeffrey Miller.

DHS Employee Task Force Report Discussion

Russ Deyo, Under Secretary for Management, led the discussion. According to the 2015 Federal Employee View Point Survey, the engagement index for DHS employees decreased by one percent while engagement government-wide increased by one percent. Under Secretary Deyo voiced leadership's disappointment in the results; however, they are not discouraged. Under Secretary Deyo pointed out that several DHS component agencies and offices matched or exceeded the government-wide engagement increase, while other agencies appear to have stabilized. He added that survey results reveal 85 percent of DHS employees recognize their work is important and are willing to put in the extra effort.

Under Secretary Deyo confirmed there will be a fully-integrated, Department-wide employee engagement strategy. The strategy will have three pillars of focus: selecting and cultivating high-performing leaders, developing excellent leaders at all levels, and communicating in a way that connects and motivates the workforce. In addition, every component DHS office will implement a customized engagement plan. DHS leadership will provide the offices with overarching support and guidance, fill in gaps when necessary, and track and report progress as part of the priorities set by the engagement program.

DHS is creating a new position for a Chief Learning and Engagement Officer. This person will serve as the senior accountable official and will have dedicated resources and staff at his or her disposal. The job has been posted, and applicants are under consideration.

Member Thad Allen noted that DHS has experienced challenging labor-management relations and that a focus of efforts be the improvement of these relationships. Member Duke observed that the engagement and involvement of career Senior Executive Service (SES) members is critical to enhancing employee engagement. Member Pistole said part of the challenge is recognizing the difficult mission DHS deals with on a daily basis. Member Magaw pointed out the need to engage career SES in efforts to improve morale.

Member Moss asked if the Department was tracking satisfaction for employees versus contractors and if there was a way to identify low performers.

Under Secretary Deyo said DHS is concerned with both, but that the Federal Employee Viewpoint Survey focused solely on federal employees.

Cybersecurity Subcommittee Roll-Out

This new Subcommittee is co-chaired by Member Adegbite and Member Moss and vice-chaired by Member Stockton and Member Kayyem. The Secretary has tasked the Subcommittee to focus on incident response and coordination with state, local, tribal, and territorial authorities. The Subcommittee will report on incident response in six to nine months, and on coordination in nine to twelve.

Member Thad Allen recommended visits to Centers of Excellence within the Department.

Member Pistole stressed the importance of layered defenses across the board, a risk and resilience based approach. Suzanne Spaulding, Under Secretary for the National Protection and Programs Directorate, said she was excited and grateful to the Subcommittee for its undertaking.

Member Holtzman asked if the Subcommittee was concerned with ensuring various agencies had mechanisms in place to respond to cybersecurity incidents.

Member Moss said he intended to get clarity on DHS authorities, roles, and responsibilities for appropriately informing the Subcommittee's efforts.

Public Session Ends

Executive Director Morgenthau adjourned the open session of the meeting at 2:06 p.m., and the Council returned to closed session.

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Closed Session: Morning Session

10:00 a.m. to 11:05 a.m.

HSAC Chairman Judge William Webster and Vice Chair Bill Bratton welcomed the HSAC Members to the meeting, and brought the morning closed session to order at 10:00 a.m.

Christian Marrone, Chief of Staff with the Department of Homeland Security, provided the members with an update on employee morale and the current efforts to raise morale.

Roy Bush, National Terrorism Advisory System Coordinator, provided the members with a national terrorism briefing focused on plans to counter violent extremism.

Judge Webster adjourned the morning session at 11:05 a.m.

Closed Session: Afternoon Session

2:15 p.m. to 4:15 p.m.

HSAC Chairman Judge William Webster brought the afternoon closed session to order at 2:15 p.m.

Deputy Secretary of Homeland Security Alejandro Mayorkas provided the members with an update on the current issues surrounding the Department of Homeland Security.

Andy Ozment, Assistant Secretary for Cybersecurity & Communications, provided the members with a briefing focused on cyber threats against the homeland.

Peter Neffenger, Administrator for the Transportation Security Administration, provided the members with a briefing on new training and equipment regarding aviation security.

Judge Webster adjourned the meeting at 4:15 p.m.