



Homeland
Security

MEMORANDUM

TO: Andrew Fausett
Director, Transparency and Oversight Program Office

FROM: Ken Wainstein ^{KW}
Under Secretary for Intelligence and Analysis

SUBJECT: **Direction to Release Expert Group Minutes and Agenda**

Consistent with my previous verbal guidance, I request that you release records of the Experts Group meeting agendas and meeting minutes in the Freedom of Information Act (FOIA) Reading Room for the Office of Intelligence and Analysis (I&A) pursuant to 5 U.S.C. § 552(a)(2). I have determined that these records are of interest to the public and are appropriate for public disclosure consistent with the standards set forth in 6 C.F.R. § 5.2.

The enclosed records are not formal meeting agendas and minutes. The records redact certain participant identifying information under FOIA Exemptions 6 (5 U.S.C § 552(b)(6)) and 7(C) (5 U.S.C § 552(b)(7)(C)). Exemption 6 protects from disclosure personnel information and similar files the release of which would cause a clearly unwarranted invasion of personal privacy. Exemption 7(C) provides for withholding of information that identifies third parties compiled for law enforcement purposes and is ordinarily appropriate based on the traditional recognition of the strong privacy in those records.¹ In support of both exemptions, the privacy interest in the identities of individuals in the records have been determined to clearly outweigh any minimal public interest in disclosure of the information. Although not required by law including the FOIA, DHS I&A has identified employees to further promote transparency in government as part of this disclosure.

Importantly, the meeting minutes were not intended to be verbatim transcripts, and were written as a rough chronicling of the flow of the meetings. These minutes have errors, omissions, and misstatements that deviate from the actual conversation at many junctures. Nonetheless, we have decided to post them in the FOIA Reading Room to address any public interest in the general nature of the meetings.

¹ Exemption 7(C) protects from public disclosure “records or information compiled for law enforcement purposes... [if disclosure] could reasonably be expected to cause an unwarranted invasion of personal privacy.” See 5 U.S.C. § 552(b)(7)(C); law enforcement purposes under this exemption includes intelligence purposes.



Homeland Intelligence Experts Group

Agenda

May 23, 2023

MS Teams

11:30am – 12:30pm EST

- 11:30 AM** **Welcome and Expectations of Homeland Intelligence Expert Group**
Ken Wainstein, Under Secretary, Office of Intelligence and Analysis (I&A)
(b) (6), Group Coordinator
- 11:40 AM** **Introductions of Participants**
John Bellinger
John Brennan
James Clapper (Unavailable for Call)
Rajesh De
Asha George
Karen Greenberg
Paul Kolbe
Paul Ohm (Awaiting RSVP)
Mike Leiter
Nicholas Rasmussen, DHS Counterterrorism Coordinator
General Frank Taylor (Awaiting RSVP)
Benjamin Wittes
- 11:50 AM** **Administrative Items/ Preliminary Discussion of Ethics Issue for Participants**
DHS employee (b)(6),(b)(7)(c) I&A Private Sector Engagement
DHS employee (b)(6),(b)(7)(c) Senior Advisor to the Under Secretary
- 12:00 PM** **Discussion of Agenda Topics for June Meeting**
Ken Wainstein, Under Secretary, I&A
- 12:20 PM** **Questions and Answers**
- 12:30 PM** **Adjourn**



Homeland Intelligence Experts Group Introductory Call

After Action Recap

Homeland Intelligence Experts Group Introductory Call

Date: 23 May 2023

Location: MS Teams and Nebraska Avenue Complex

Stakeholder Overview: Ken Wainstein, Under Secretary for Intelligence and Analysis (USIA), established the Homeland Intelligence Experts Group to gain intelligence insights from leaders in the private-sector, public-sector, and academia. The HIEG is being formed at a time of unprecedented challenges for U.S. intelligence organizations. Threats to the Homeland emanate from foreign adversaries, threats to the U.S. economy, domestic extremists, cyber actors, and attacks on our democracy.



Experts from outside of government, who bring perspectives on innovative approaches to countering these threats, are critical to the advancement of U.S. intelligence.

Summary: On May 23, PSE facilitated Under Secretary Wainstein's virtual HIEG meeting. During this meeting, the USIA outlined his vision for the group, described I&A's recent realignment, and recognized the need for participants' diverse viewpoints of wisdom folks. Participants introduced themselves, Senior Advisor (b)(6)(b)(7)(c) DHS employee and the (b)(6) and (b)(6) identified potential topics for future meetings, and PSE briefed administrative items. The first in-person meeting is scheduled for June 23 at the Nebraska Avenue Complex.

The USIA kicked off the meeting, explaining the importance of this group and the ideation from his Senate Confirmation process. He indicated if participants thought names should be added to these meetings, he would consider adding others. He acknowledged the gap of State, local, tribal and territorial (SLTT) perspective in this group, and explained he has the State and Local Intelligence Council (SLIC) to serve this function. He acknowledged that DHS is still a relatively immature agency, celebrating 20 years in March. He acknowledged I&A's recent challenges including missteps in Portland, January 6, and allegations of politicization. He explained the Secretary and Deputy Secretary are supportive of him and Counterterrorism Coordinator Nick Rasmussen reassessing I&A's operations and priorities. He described I&A's recent re-alignment, highlighting the separation of collections and analysis and elevating the Oversight office.

The USIA indicated Phase 2 of I&A's reform will reconsider the prioritization of threats and the allocation of resources. The USIA mentioned I&A will be releasing a Memorandum defending I&A's overt collection program. He expressed that he is only looking for vibrant discussion and individual viewpoints of participants to inform his decisions and is not looking for consensus.

(b)(6) provided his perspective on aspects that make I&A unique: 1) it does not have law enforcement authorities, but is instead security focused; 2) its domestic focused; 3) its authorities are limited to overt and open source collection. (b)(6) recommended future topics for discussion to include focusing on insights that can be derived from commercial data, how domestic terrorism is an increasing concern, and how the United States steers clear of becoming a country like China. He also recommended exploring and learning from other Intelligence Community elements like State Department's Bureau of Intelligence and Research and examine the cost and benefits of providing raw intelligence to SLTT law enforcement, possibly considering a difference balance between raw and finished intelligence.

Senior Advisor (b)(6)(b)(7)(c) DHS Employee expressed the desire for future meetings to be more free flowing. (b)(6)(b)(7)(c) DHS Employee identified the immediate need to prioritize topics within I&A, and also suggested this group discuss how to build morale following past troubles, and how to empower Intelligence Officers to see themselves in unique positions. Counterterrorism Coordinator Nick Rasmussen reiterated that this group will have an extraordinary value, and explained how even the use of some terms can get DHS into a politicized place.



Homeland Intelligence Experts Group Introductory Call After Action Recap

DHS employee

(b)(6)(b)(7)(c) indicated participants will need to sign a Non-Disclosure Agreement, and participants can receive compensation and travel reimbursement through a forthcoming contract with MITRE Corporation.

Key Follow Up Actions/Takeaways:

Status	Action Summary
	Prior to the meeting, the HIEG Group Coordinator asked about the evolution of the Homeland Security Advisory System. Senior Counselor (b)(6)(b)(7)(c) explained that DHS now uses National Terrorism Advisory System (NTAS) Bulletins. PSE emailed a copy of the latest NTAS-Bulletin to the HIEG Group Coordinator on May 23. (PSE)
	The USIA mentioned I&A will be releasing a Memorandum defending I&A's overt collection program. PSE will share once released. (PSE)
	PSE will collect signed Non-Disclosure Agreements (NDA) from all participants prior to sharing any FOUO or non-public information with participants.
	(b)(6) indicated having more information about I&A's budget, resources, and geographic distribution of resources/staff would be helpful for their understanding of I&A. (b)(6)(b)(7)(c) is compiling information for PSE to email. (DUSM/PSE) DHS Employee
	USIA Wainstein agreed to designate part of the first meeting to I&A 101 Briefings, to give participants a sense of I&A's functions. (PSE)
	(b)(6) expressed interest in understanding relationships with other Intelligence Community elements and perceived gaps. (b)(6)(b)(7)(c) DHS Employee
	(b)(6) expressed an interest in learning more about I&A's Oversight. PSE can include a briefing during the June meeting. (b)(6),(b)(7)(c)/PSE) DHS Employee

DHS Employee

Attendance: A total of 21 individuals participated in the introductory call.

I&A	
Name	Agency/Organization/Office
Ken Wainstein	Under Secretary, Office of Intelligence and Analysis
(b)(6), (b)(7)(C) DHS employee	(b)(6), (b)(7)(C) DHS employee
(b)(6),(b)(7)(C) DHS employee	Senior Advisor to the Under Secretary
(b)(6),(b)(7)(C) DHS employee	Senior Advisor to the Under Secretary
(b)(6),(b)(7)(C) DHS employee	Senior Advisor to the Under Secretary
(b)(6),(b)(7)(C) DHS employee	Private Sector Engagement Director
(b)(6),(b)(7)(C) DHS employee	Private Sector Engagement
(b)(6),(b)(7)(C) DHS employee	Private Sector Engagement
DHS	
Name	Agency/Organization
Nick Rasmussen	Counterterrorism Coordinator
Matthew Kronisch	Associate General Counsel for Intelligence, Office of General Counsel
Other	
Name	Agency/Organization
David Kris	Culper Partners LLC
John Bellinger	Arnold & Porter
John Brennan	NBC News and MSNBC
Rajesh De	Mayer Brown Law Firm



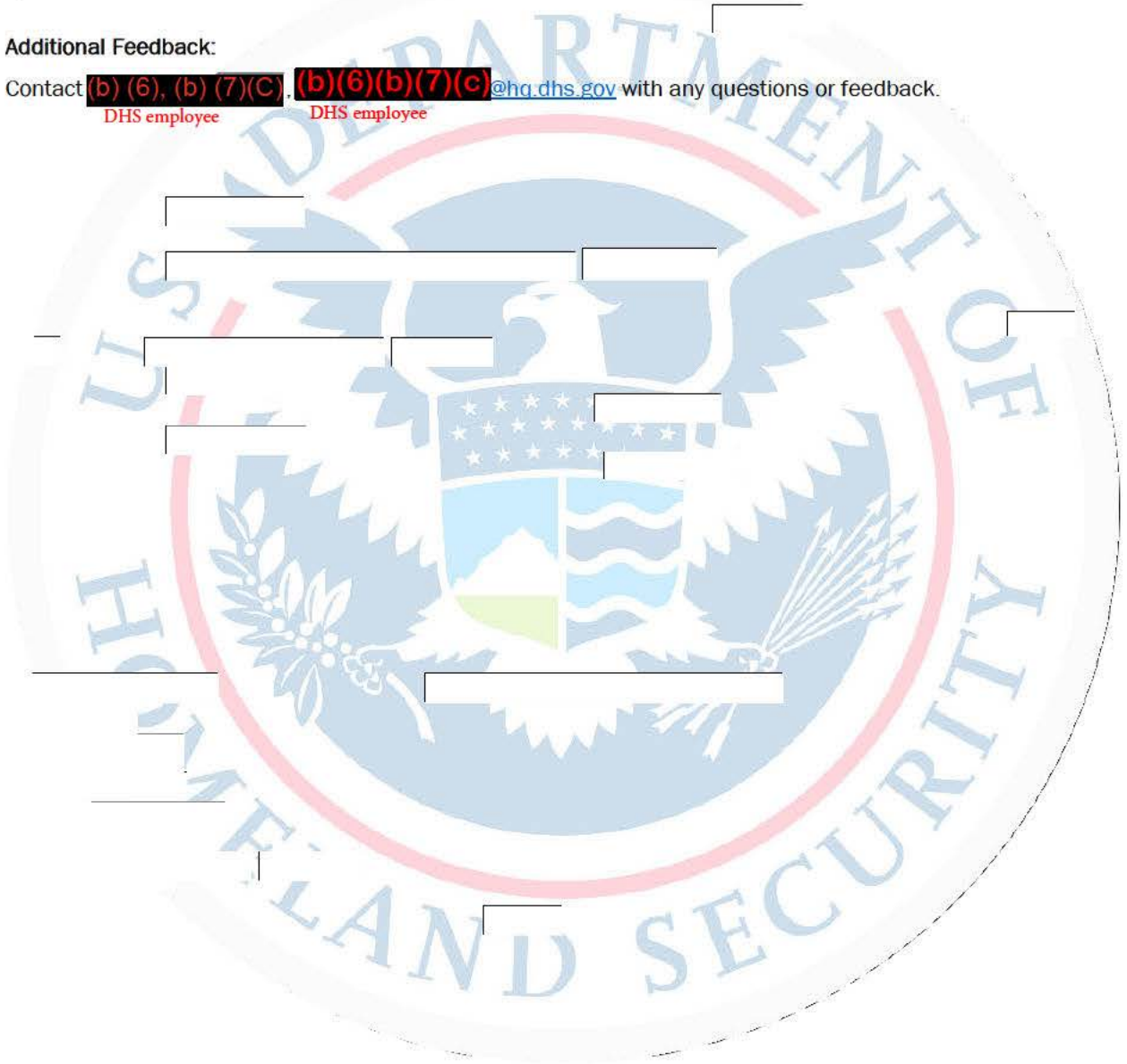
Homeland Intelligence Experts Group Introductory Call

After Action Recap

Asha George	International Institute for Global Health
Karen Greenberg	Fordham University School of Law
Paul Kolbe	Harvard Kennedy School
Mike Leiter	Skadden, Arps, Slate, Meagher & Flom
Paul Ohm	Georgetown University Law Center
General Frank Taylor	Former Under Secretary of I&A
Benjamin Wittes	Brookings Institute

Additional Feedback:

Contact **(b) (6), (b) (7)(C)**, **(b)(6)(b)(7)(c)**@hq.dhs.gov with any questions or feedback.
DHS employee DHS employee





**Homeland Intelligence Experts Group (HIEG)
Agenda
June 23, 2023
Building 19, Conference Room 117, Nebraska Avenue Complex
8:30am – 2:30pm EST**

8:30 AM **Arrival and Continental Breakfast**

9:00 AM **DHS Leadership Remarks**
John Tien, Deputy Secretary

9:15 AM **Introductory Remarks**
(b) (6)
Ken Wainstein
Nicholas Rasmussen

10:00 AM **I&A Overview**
DHS employee **(b)(6),(b)(7)(c)**, [REDACTED]
Stephanie Dorsey, Deputy Under Secretary for Collection
DHS employee **(b)(6),(b)(7)(c)** [REDACTED]
DHS employee **(b)(6),(b)(7)(c)** [REDACTED]
DHS employee **(b)(6),(b)(7)(c)** [REDACTED]
DHS employee **(b)(6),(b)(7)(c)** [REDACTED]

11:30 AM **Questions and Discussion**

12:00 PM **Break**

12:15 PM **Working Lunch and Discussion on Intelligence Prioritization**
Ken Wainstein, Under Secretary for Intelligence and Analysis

2:00 PM **HIEG Members Wrap Up and Discussion Future Topics**
Future Topics will include: 1) Domestic Terrorism; 2) Intelligence Dissemination to our SLTT partners; 3) Our Collection Efforts; 4) I&A's Role within Intelligence Enterprise/Reconsidering the Domestic Architecture after 20 years.

2:15 PM

DHS employee

Administrative Items

(b)(6) (b)(7)(C) [Redacted]
(b)(6) [Redacted], [Redacted]

Note: PSE and MITRE will be available all day to assist with any administrative items.

2:20 PM

Closing Remarks

Ken Wainstein

Nicholas Rasmussen

(b)(6) [Redacted]

2:30 PM

Adjourn



Homeland Intelligence Experts Group (Experts Group)

June 23, 2023

Meeting Minutes

Present:

John Brennan
Jim Clapper
Rajesh De
Tom Galati
Asha George
Paul Kolbe

Sean Joyce
David Kris
Greg Nojeim
Frank Taylor
Ben Wittes
Karen Greenberg – virtual attendee

Absent:

John Bellinger
Michael Leiter

DHS:

DHS employee (b)(6),(b)(7)(c) – virtual attendee
DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c)

DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c) – virtual attendee
DHS employee (b)(6),(b)(7)(c)

Stephanie Dorsey
James Dunlap
DHS employee (b)(6),(b)(7)(c)

DHS employee John Tien
(b)(6),(b)(7)(c)
Ken Wainstein

Meeting Notes:

This document captures the dialogue exchanged during the meeting and are attributed to the attendees, where possible, to provide context on the conversation.

Ken Wainstein, Under Secretary for Intelligence and Analysis (USIA), provided opening remarks.

John Tien, DHS Deputy Secretary, also provided opening remarks.

- Stated DHS is fundamentally a department of partnerships. Homeland intelligence, analysis, and collection cannot exist without these relationships and partnerships.
- Thinks DHS needs to find new ways to get information to State, Local, Tribal, Territorial (SLTT) partners.
- Acknowledged that folks do not always have access to sensitive compartmented information facilities (SCIFs) where they are and need to be able to hold information in the palm of their hands.
- DHS was formed out of 9/11, with a primary focus on preventing foreign terrorist attacks. The threat has continued to evolve in really dangerous ways, particularly in domestic terrorism.
- People on both sides of the aisle in Congress are showing “knives are out” – this is dangerous for the country when it comes to combatting terrorism.
- I&A needs to demonstrate substantive contributions to the Intelligence Community (IC).
- Should DHS be the last firewall for domestic terrorism?
- Does the Domestic Terrorism (DT) Branch need to be bigger/better?
- Ideally, we always want to be left of boom, but if that is not always possible, we want to be in a good position to support communities across America. Need help with how to scale and represent these communities.
- Feel I&A needs to develop more opportunities for integration with other DHS components.
- Need to understand where threats are coming from – cartels, Pacific region, great power competition.
- Deputy Secretary Tien is resigning – Kristie Canegallo will be his successor, who will serve as the Acting Deputy Secretary of Homeland Security.

(b)(6) :

- Even during the USIA’s confirmation hearing, the Senate Select Committee on Intelligence (SSCI) Chair could not clearly define the purpose of DHS I&A.
- The FBI has a lot more resources, so how does DHS use the resources they have more efficiently?
- I&A does not run undercover operations and has a broad mandate.
- There are a lot of civil liberty concerns, and over and under corrections in response to prior missteps. I&A needs to maintain credibility.
- Three principles of success:
 - This group has very committed sponsors in Nick and Ken. The team is extremely talented, but they need help.
 - The group at the table is strong. It has diversity and quality.
 - There is an interesting set of complicated issues for DHS. DHS and I&A have a broad mission of protecting the homeland from all threats.
- Questions presented:

- How do we narrow down the mission?
- How do we triage?
- What are the processes?
- What are the priorities?
- What are our resources and how do we use them effectively?
- What are the authorities?
- What are the civil liberties?
- How do we revise authorities around civil liberties?

Nick Rasmussen:

- Described the separation of the USIA and Counterterrorism (CT) Coordinator roles.
- The Secretary and Under Secretary believe in the CT Coordinator.
- Terrorist attacks have grown in volume and frequency.
- I&A's role is more important now than it was 15-20 years ago.
- Domestic terrorism concerns:
 - Domestic violent extremists.
 - The growth in volume and mortality.
 - We have an obligation to assess, survey, and warn, but we essentially have our hands tied behind our back.
 - Concern about the politicization of domestic terrorism issues.
- Key priorities that Nick works:
 - Preventing people from radicalizing.
 - Moving towards a public health approach.
 - Understanding the health impact of social isolation.
 - Helping the Department get better with immigration issues and global migration patterns – we have unique access to people who enter the US and determining whether they pose a threat.
 - Highlighting the political dimension is an issue, and it needs to be a top priority of the Department to tighten that process up.

(b)(6) :

- Described the importance of institutionalizing the CT Coordinator role – when it is not institutionalized it can be ended.
- Important to create a force that looks at issues systematically. Over time this is important.
- We need to be flexible enough to understand and build the tools.
- DHS is vulcanized in how we put our systems together.
- The systems at the border do not connect.

(b)(6)

- Asked about access to SCIFs along the border. **(b)(6)** described how folks can travel to Fusion Centers, if needed, but also explained the value of National Vetting Center process at the border to get an instant answer.

(b)(6) : Institutionally, the way DHS was established gave components the authorities.

USIA Wainstein:

- Described his role as Chief Intelligence Officer (CINT) and responsibilities across DHS Intelligence Enterprise.
- Purpose of the meeting today is to provide a background on how DHS intelligence operations work today.
 - The discussion is about I&A's substantive priorities, the threats trending, and where we are positioned to help.
- The upcoming meetings will have discussion topics on:
 - Domestic terrorism.
 - SLTT partnership
 - Includes discussing partnerships as they relate to the sensitivity of the information.
 - Homeland security threats.
 - Collection efforts.
 - The I&A broad mission laid out in statutes, post 9/11; where do we direct our energies?
 - When DHS was formed, it was assumed overlapping missions would settle out over time but that has not happened. There should be some overlap.

Nick Rasmussen:

- Explained how he, the USIA, and other DT leaders regularly meet to discuss domestic intelligence and that they are collaborative partners that rely on a good relationship to make this work. We do not want a structural organization to be driven by informal relationships.

USIA Wainstein:

- Reasons for setting up this group include:
 - DHS is in a time of change demanded by the Secretary.
 - DHS just had its 20th anniversary, causing the Secretary to look back.
- Challenges we are facing:
 - Amorphous mission in an immature organization (not used pejoratively) inside an immature department.
 - DHS was designed to have overlapping authority.
 - There is no clear identity like CIA or NSA.
 - Compared to other IC elements, we are not terribly sexy – and it matters how you are perceived by other IC members.
 - Recently been through a couple of rough patches (Portland, Oregon civil unrest in 2020; January 6th United States Capitol attack).
 - Politics:
 - Scrutiny for our Human Intelligence program (meeting with prisoners in detention centers to discuss cartels).

- I&A is allowed to bypass lawyers and conduct intelligence interviews with individuals being held in local jails, federal prisons, and immigrant detention centers.
- Senate Intelligence Committee, Senator Rubio, presented an amendment that prohibits I&A from doing collections.
- This is a seasoned, diverse group – we also have the State and Local Intelligence Council (SLIC) perspective.
- Mentioned the Realignment Memo that was shared (evaluating Deputy Under Secretaries, Oversight, and the Intelligence Enterprise Office) and how we are re-evaluating our intelligence priorities.
 - Focus of HEIG is intelligence.
- First thing Ken Wainstein was asked to do was look at the organization of I&A
 - John Cohen – Senior Official Performing the Duties of Under Secretary in 2021 had a team that started building-up I&A oversight and processes.
 - Two phase plan:
 - Look at the organizational plan John Cohen put together.
 - Changed a bit but used his as a framework.
 - Separated collections and analysis.
 - Took intelligence partnerships and raised it to the Deputy Under Secretary position.
 - Current reviews going on:
 - Open Source.
 - Field Operations.
 - External review: by Executive Order of the President the Privacy and Civil Liberties Oversight Board (PCLOB) will complete a civil liberties and oversight review on collections.

DHS
employee

(b)(6),(b)(7)(c)

Office of the Deputy Under Secretary for Management Presentation:

- Representing the Deputy Under Secretary for Management.
- I&A's budget is classified and supports approximately 900 full-time personnel. Executing and managing the growth has been challenging because I&A does not have the authorities for hiring and acquisition.
- I&A is using remote classified laptops to get classified information into the field.

(b)(6)

Do other components have authorities?

Nick Rasmussen: Only operational components, like TSA.

(b)(6)

Do you have to go to the Secretary or Congress?

Nick Rasmussen: Secretary can delegate.

(b)(6)

If you had your ideal world, would you have a dedicated person?

(b)(6),(b)(7)(c)

: In a perfect world, yes, I&A would have hiring similar to an operational component (full authority in the IC and in the field).

DHS employee

(b)(6) : What is the number of people – analysis vs collection?

DHS employee

(b)(6),(b)(7)(c) Classified, but can share that there are 300 contractors, 700 government personnel right now.

(b)(6) What you need is departmental change not legislation.

DHS employee

(b)(6),(b)(7)(c) :

- There are 150 people in the field, tethered to I&A.
- Looking at field deployment, also must factor in things like IT and badging.
- I&A has responsibility for the Department for C-LAN.
- I&A helps the U.S. Customs and Border Protection's National Vetting Center (NVC) build the network.
- Processed over 8,000,000 visa applications last year.
- Need to incorporate civil rights and civil liberties.
- We ensure data being shared with police or the IC has been vetted.

(b)(6) :

- Argued intelligence activities at DHS are larger than I&A.
- Intelligence enterprise is far larger when you consider DHS components and partners.
- Analogy between I&A and DoD – with I&A having a much larger mission and partnership space.
- Needs an analog to the National Intelligence Program (NIP) with oversight.
- Homeland security program in statute but not funded.

DHS employee

(b)(6),(b)(7)(c) : Components do not want I&A in their budgets.

(b)(6)

- Also have the Coast Guard, which is also a member of the IC.
- Maybe there is an argument for components that belong.
- Clarified the components do not want USIA to influence their budget.
- I&A should be more engaged in the allotment of intelligence resources for all of DHS.

(b)(6) : Like having an Under Secretary of Defense for Intelligence & Security (USDI&S).

(b)(6) :

- The I&A Under Secretary position should be more authoritative.
- What else can be done within the Department to provide greater oversight and insight?

DHS employee

(b)(6),(b)(7)(c)

- Acknowledged the screening/vetting is not part of the "Intelligence Enterprise."
- Agreed USIA should have role in budget decisions related to intelligence.

USIA Wainstein:

- Secretary asked I&A to be involved in finished products of the components.
- We should have a role in the budgets of the components.

- For example, TSA briefs but I&A has no input on budget.

DHS employee

(b)(6),(b)(7)(c) Intelligence Training Academy trains everyone on DHS and I&A so they understand what the organizations are about and the mission.

USIA Wainstein: Invited all participants to the 9/11 Memorial trip for new I&A employees.

(b)(6)

- Going back to the discussion on numbers, if you have 150 staff in the field, where are the SCIFs?
- Most local law enforcement do not have one.
- How are SCIF's distributed?
- Recommend taking a holistic look at the field deployments.

DHS employee

(b)(6),(b)(7)(c)

- Trying to bring technology to the officers.
- Using Secret level laptops.
- Looking at field deployment.
- Looking at bringing all of I&A to bear to the field and not just intelligence officers.

(b)(6)

joined virtually.

Stephanie Dorsey, Office of the Deputy Under Secretary for Collection Presentation:

- Described the creation of her office, tasked with building collection and reporting.
- Three primary responsibilities:
 - Open-Source Collection
 - Technical Collection (media exploitation)
 - Overt human intelligence (HUMINT)

(b)(6)

Do you have publicly available information (PAI) and commercially available information (CAI)?

DHS employee

(b)(6),(b)(7)(c)

Public but not commercial. Does not have large commercially available information (CAI).

Stephanie Dorsey:

- In the Collection Management Division:
 - They are the functional manager for Collection at DHS.
 - They have the ability to downgrade for state and local partners.
- Threats:
 - Transborder issues like migration, human smuggling, and transnational crime
 - Nation state threats like China and Russia
 - Cyber
 - Domestic terrorism - includes international and domestic, and violent extremists.
- Product lines include:

- Open-Source intelligence, which is unclassified and posted on the Homeland Security Information Network (HSIN), open-source intelligence reports (OSIRs) and the Open-Source Intelligence Center (OSIC).
- Homeland Identities, Targeting, and Exploitation Center (HITEC) includes digital forensics.
- HUMINT Intelligence Information Reports (IIRs) and Field Intelligence Reports.
- Produced about 1000 collection products last year; they are not Finished Intelligence (FINTEL).
- Collection Management:
 - Member of the IC.
 - Collection Strategy: Plan, Posture, Primer, Updates.
- Overall – Framework of intelligence requirements
 - Involved in all source requirements like FEMA.
 - Need to work with enterprise and state and local components.
- Need to address civil liberties in collection.
- They are developing the I&A brand as a Collector, including:
 - Career tracks.
 - Tradecraft and leadership training.
 - Key performance criteria.
 - Rotational opportunities.
 - How to bring information back to DHS HQ.
 - Interacting with SLTT partners to ensure collectors are doing their best.
- Tasked to perform a 75-day HUMINT review for how to improve and streamline the program. This is a deep dive into the open-source program.

(b)(6) Asked how I&A collection differs from The New York Times (NYT) and what is the sauce?

Stephanie Dorsey: They have different, unique data sets/sources. Example of CBP information.

DHS employee

(b)(6),(b)(7)(c) The NYT has more authorities and can be more intrusive. In I&A, everything has to be overt.

Nick Rasmussen: Our collection is passive, not active collection. Not covert or clandestine.

(b)(6) :

- News gets the tasking when I&A gets it.
- Compared 8-10 NYT reporters that get assigned to monitor the “worst” parts of the Internet.
- I&A has constraints, whereas the NYT’s reporters can engage directly.
- I&A does not have the authority to investigate, so when they find information of concern, they have to pass it to the FBI.

(b)(6) :

- Described how components produce their own reports that can be posted to HSIN.

- Who are the I&A collectors?
- Does I&A have access to other Department collection activities?
- Conceivably, I&A could task other components of the IC.

(b)(6) You are talking about access to finished intelligence of the IC, not raw data.

(b)(6) I&A's exploitation of data is top notch. Exploitation of real time information helps the CBP officer. When devices are taken at the border, I&A is doing the exploitation (DOMEX).

(b)(6) When do you do the exploitation? CBP determines if a device is taken.

(b)(6): CBP does not need a reason to take it? They do not. Then why doesn't CBP require a reason and I&A does?

(b)(6) Rules were independently formed based on the communities.

DHS employee

(b)(6),(b)(7)(c) Clarified that CBP makes the initial determination on what to exploit. I&A operates under its own HQ policies in terms of how to collect, retain, and disseminate. These standards are different than CBP – more in line with the ODNI and IC standards. I&A does an independent determination on whether data can be exploited, and do not just rely on the fact that CBP collected.

(b)(6): Collection of human intelligence when interviewing someone is different when a government organization is doing it versus a newspaper. Expressed appreciation for the constraints placed on I&A with respect to human intelligence collection from detained persons. [We have to identify ourselves as DHS and tell them they have the right to refuse talking to us.]

(b)(6): With the CDC, when you are not Law Enforcement, you have broader authority.

(b)(6): On collection datasets, what is unique?

(b)(6) Clarified it is not just the device at the checkpoint, but that I&A has the technical expertise/personnel to exploit and gain extraordinary insights.

(b)(6) You exploit devices from CBP, do you do the same for the Coast Guard? I&A's unique enterprise-wide authorities. Why do you do it at the border and not with the Coast Guard?

DHS employee

(b)(6),(b)(7)(c): There is legal authority versus practice. We put out the reporting, CBP is not interested in doing that.

(b)(6) Questioned if USCG or other Components have similar access to unique information?

DHS employee

(b)(6),(b)(7)(c): Yes, other components have similar access and authorities, with the exception of United States Secret Service (USSS).

(b)(6): Expressed the inmates are often willing to talk to you.

(b)(6) DHS is unique because we talk to millions of people all the time. Discussed how difficult it is to measure quality, different ways to include National Intelligence Priorities Framework (NIPF) response, filling key gaps, feedback responses, analyst use, etc.

(b)(6) How does I&A measure quality and impact of reporting?

Stephanie Dorsey How many NIPF codes does it line up to. Consumers can add in comments which is also included. Analysts also evaluate.

(b)(6) Expressed it makes a lot of sense to emphasize tradecraft. Identified challenge of how to define your role when you are a small player. What is your unique value to the ecosystem?

Nick Rasmussen: Discussed paying for information that we cannot collect ourselves. Clarified that limitations we have been discussing are parameters, not “constraints” because they are in place for a reason.

(b)(6): Under oversight guidelines, collection is overt or publicly available and we have to consider the circumstances of collection (consistent with the expectations of the public). If any member can subscribe, it is considered publicly available even if a payment is required. I&A does not task out.

(b)(6): At the time of January 6th, FBI testified that they were limited with what they could do with social media. Has there been any after action reporting on the January 6th attack on the Capitol or open-source arena?

USIA Wainstein: Dobbs product is an example of when I&A carefully navigated warning of a possible threat in an apolitical way. I&A released the product and convened a call with ~4000 partners. Yes, HSGAC will release a report next week on January 6th.

DHS employee

(b)(6),(b)(7)(c) Cannot go behind password protected walls because we have to be passive. Cannot pretend to be someone we are not. However, we do use non-attributable accounts and collectors can use different names for their own privacy. We cannot mislead or interact.

DHS employee

(b)(6),(b)(7)(c) – **Office of the Deputy Under Secretary for Partnerships Presentation:**

- Partnership Office, stood up last year to focus on external partners, state and local.
- Three core elements: Field Intelligence, Engagement Liaison, Intelligence Watch and Coordination Center.
- David Carabin, from Boston Police, will be the Deputy Under Secretary for Partnerships, starting in July.
- Field Intel:
 - 150 personnel deployed across the US. One person in each of the 80 Fusion Centers. Field personnel aligned to 12 regions. Regions aligned to DNI Domestic Intelligence.
 - Regional Director (RD): Each RD has HUMINT Collector, Operations Manager, and Regional Intelligence Analysts.

- Intelligence Officers are deployed to each Fusion Center. Information sharing in the Intelligence Cycle includes Liaison Officer roles, and analytic and collection activities.
- 30 Reports Officers deployed across the country.
 - Collection focused.
 - Southwest border – border security and cartels.
 - Matrix Management.
 - How is the field-based model working?

DHS employee (b)(6),(b)(7)(c) Do not have a dedicated space and sometimes the positions are spread across a region. How can we align for future growth?

DHS employee (b)(6),(b)(7)(c)

- Response:
 - Opportunities and efficiencies.
 - Management span and control.
 - Staff career opportunities.
 - Engagement Liaison and Outreach.
 - Managing strategic relationships.
- Components:
 - State and Local partnerships – associations – Chief of Police, Sheriff, etc.
 - Homeland Security information sharing platform:
 - HSIN is managed by I&A, and it is how they get their information out to stakeholders. Pushes I&A products and raw reports.
 - Primary mechanism for getting unclassified information to partners (strategic, federal level examples include FBI, DEA, and CBP).
 - Fusion Centers – One place to go for unclassified information. The Application is available on mobile devices.
 - HSIN data is on an antiquated SharePoint system but is transitioning.
- Private Sector Engagement:
 - (b)(6)(b)(7)(c) leads engagement efforts with private sector, non-governmental, and faith-based partners.
 - Domestic Security Alliance Council engages Chief Security Officers from Fortune 500 companies.
- Priority Efforts:
 - Analytic Exchange Program: I&A manages the program and includes private sector and government analysts partnering on products.
 - Classified Intelligence Forum: gets feedback on draft products.
- National Threat Evaluation Officers Initiatives:
 - Behavioral Threat Indicators
 - Partners are educated.
 - Provide training.
 - USSS
 - Center for Prevention, Programs, and Partnership (CP3).

DHS employee

- How to identify indicators?
- Nationwide SAR – NSI Joint Program
 - Educating partners on indicators of violence.
 - Feeds into Guardian and eGuardian (taking a wholistic look at the program from indicators to reporting).
- Liaison
 - Rebuilding.
 - Central organization for collaboration.
 - Manages staff we put out as liaisons.
 - Great relationships with partners.
 - Need to look at value added.
- Intelligence Watch and Coordination
 - 24/7 operations.
 - Much of the intake is tapping the personnel across the country.
 - Liaisons go across the IC.
 - Special Events Programs – Department program moved into I&A in January. There were 50,000 special events sent in the last year. It is not a Title 50 funded program.

DHS employee

(b)(6),(b)(7)(c)

Office of the Deputy Under Secretary for Analysis Presentation

- Charged with information going to state and local partners.
- Last year, 60% was unclassified.
- His office centralized product reviews.
- Keeps the organization in sync on intelligence production.
- Counterterrorism Center: works both foreign and domestic.
- Products are also developed at the regions.

USIA Wainstein: We are watching the smuggler narrative going to immigrants; tracking the narratives can show when there might be a surge at the border.

(b)(6)

: How do you work across the centers? What are the future threats?

DHS employee

(b)(6),(b)(7)(c)

: It is the threat span. Work with the Threat Working Group. The election influencers are working with cyber. Not just one center looks at that, it comes down to priorities. We do joint products with the Fusion Centers, Department components, and the IC.

DHS employee

(b)(6),(b)(7)(c)

: Described the 360 review and highlighted the challenge of knowing how many intelligence analysts exist across the DHS Intelligence Enterprise. Measures could include C-LAN accounts, 0132 billet, intelligence in their title, and other measures, but none would be the “answer.”

(b)(6)

: The strength at the DNI is the money – the National Intelligence Program (NIP). Need to get your arms around the money and also decide what to focus on.

DHS employee

(b)(6),(b)(7)(c)

Described his role bringing together the transparency functions to include oversight, ombudsman program, FOIA requests, Audits, and support to Legislative Affairs.

- Wants to strengthen and enhance civil liberties and privacy on the front end.
- Advisory and training beforehand focused on compliance and training. Rules are not always beneficial.
- 3 areas: Domestic terrorism, commercially available information and how it is used, foreign malign influence (how they intersect domestically and particularly in elections, AI is not at the level yet of using it to affect civil rights and civil liberties).
- Need to better educate the workforce on the guidance.
- Need something for guidance at a high level that bridges how you execute.
- Intelligence enterprise – some follow I&A’s parameters; what requirements are appropriate.

DHS employee

(b)(6), b(7)(c) Discussed breakdown of analysts vs collectors and size, which threats analysts should focus on (DT, transnational crime, nation states, transborder, drugs and smuggling). How do we navigate what we do and do not do given our size. We need to be bigger. Highlighted challenge of DT analysts who cannot access FBI files. The approach laid out isn’t close to where it needs to be. Need intelligence integration. There is no utilization of technology or AI.

USIA Wainstein: Described phase 2 of the I&A realignment. It is secondary, a steppingstone for the capacity we don’t have. When you look at what we do – identify the threat and what our threat is; how do you see the process if we cannot do it by ourselves?

- Dobbs works.
- Looked at potential bad actors on both sides, issued a call, then met with partners, advises SLTT as well as local partners.
- We want to build the Departments capacity to support counterterrorism.
- Evaluating whether an intelligence product was actionable isn’t the only measure.

Jim Dunlap: It is difficult to measure success and the answer is not always when we warn about something, and it happens – this should not be the standard. Instead, he highlighted the Department’s efforts to build capacity within communities.

Nick Rasmussen: Similarly highlighted that DHS does not want to spin up threats and consequently will not always mention when we are monitoring potential threats (example: Recent Trump indictment).

(b)(6) Recommending looking at matrix of authorities, and database of what they have access to. I&A has extremely valuable information. CIA has best analysts in the world. I&A should consider what is unique value for DHS. Also compared DHS to FBI (400+ offices). Suggested I&A look at what we can borrow or leverage. Highlighted that CapOne is successful because it is 100% cloud based and recommended I&A look at the unique opportunities we have. For example, our small size?

(b)(6) Suggested we leverage local law enforcement relationships better with collectors.

USIA Wainstein: Agrees we need to evaluate where we add the most value, as we produce products for the President, IC, and SLTT.

(b)(6) Joint Terrorism Task Forces (JTTFs) get the information they need from local police departments. Consider whether people in Fusion Centers are in the right place. HSIN application is still difficult to use.

(b)(6): Suggested making the argument to Congress and OMB identifying the items only DHS can do when requesting more resources.

USIA Wainstein: Explained how the exercise was designed to help us determine how to focus our resources.

(b)(6): Questioned if I&A focuses too narrowly, how do you ensure the IC still puts together the full picture? Emphasized the key is putting the fabric together across the IC through a formal mechanism.

(b)(6): Asked who focuses on DT? (Answer was the National Intelligence Manager (NIM) for Western Hemisphere)

(b)(6): Clarified that when FBI looks at a threat, they do not just look at Twitter, but they look at specific people to further intelligence or investigate.

(b)(6) Posed that I&A's value would be their willingness to take the political heat in DT intelligence. Why wouldn't we lean into social media?

USIA Wainstein: My druthers would be to not do social media, but we need to. We need to take on more of that role.

(b)(6): It is not just the PI critics who may compare us to China's surveillance state if we overreach in our collection.

(b)(6): Emphasized there must be a reason before looking into people, not just situational awareness.

(b)(6): Suggested a carefully constrained program with sets of conditions and a structured mission.

DHS employee

DHS employee

(b)(6)(b)(7)(c): Explained how (b)(6) is establishing a trade space with the ability to understand sentiment to look at threats, with a clear bar for when we can produce Open-Source Information Reports (OSIRs).

(b)(6): Suggested that the FBI is trusted because they do not go to the limits of their guidelines – they have preliminary, second level (he thought six total) levels of investigation, starting with the least intrusive.

Jim Dunlap: FBI and I&A were held equally responsible for failures on January 6th, when his team has 10 analysts and FBI has hundreds. Explained how some threats like Timothy McVeigh are harder to identify than January 6. I&A needs to be honest on what we can and cannot do. And if FBI will not share case files, then put the responsibility of warning on them.

(b)(6): We are intelligence professionals and cannot stop warning. We have a link to 18,000 police organizations across the country which gives us unique access. Police officers also see how threats evolve so we could leverage that access to provide warning. DHS can convene these folks on a call and 90% will dial in. This is a sweet spot for I&A because you have linkages to all law enforcement giving you daily insights. The key for I&A and DHS is to leverage that access for warning.

(b)(6): Sees our unique value as 1) Border device exploitation; 2) Access to S&L; 3) Open-Source.

(b)(6): Should look at domestic terrorism collectively, with FBI. Clarified that FBI's Special Agent in Charge (SACs) also regularly meet with Chiefs of Police, so I&A is not that unique in that respect. He would want I&A's help.

(b)(6): Feeling exhausted and energized. Thinks there are a lot of good ideas and a great group of people to discuss impossible, important interesting issues.

USIA Wainstein: Congress capped the number of domestic terrorist analysts and put safeguards in place, but they need to let us do our jobs. Reminded everyone that we are not a Federal Advisory Committee Act (FACA) so people should feel free to push him ideas at any time.

USIA Wainstein closed out the meeting by thanking everyone and saying he was looking forward to the next meeting. He adds that he hopes the group will be able to join him in New York for the 9/11 Memorial trip.

Experts Group meeting concluded.

Agenda
Homeland Intelligence Experts Group
Small-Group Meeting
DHS Intelligence Enterprise

The Homeland Intelligence Experts Group (Experts Group) will host a small-group meeting, via TEAMS, on July 24, 2023, at 1:30pm EST to discuss the function and future of the DHS Intelligence Enterprise (DHS-IE).

The DHS-IE is “The primary mechanism for the integration and management of the Department's intelligence programs, projects, and activities, led by the Chief Intelligence Officer (CINT) and consisting of the Component Intelligence Programs (CIPs) of DHS Intelligence Components. The primary function of the DHS-IE is to coordinate and deconflict the National and Departmental Intelligence Functions of the Department in support of the unified collection, gathering, processing, analysis, production, and dissemination of National and Departmental Intelligence both within the Department and in providing support to the Homeland Security Enterprise and the Intelligence Community (IC).”¹

The core of the DHS-IE is represented by the CIPs, which are any “organization within a Component, a significant purpose of which is the collection, gathering, processing, analysis, production, or dissemination of intelligence, regardless of whether such intelligence is counterintelligence, foreign intelligence, Departmental intelligence, or homeland security intelligence regardless of whether such intelligence is National or Department Intelligence.” There are currently nine CIPs.²

The DHS-IE is arguably a core feature that justified the establishment of DHS as a Department, and of what is now I&A as an entity with unique features. Similarly, the “dual hatted” Under Secretary for Intelligence and Analysis (USIA)/CINT structure (which echoes the pre-Intelligence Reform and Terrorism Prevention Act (IRTPA) role of the CIA Director as head of the IC), is a key feature of the DHS intelligence structure, and how it intersects with the more “traditional” IC members. In statute and regulation, the DHS-IE, and the CINT, could be an effective and powerful force accomplishing the original intelligence goals of the Department. In practice it is a loose, and often less than totally effective, coalition of the “sometime willing.” It is a priority of USIA/CINT to examine, and improve, the function in the DHS-IE, better use the authorities vested in him as CINT, and more effectively carry out the responsibilities levied on him along with those authorities. But there is recognition that these authorities must be seen in the context of a larger DHS structure, which retains – and should retain – a large degree of formal, and informal, authority in its constituent components.

With that background, USIA/CINT would like to discuss:

- (1) What are the available (and reasonable) tools he can bring to bear in carrying out his authorities as CINT:

¹ The Intelligence Enterprise is described and authorized in DHS Instruction 264-01-001 issued by Acting USIA William Tarry in 2013. Copy attached.

² I&A, CBP, TSA, USCG, Secret Service, CSIS, FEMA, ICE/HIS and CWMD.

- a. Budget
 - b. Policy Setting
 - c. “Bully Pulpit”
 - d. Convening authority
- (2) What initial resources would be necessary to be able to develop and use such tools?
- (3) What can be learned from experiences within DHS (such as efforts during (b)(6) tenure to enhance the DHS-IE functioning), or outside DHS (experience such as (b)(6) in managing the larger IC community).
- (4) What short- and long-term goals should the CINT set for the Homeland Security Intelligence Council (HSIC) to achieve?
- (5) What changes should be made to the current HSIC functional boards structure to address existing gaps?

Background Materials:



DHSDirectiveSystem
_264-01-001.pdf



Homeland Security Experts Group

July 24, 2023

Meeting Minutes

Virtual Attendees:

John Brennan
Tom Galati
Tashina Gauhar
Karen Greenberg

Paul Kolbe
David Kris
Mike Leiter
Frank Taylor

DHS Attendees:

DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6)
Jim Dunlap
DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c)
Matt Kronisch

DHS employee (b)(6),(b)(7)(c)
DHS employee (b)(6),(b)(7)(c)
Nick Rasmussen
DHS employee (b)(6),(b)(7)(c)
Ken Wainstein

Meeting Minutes:

This document captures the dialogue exchanged during the meeting and are attributed to the attendees, where possible, to provide context on the conversation.

USIA Wainstein Opening: The last meeting was fabulous. An important discussion from that meeting centered on the DHS Intelligence Enterprise (IE). Our job at the Office of Intelligence and Analysis (I&A) is to coordinate the DHS IE. Yet, the components have autonomy and do not have to report back to I&A or the Under Secretary for Intelligence and Analysis (USIA), which creates tension. The level of coordination is extensive. I&A's main value, not exclusive but untapped value, is the fact that it is part of the IE and has access to the rich data of components. I&A should be the bridge between the components and the Intelligence Community (IC) and make products based on that data. Discussions from June 23 warranted having a meeting on this topic earlier than September 28. Supplemental input was provided by some participants after the last meeting which also supported having an earlier meeting. (b)(6),(b)(7)(c) is responsible for managing the Intelligence Enterprise on behalf of the USIA. I want to tap into your experiences and obtain guidance from your perspectives. Reminder that they are non-Federal Advisory Committee Act (FACA) and not looking for consensus, but advice.

DHS
employee

(b)(6) This is an effort to find I&A's "secret sauce." What is the best way for I&A to leverage the capabilities and authorities it has? Mentions the exercise of soft power. What battles should he be choosing – what are his priorities? What is the best way for Ken to get the best I&A?

USIA Wainstein: (b)(6) from your perspective on structure and policy, are any structure changes needed? It seems less policy and more structural but still is has implications.

DHS employee

(b)(6),(b)(7)(c) : I sent out documents to support this discussion. The USIA wears two hats, much like the Director of Central Intelligence (DCI) used to before there was a Director of National Intelligence (DNI). These titles are Under Secretary of Intelligence and Analysis (USIA) and Chief Intelligence Officer (CINT), which are sometimes used simultaneously. The foundation is the Homeland Security Act. Specifically, Title 6, U.S.C., Section 121, Information and Analysis. The Heads of DHS Intelligence Components support the CINT. The CINT tells the IE components what they are supposed to do. The Secretarial functions are carried out by the CINT and USIA. The Secretary delegates to the CINT and USIA on what to do via directives and instructions.

In today's meeting, we will look at those authorities, some of which are overarching, and some that are more specific. Some people in the meeting have seen the struggles of a split and dual-hatted approach.

- Today we will talk about authorities and responsibilities around:
 - Leading the Intelligence Enterprise
 - Reviewing the intelligence budget
 - Supervising intelligence for DHS, analog to the National Intelligence Priorities Framework (NIPF)
 - Creating structure and processes to carry out his CINT and USIA roles
 - Assembling Homeland Security Intelligence Council (HSIC) component programs called the Component Intelligence Programs (CIPS)

I want to turn to (b)(6) who struggled with this. Others on the call are familiar with the ICs process of doing this with the DNI role.

(b)(6): (b)(6)
Suggestions for priorities:

- Getting a structure together and operating rhythm. Who is creating intelligence? What type of intelligence in day-to-day efforts? How can I&A and other components be helpful? Find the synergies that only I&A can do.
- Own the classified systems. This is the real secret sauce. The IE components who use these systems must work with you in order to use them. Convening authority allows for integration of 900 separate data systems that sit in DHS to create new intelligence. Find synergies where I&A can provide value.

USIA Wainstein: Do you think in a perfect world you would like to have different statutory authorities over the enterprise?

(b)(6): Yes. The DNI manages the National Intelligence Program (NIP), but there is also a Military Intelligence Program (MIP) that comes from the Armed Services Committee and supports military missions, not the Intelligence Committee. Having funding come through I&A to the components would create better alignment in intelligence activities that are not tied to their basic mission. This would also help get resources into components with the authorities and gives latitude to prioritize the types of intelligence.

DHS employee

(b)(6),(b)(7)(c): You pushed to use the budget authorities that are in the statutes which say components should create budgets and present to USIA, who will then provide guidance.

(b)(6): We did, we had an annual intelligence review of priorities and budgets. We met with every component head to talk about the core outcomes they were trying to achieve. This resulted in a briefing to him and his team, they then sent a memo to the Secretary that said where they were going from an intelligence perspective moving forward. It had limited impacts on budgets. These were well received by the Secretary. This exchange created synergy between the USIA, component heads, and the Secretary.

(b)(6): Documents sent to us do not call out the components other than the Coast Guard. Why are none of the components specifically named?

DHS employee

(b)(6),(b)(7)(c): They were not named because there was not an agreement at the time as to what the Intelligence Program was or who the components were. There are nine now and they are named in internal documents. In 2016, there was a report done by the House Majority, there was a complaint that it was not clear who provided intelligence.

USIA Wainstein: It is not necessarily obvious what parts of these components are intelligence and what are not. Lots of work done in a law enforcement agency could look like intelligence in one lens, and not from another.

(b)(6) I liked what (b)(6) said how he did it. Invite the component leaders to meet, confer, and agree on a plan for intelligence sharing aligned with the USIA's priorities. This gives you a free look at what they are doing, and you could pick your battles. You can see where people line up or where there are disagreements. Gradual soft power working toward the situation and how to get to a good solution may be a good first order of approximation on you starting your work. Based on a premise of authorities, if you start bossing everyone around you will get "organ rejection." Learn from what (b)(6) did.

USIA Wainstein: This is probably the only realistic approach to take. Nick as the Counterterrorism (CT) Coordinator and I&A will jointly look at coordination across the components and make recommendations for how to make that better. It is important for I&A to articulate soft power. We need to make coordination stronger not just when it comes to the budget. Congress would be happy that there is an entity that looks at budget requests across the intelligence enterprise programs, looking at priorities, etc., rather than the regular budget processes. It would also help to reduce redundancy. It could make the hill more susceptible to budget requests. This also might make the components more receptive. In terms of helping the components with the IC, the components will ask what is in it for them. I&A bridges component data to the IC. A stronger CINT will make sure everyone gets their share.

(b)(6): There is also an opportunity to build bridges with training to improve tradecraft. The government intelligence job series 0132 staff would benefit from improved tradecraft and standardization, and to be able to specialize where it is needed. This is important to building the enterprise going forward. Leveraging the Intelligence Training Academy (ITA) would be helpful.

DHS employee

(b)(6),(b)(7)(c): The definition of intelligence activities is another topic that could be discussed. What gets measured and compiled in terms of enterprise output and individual component output?

(b)(6): Measured by the number of analytic products, Intelligence Information Reports (IIRs), evaluations received, and customer feedback on IIRs and benefits over time. What are the intelligence priorities? Where are we focusing the intelligence authority? What evaluations are we getting on IIRs? How does this turn around into improved collection and analysis.

DHS employee

(b)(6): The NSA has developed a system for measuring the value of intelligence. Offered to get (b)(6),(b)(7)(c) in touch with someone from NSA so that I&A can learn about what they are doing.

(b)(6): What are the components doing to measure their own impact? It would be interesting to draw from that as a baseline.

(b)(6): The idea of measurement was a big priority for me. It somewhat went away in the last administration, but the expertise that (b)(6) (b)(7)(c) had was key, and some element is there historically to draw from.

DHS employee

USIA Wainstein: (b)(6) going back to having a robust central coordination function around intelligence in the department, what is intelligence and what is law enforcement information?

(b)(6): It depends on who is looking at it to determine if it is intelligence or not. Customs and Border Protection (CBP) is constantly collecting information on people coming across the border. All of that information is a metric for them, but it may be intelligence to others. The products we release are a metric, but you also have to judge how widely distributed they are and the feedback they receive.

Nick Rasmussen: In the DNI reforms, one of the roles created in the Office of the Director of National Intelligence (ODNI) are mission managers who focus on certain issues. As the Counterterrorism Mission Manager, I did not feel like I had a lot of power. No one at CIA or FBI was waiting to hear what the mission managers had to say. However, some people had more reach into intelligence entities than others. There were areas you could point to where it did work well, and it was a model for the community come together. It was personality dependent. Looking at the example of fentanyl, two years ago it would not have grabbed anyone's attention. Now everyone is collecting data on it. If I&A can play a leadership mission management role on behalf of the department on hard issues like that, components would be more likely to open their books and say where they are lacking and need more intelligence.

(b)(6): Measurement effectiveness is important, but I have never seen this done where it was super useful during my time at (b)(6). Any time you have to hold up a new requirement, you are probably lost, or people are questioning you already. I am in favor of I&A having similar authority to ODNI. Putting all the authorities aside, at (b)(6) I would ask, what is it you want to do but cannot, that I can help you with? This led to learning the priorities of the team. It is not an institutionally sound answer, but we do not have an institutionally sound system.

USIA Wainstein: The system is designed to give and take.

(b)(6): I do not want to degrade the value of measurement effectiveness. I have never seen an effective way of measuring – quantity, yes – quality, somewhat – I never found it useful. I never would have measured effectiveness by getting the FBI to create more investigations in the U.S. However, that was the FBI's priority, so I had to make it a priority. When you hold up a directive, authority, or requirement to show you're in charge, you have lost. You know the methods for you to control or have concurrence on budget requests. I showed up in (b)(6) and asked what is it that you cannot do that I can help you with. The response was rarely aligned with what my team said. What worked was showing them value. I had to do something that helped them.

USIA Wainstein: A system designed with that give and take.

(b)(6): There is a fair amount you can do with your convening authority. Focus on what processes they use to work on the mission. Sometimes you can change authorities and sometimes you can change structures. I had a convening authority that allowed them to work together. You need an intra-authority. Need to identify the processes and uses of the convening authorities. This will make those individual components more effective.

USIA Wainstein: The HSIC, historically, held meetings but they were not effective. They were not organized to identify a policy issue or to come up with policy. Some organization that (b)(6) put in place did not survive. Those meetings tended to not be as productive as they could be. (b)(6) is working on trying to revitalize that organization. It is key as the Chief Intelligence Officer to be perceived as the authority.

(b)(6): In experience as CIA Director, derivative authority came from the President.

DHS employee

(b)(6),(b)(7)(c): What would be I&A's equivalent?

(b)(6): S1 is the analogous figure. Have the Secretary communicate to the components that Ken is having these meetings and the Secretary expects them to attend. The components need to understand that participation is required by the Secretary.

Nick Rasmussen: The Counter Threats Advisory Board's (CTAB) authority was far greater when the threat to the nation from foreign terrorism was high. Balance between trying to maintain the CTAB muscle memory so it can serve as that body when it needs to, and not bringing people together when there is no need. The CTAB meeting structure looked at senior level issues and developed a response. We do not have in hand intelligence requiring a tactical response like we did. We are trying to retain CTAB for when it is needed.

(b)(6): I want to make two points on civil liberties:

1. I do not think it is a good idea to separate structural issues and civil liberties issues. They are interconnected.
2. Issues of leadership and what leadership wants to exhibit on this topic. We can do this well and determine what we want to say. To law enforcement and the public at large:
 - a. Be very specific
 - b. Provide training

The notion of not leaving this to soft power or personnel. We need to get to what the specific issues are and how to protect the processes and structure. It is a strong piece of leadership to say we can recognize civil liberties well. This is a huge opportunity for trust between the public, law enforcement, and the intelligence community. We should be more specific on what intelligence is to the people who do not know, such as the public. Training is also important.

USIA Wainstein: Point well taken. Any structural changes should be. How can we strengthen the ability to provide meaningful insight? I would like to follow-up on this issue. We need stronger guidance and stronger training. We need to build in the structural and programmatic improvements. Do not separate civil liberties from the structure issues. Plans to talk offline with Karen on this topic. How much does the Chief Intelligence Officer role cover? Is it and oversight role? As Chief Intelligence Officer how do we provide meaningful oversight? Use this to emphasize the benefits across the board, including training and structure.

Nick Rasmussen: This is a classic case of where we are balancing statutes and authorities with reality. We need to drive the Department to better intelligence outcomes and find discrete ways to

improve intelligence gathering and sharing. We are dealing with limited resources, authorities, time, etc. The goal is to find the sweet spot where we can drive intelligence to be better. New or discrete ways for DHS to deliver better is the challenge. Try and try again project.

(b)(6) Thought this was a great conversation, thanks to everyone for doing it. Do not hold yourself back, feel free to communicate with leaders about emphasizing points or raising new ones.

DHS employee

(b)(6),(b)(7)(c) This was helpful because I am the “stuckee” with this problem for Ken. Our Transparency and Oversight Program Office (TOPO) Acting Director, **(b)(6),(b)(7)(c)** is responsible for ensuring our operations safeguard the privacy, civil rights, and civil liberties of all Americans.

DHS employee

USIA Wainstein: It was good to see everyone, this only scratched the surface. Call or email me with your thoughts. Thank you for your service and your help.

Experts Group meeting concluded.



**Homeland Intelligence Experts Group (Experts Group)
Agenda
September 28, 2023
Building 19, Conference Room 117, Nebraska Avenue Complex
8:30am – 3:00pm EST**

- 8:30 AM** **Arrival and Continental Breakfast**
- 9:00 AM** **Introductory Remarks**
(b)(6) Co-Founder, Culper Partners, LLC
Ken Wainstein, Under Secretary for Intelligence and Analysis
Nick Rasmussen, DHS Counterterrorism Coordinator
- 9:15 AM** **Expert Group Introductions**
- 9:20 AM** **Homeland Threat Assessment/National Intelligence Strategy Discussion**
Ken Wainstein
(b)(6)
- 9:35 AM** **Break**
- 9:45 AM** **Discussion on Domestic Violent Extremism and Domestic Terrorism**
- Discussion on Current Threat and Lanes in the Road
 - Domestic Terrorism Strategy
 - Collection Posture and Associated Challenges
 - Civil Liberties and Privacy Challenges
 - Legislative Context/DT Discussion
- 10:45 AM** **Break**
- 10:50 AM** **Discussion of I&A's Value Proposition for DT/DVE Related Analysis and Production – Where can and should I&A be doing more?**
- 11:45 AM** **Break**

- 12:00 PM** **Working Lunch and Discussion on Administration DT Strategy and DHS Role in Countering DT**
Nick Rasmussen
Kristie Canegallo, DHS Acting Deputy Secretary
(b)(6), Deputy Assistant to the President and Deputy Homeland Security Advisor at National Security Council, The White House
- 1:00 PM** **Evolving DHS Approach to Prevention of Terrorism and Targeted Violence**
Nick Rasmussen
- 1:30 PM** **Experts Group Open Discussion**
- 2:30 PM** **Closing Remarks**
Ken Wainstein
Nick Rasmussen
(b)(6)
- 2:45 PM** **Group Photo Outside of Building 19**
- 3:00 PM** **Adjourn**



Experts Group

September 28, 2023

Meeting Minutes

Present:

John Bellinger
John Brennan
Jim Clapper
Rajesh De
Asha George
Karen Greenberg
Paul Kolbe
Sean Joyce

David Kris
Michael Leiter
Elisa Massimino
Gregory Nojeim
Caryn Wagner
Frank Taylor – virtual attendee
Benjamin Wittes – virtual attendee

USG:

DHS employee (b)(6),(b)(7)(c)
Kristie Canegallo
DHS employee (b)(6),(b)(7)(c)
Jim Dunlap
DHS employee (b)(6),(b)(7)(c)
[Redacted]

DHS employee (b) (6), (b) (7)(C)
Nick Rasmussen
DHS employee (b) (6), (b) (7)(C)
DHS employee (b) (6)
(b) (6), (b) (7)(C)
DHS employee Ken Wainstein
DHS employee (b) (6)

Meeting Notes:

This document captures the dialogue exchanged during the meeting and are attributed to the attendees, where possible, to provide context on the conversation.

Ken Wainstein, Under Secretary for Intelligence and Analysis (USIA), provided opening remarks.

- Nick and I appreciate you serving as our informal sounding board to help us explore all sides of an issue.
- As a reminder, this effort is intended to generate individualized insights and contributions based upon each participant's unique perspectives and experience. We are not seeking collective recommendations or joint positions.
- What we do seek is vibrant discussions complete with robust disagreement. Disagreement is good.

Nick Rasmussen, DHS Counterterrorism Coordinator, provided opening remarks.

- The set of issues to talk about in the greatest depth is tied to Domestic Violent Extremism (DVE) and Domestic Terrorism (DT).
- I spend most of my time on these issues in the role of Counterterrorism Coordinator for the Secretary.
- This is a set of issues where we have the least mature tools and the least mature partnerships.
- The Secretary of Homeland Security is all in on this issue.

Experts Group Introductions

Homeland Threat Assessment/National Intelligence Strategy Discussion

(b)(6): We are all here in our individual capacity; we are not looking for consensus.

USIA Wainstein:

- Today we want to discuss how to navigate the minefield of Domestic Terrorism. It is operationally difficult because it is constitutionally fraught with politics and core First amendment activities.
- We would like to walk through the different aspects, including civil rights and civil liberties issues. We want your thoughts on the difficulties we face in addressing this issue.
- We are also going to discuss the Homeland Security Threat Assessment we released and the National Intelligence Strategy.
- Nick and I appreciate your insights and want to discuss all sides of the issues.

(b)(6)

- The U.S. government and agencies have many strategies.
- The National Intelligence Strategy has six goals:
 - 1) Position the Intelligence Community (IC) for intensifying strategic competition.
 - 2) Recruit, develop, and retain a talented and diverse workforce that operates as a united community.
 - 3) Deliver interoperable and innovative solutions at scale.
 - 4) Diversify, expand, and strengthen partnerships.
 - 5) Expand IC capabilities and expertise on transnational challenges.
 - 6) Enhance resilience.

- The importance of non-state entities is increasing, e.g., foreign cities, El Grande, Elon Musk, Michael Collins.
- Partnerships are the most interesting part of the strategy.

(b)(6): Congressional investigations and related lawsuits against the U.S. Government, universities, and think tanks involved in identifying and disinformation in the 2020 election is having an effect.

USIA Wainstein:

- At the last meeting, we focused on the DHS Intelligence Enterprise (IE), potential benefit, doing a better job of harvesting data in all the components, and marshalling the assets of the IE.
- You identified this as an area of great potential. I need to solidify I&A's role. I am the Chief Intelligence Officer, and my role is to coordinate the intelligence elements of the Department. I do not have a direct line of authority – unlike the Director of National Intelligence (DNI). The Secretary has authorized changes that will help solidify that role.

DHS employee

(b)(6),(b)(7)(c):

- A letter has been presented to the Secretary on these issues. Points raised include:
 - Clarifying and executing the Under Secretary's budget and authorities.
 - Using the Homeland Security Intelligence Council (HSIC) and putting together a Concept of Operations, which will position I&A to provide guidance and a consolidated intelligence budget for the Department.
 - Using HSIC to create a Homeland Security Intelligence Framework, like the National Intelligence Priorities Framework (NIPF), and create an I&A framework.
 - Working with the HSIC and Counter Threats Advisory Board (CTAB), which will bring in the needs of operational components.
 - We have reinvigorated the functional boards under the HSIC.
 - First CTAB since COVID.
 - Reorientation of schedule – meeting quarterly and shifting focus.
 - I&A will co-chair.
 - The secretary and Deputy Secretary attended the recent CTAB.

USIA Wainstein:

DHS employee

- **(b)(6),(b)(7)(c)** is the acting Executive Director of the Intelligence Enterprise Program Office, to help raise the profile of our work and re-envision cross component work and threat messaging.
- The Homeland Threat Assessment (HTA) is delivered to the Secretary on September 1st each year. In the past, it has been limited to setting up partners, and not mission focused. Looks at main homeland threats.
- The National Terrorism Advisory System (NTAS) Bulletins replaced the color-coded system that started in 2010. The NTAS Bulletin states the current terrorism threat. For the last eight Bulletins we have been living in a heightened state of threat. It started to be received as white noise. Going forward, the Bulletins will be used to communicate changes in threat levels or new threats.

- There is a new threat assessment under this format. The purpose is to advise the American public. The threat assessment was shared with members.

Nick Rasmussen:

- Secretary Mayorkas indicated that just because that is how it was done in the past, does not mean we have to keep doing it that way.
- We are stepping back and refashioning the CTAB for when there is something worthy to focus on.
 - For example, the way that Cybersecurity and Infrastructure Security Agency (CISA) and U.S. Customs and Border Protection (CBP) are responding to issues.
- There is a constant feedback loop, hearing more from stakeholders.
- We are well positioned to support the Secretary with analysis.

USIA Wainstein:

- The focus areas are:
 - Terrorism and Domestic Terrorism
 - Drugs, Fentanyl (75,000 Americans died last year from overdoses)
 - Migrants: issues of migrants on the southwest border and watch-listed individuals
 - Monthly encounters have gone down but are now going back up
 - Significant increase in the number of watch-listed people encountered at the border

Nick Rasmussen:

- The Terrorist Screening Data Set (TSDS) issue.
- Next week, the *New York Times* will have an article on the one to two times a year when someone is requesting asylum, and they show up on the watchlist.
- In the past, there were not terrorists streaming across the border. Numbers are now in the triple digits each year, 160 so far in this fiscal year.
- Sometimes people show up because of a family connection.
- Many are tied to legacy organizations that are no longer a threat.
- Russians and Chinese seeking asylum are the biggest issue.
- We need to improve our process for identifying national security concerns at the border.
- Would argue that migration issue does not currently pose a national security threat.

(b)(6):

- Is there ever an update to the categories of people?
- Are people ever taken off the list?
- Have the numbers increased because different categories of threats have been added?

Nick Rasmussen: We do not have a way of taking people out of the system that we no longer have a current basis for concern.

DHS employee **(b)(6)** **(b)(7)(C)**:

- We can take individuals but not organizations off the list.
- We have sometimes looked at taking categories off, but there is a reticence to do that.

- Most are Colombians.

(b)(6): What about adding additional screening?

Nick Rasmussen:

- This puts more pressure on CBP in doing the screening judgements to determine threats in seconds.
- There is no way to overstate how senior levels of government view the impact of fentanyl.
- Pittsburgh issues were fentanyl and human trafficking, terrorism came later in the conversation.

(b)(6): Why are people on the list?

DHS employee

(b)(6) (b)(7)(c)

- There are lots of different categories.
- Terrorist screening list.
- At the National Counterterrorism Center (NCTC), the national terrorists that are classified as level one is at 1,000,000.

(b)(6): What is the operational protocol for CBP or U.S. Immigration and Customs Enforcement (ICE), if they get a hit for Domestic Terrorism? Are they treated differently?

Nick Rasmussen: CBP will get a hit and refer it to the Joint Terrorism Task Force (JTTF).

(b)(6): Are they needed?

Nick Rasmussen: Not necessarily.

(b)(6): I think they should stay in custody until another agency says to release them. From an institutional perspective, I would not let them go.

DHS employee

(b)(6) (b)(7)(c) If they hit the border, they are flown back.

Nick Rasmussen: If they have a credible fear, then it is not so clear.

DHS employee

(b)(6),(b)(7)(c): You have potential hits that are not resolved.

Nick Rasmussen:

- We are talking about what a CBP officer does. There is no greater link, whether it is Domestic Terrorism or a Colombian.
- Need to prioritize and establish standard operating procedures.

(b)(6): The numbers are small enough; it should not have a big impact.

USIA Wainstein:

- On the economic threat, People's Republic of China (PRC) is at the top of the list.
 - We have PRC students coming over with links to the People's Liberation Army (PLA) in China.
- This is a significant threat to intellectual property (IP) and technology.
- Cyber and ransomware are a problem.
- Climate change and natural disasters are also in the DHS portfolio.
- The Artificial intelligence (AI) threat exacerbates all the other threats.
- Malign influence and cyber theft are more effective because of AI.
- This was a thumbnail of HTA. This will be more of a counterpart to the Annual Threat Assessment the DNI puts out.

(b)(6) : Who works it?

USIA Wainstein: I&A writes and works with DHS components and state and local partners before it goes to the IC.

(b)(6) :

- The dates we have been talking about have been trends from 2010-2021.
- HTA is about threats right now. How are you squaring that since the data is 2-3 years old?

USIA Wainstein: This is to show you broad trends, it is only a snapshot.

Break

Discussion on Domestic Violent Extremism and Domestic Terrorism

(b)(6),(b)(7)(c)

- The National Security Council (NSC) is concerned about homeland threats, activities of foreign or international terrorist groups or individuals, or domestic groups or individuals involved in transnational terrorism.
- Created in March 2021.
- One of two IC agencies that monitors CT threats to homeland.
- Working on an update to Asha's point earlier.
- In the full spectrum of Domestic Terrorism threats, the customers are:
 - The White House
 - Products are co-authored.
 - Implementation of the strategy with I&A as the lead or co-lead
 - Departmental
 - Key program partner. Center for Prevention Programs and Partnerships (CP3) meeting regularly.
 - Most important partners are the vast network of state and local partners.
- FOUO products are mostly for state and local partners.
- Delivered 250-300 briefings over the last several years.

- Work closely with fusion centers, educating them on the DT threat and their push up to the national level and the Federal Bureau of Investigation (FBI).
- Most impact to partners.
- National Counterterrorism Innovation, Technology, and Education Center (NCITE) analysts meet regularly.
- Regular contact with partner organizations.
- What separates I&A from other IC organizations is that we can look at mass casualty events that are not ideologically motivated.
- Distinguishes between different types of DVE and DT, and different categories of DVE: racially or ethnically motivated violent extremists (RMVE), involuntary celibates, etc.

USIA Wainstein:

- It is more complex because categorizing these events in real time is very challenging. For example, if there is a shooting with 12 injured, is it a localized criminal incident or something that requires a national response? Does it fall in one of the DVE categories? What is the DHS response?
- I&A field representatives are the ones positioned to categorize an incident. For example, the Jacksonville shooting targeted African Americans, could be determined quickly because of coordination with the governor.

DHS employee

(b)(6),(b)(7)(c) : Pathways to violence overlap. The action and the weapons are similar. State, local, tribal, and territorial (SLTT) law enforcement are not concerned about motivation, but prevention. Jacksonville shooter had extremist connections; this is becoming the norm.

(b)(6) : The FBI (JTTF) would be there in the beginning and would stay with a situation until it is determined that it is not their jurisdiction.

(b)(6) : Do the same for legislative authorities.

(b)(6) : You would be amazed at people doing the right thing.

(b)(6) : It did not help on January 6th.

(b)(6) : It is a fractured system. No one is in charge.

(b)(6) : We are measuring the read ahead by the pound. Acts are performed in the interest of DT.

(b)(6) : There are no DT crimes.

(b)(6) : When counting on Congress to do anything, it would be helpful to start with a legislative base. What is the criminal act under the rubric of Domestic Violent Extremism? It is not defined legislatively.

(b)(6) :

- That takes energy away from civil liberties and civil rights issues. I do not like statutes.

- Definitional terms are problematic and hurt the cause. The New York Police Department did a study and they concluded that we do not have the language to get the authorities where they need to be.
- I do not think it is as simple as getting a statute.

(b)(6): The rules governing foreign terrorism are much more explicit and easier to manage. Domestically, you do not have that.

(b)(6): The Biden Administration did not go down that road in the strategy.

Nick Rasmussen:

- Tools are there to prosecute; but they do not point to a statute.
- A lack of definitions hurts authorities, tools, and prevention.
- Prosecutors will mention terrorism in arguments, but not point to a statute.
- What are the authorities needed to get ahead of the crime is where we get crossways.

(b)(6): There is a definitional issue of, what is national intelligence, domestic intelligence, and counterintelligence? Those jurisdictions are very confused.

(b)(6):

- Congress arranges things programmatically.
- The funding determines what is national intelligence or military intelligence.
- National Intelligence Program (NIP) funding is national.

(b)(6):

- It is a question of the authority you are acting under; should follow the question about what type of collection and what type of analysis you do.
- What type of DT are we interested in outside of the criminal context? It is a question of authorities, is the tail wagging the dog.

USIA Wainstein: Collect intelligence related to the mission rather than be defined by criminal statutes.

(b)(6): We have a definition for DT, and we have sentence enhancements for DT.

(b)(6):

- Authorities drive a different way of talking about it.
 - Are we going against the Foreign Intelligence Surveillance Act (FISA) or Title III of the Omnibus Crime Control and Safe Streets Act of 1968?
- In the 1960s and 1970s, we did have a DT problem. We were clearer about what we called these events.
- Domestic Terrorism surveillance must be done under a warrant.
- Black Panthers, White Panthers, Patty Hearst are political problems; a subset of Congress sees these people as constituents.
- It is still fuzzy what DT is.

(b)(6)

- Any DT statute would not incorporate routine crime, like bank robbery.
- Terrorists do all sorts of non-terrorist crimes.
- Need to separate question of authorities from the question of “what kind of violent politics do we want to treat as crimes?”

(b)(6): Cigarette smuggling by Hezbollah would be seen as terrorist financing. It would be seen as an international terrorism problem.

(b)(6)

- At the international level, we target material support to the group, which you cannot do domestically. For enhancement, motivation is considered, which is independent of the elements of the crime.

(b)(6)

- Everyone in the room has been down the authorities’ rabbit hole.
- For the last five to ten events, is this an I&A problem? Does the Under Secretary get involved in a mass shooting?
- It is messy and disorganized.
- Someone should spend time looking at the last ten events and capturing the insanity in conjunction with others who are also struggling with this. Draw out how crazy current system is.

(b)(6): It is a waste of time. In my view, it is 99% politics.

(b)(6) It is a huge impact on budget prioritization.

(b)(6) JTTF response is not confusing. Confusion is in what you can collect on, what intelligence operations you can lawfully do, and what your investigative role is.

(b)(6): What do you want to do?

(b)(6)

- Senator Rubio’s proposal to restrict I&A’s collection authorities is troubling.
- Decided under President Bush to act. When doors get slammed it makes it difficult.

USIA Wainstein: Domestic Terrorism is looking at threats to the homeland.

DHS employee

(b)(6),(b)(7)(c)

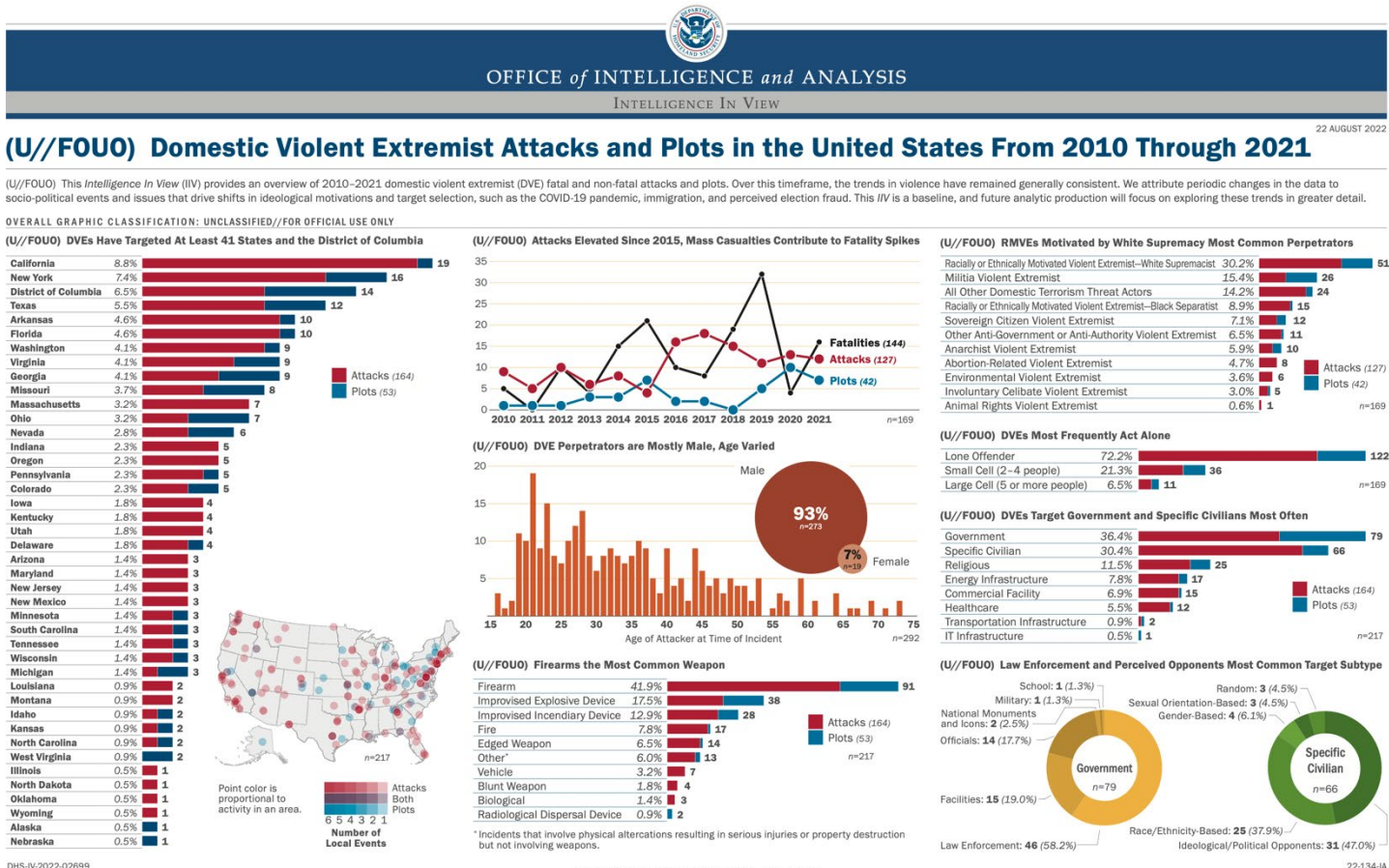
- We are seeing increasing threats motivated by partisan politics and targeting of public figures.
 - An example is a man in Utah who was shot and killed after threatening the President.
 - Another example is attacking public officials at their residence.
 - Former Speaker’s husband

- Justice Kavanaugh
- Another one is threats against substations.
 - Threats to power stations in Baltimore are mostly unclaimed, and mostly criminal, not Domestic Terrorism.
 - Lots of propaganda is being put out by RMVE actors.
 - Domestic Terrorism is pushing it.
 - Does not look foreign, as we do not see propaganda. No foreign connections.
- High profile attacks are live streamed, put out manifestos, compete with others, and share similar goals.

Nick Rasmussen: FBI would be exchanging information.

DHS Employee (b)(6),(b)(7)(c)

- There is no command and control.
 - Online network "Terrorgram" is largely young men operating online.
- Discussion on the Placemat:



Shows data set of all Domestic Terrorism attacks since January 1st. On the left is a state-by-state breakdown. The middle column shows attacks over time. Below that, weapons. On the

far right is a breakdown of different movements. Down the column is a breakdown of perpetrators.

- Based on all-source intelligence, vetted against the FBI. Lots of this information is publicly available, which is unique.
- Sharing with General Accounting Office (GAO) and DHS Inspector General (IG) since January 6th.
- District of Columbia (DC) is number three for most incidences, and a lot of high-profile individuals. DC has a lot of targets, and a lot of travelers.
- Common targets by far are government sites and personnel.
- Interesting point here is improvised explosive devices (IEDs). There are chances for interdiction.
- IED plots are often disrupted by law enforcement, because of the planning required to build one.

(b)(6) On the top right, is it showing any basis for drawing connections between militia and racial extremist affinity?

DHS employee

(b)(6),(b)(7)(c) :

- This graphic sets the scene, looking across at drivers.
- It starts with reporting. No mandate for state and local partners. Limited access in I&A. Data is the big challenge.
- Support for this mission set has varied and changed after January 6th.
 - 2009 – 2019, not a lot of departmental support.
 - It does become political.

(b)(6) :

- In the future consider, is this a lone offender?
- Lone offenders have outside influence. Radicalized in a family cesspool of offenders.
- In terms of action, which is “anything but alone.”

(b)(6) :

- Prevention and early reporting are key points.
- After 9/11, there were signs everywhere – “See Something, Say Something.”
 - Americans have an ambivalent feeling of telling on each other.
 - This is the best way, yet they do not say anything.
- Whose job is it overall?
- How do we get into local communities in a non-threatening way?
- How do people safely report a concern about their neighbors?

Nick Rasmussen:

- After lunch, we will be talking about prevention.
- Is there an ambiguous approach?
- Maybe “See Something, Help Someone”?
- Some communities have behavioral analysis response, like in Denver.
- No system wide or nationwide capture system.

(b)(6): We see people who go off the rails. We need people to say something. We need a nationwide campaign to push it to the locals.

USIA Wainstein: To get a mother or teacher to come forward, it needs to be a public health catcher's mitt.

Nick Rasmussen:

- That is the pain point, and our boss wants us to look into this.
- In the Biden Administration, the first *National Strategy for Countering Domestic Terrorism* provides four pillars for guidance to responding to the threat:
 - 1) Develop a shared understanding.
 - 2) Prevent recruitment and mobilization.
 - DHS is very much in the prevention lane.
 - 3) Disrupt and deter.
 - Have law enforcement component.
 - 4) Counter long-term contributors.
 - Developing a strategy.
- The White House strategy had a classified implementation plan. It was crisp and clear and defined responsibilities.
- We are a part of it, but not the biggest part.

(b)(6): Is there budgetary tracking?

DHS employee

Nick Rasmussen and (b)(6),(b)(7)(c): Yes.

(b)(6): Do other organizations like the FBI have an assessment?

Nick Rasmussen: A harmonized picture of the problem is aspirational.

(b)(6): You are not law enforcement. What are your borders? Does it get confusing if you share with law enforcement?

USIA Wainstein:

- We have our own set of attorney general guidelines. We collect overtly.
- In the domestic space there are constrained authorities, more so than law enforcement.

(b)(6): How do you message that?

DHS employee

(b)(6),(b)(7)(c):

- Statutes and by Executive Order. Collection must be overt or publicly available, guard rails.
- DT is close to freedom of speech, privacy, and other protections.
- We have the Open-Source Intelligence Center (OSIC) that has open-source collection capabilities.
- What do you do that the *New York Times* cannot do?

- We have significant limitations on online collection. Guard rails are a significant constraint on what we can collect. My 25-year-old son sees a lot more than DHS collectors.
- Easier to conceal identity online.
- We will not task collection by this group.
- The direction technology is moving is an issue. Other people are playing in the online community including China and Russia. It limits our abilities.
- We work in an environment that has self-imposed limitations.
- OHIC is Overt Human Intelligence Collection.
 - We can interview people who want to talk to I&A or who are in custody. SLTT partners, corporate partners, the See Something, Say Something people. People in custody are a very small percentage of what we do.
- On the capabilities side, what capabilities should a domestic collection organization have? Resources, talent, skills.
- The public asks if we should be doing that.
- I have no memory post-9/11 when talking Domestic Terrorism.

DHS employee

(b)(6),(b)(7)(c)

- We want to drill down some of the things we already discussed.
- On privacy and civil liberties work:
 - 1) Questions on what we can and cannot do. Questions on what we should and should not do. This takes up about 70% of my time. Many on the Hill refer to the First Amendment.
 - 2) How do we implement the guidance that we have in place? There are different authorities and policies. For people understanding the caveats and how to abide by them.
 - 3) How do we hold people accountable? We have the compliance team. The GAO report highlighted a lack of compliance work done historically. Trying to build a compliance culture.
- Going back to the First Amendment and the collection based on speech.
 - Collection based on sites where they expect to see indicators, rather than at a particular person for a particular reason.
 - When you are looking at speech online, how do you know if it is serious? Political? Hyperbole?
 - It is very hard to determine if someone is intending to do harm.
- Analysts thought, prior to January 6th, that it was inappropriate to collect, even after lawyers said they could.
- It is hard to provide clear guidance that results in consistent execution.
- Concern over mislabeling people as Domestic Violent Extremists (DVE) when they are not. If a protester is resisting arrest, is this person a DVE?
- Mass casualty attacks are within the mission, according to DHS Attorneys.
 - DHS Attorneys are less clear on whether it is a DHS mission when it comes to hate crimes.

USIA Wainstein:

- Concerning the efforts to collect, it is interesting to see how we have collected and reported since January 6th.
- Supreme Court decision is an event that might spawn violence.
 - We had 3,000 person-call with state and locals and published a product.
 - There was concern not to overreact.
- Then, there were the indictments on the former President, and we saw what happened at Mar-a-Lago.
 - There was reason to be concerned about a violent reaction.
- Do we have national calls with SLLT?
- How much do you continue with the same battle rhythm? Challenging to try to calibrate that.
- Is it politically driven or in our mission space?
- I want to highlight the public optics as well as what you are asking us to do.

(b)(6): There is an industry ecosystem. Companies are internally collecting open sources. Are you able to engage and use those products?

DHS employee

(b)(6),(b)(7)(c)

- Yes, we can collect it.
- Overtly, we are clear who we are.
- The collection must be done lawfully.
- We need to know how commercial companies collect their data.
- We do not violate the Computer Fraud and Abuse Act (CFAA).
- Commercially available and publicly available information overlap.
- If publicly available information, there are legal and regulatory rules we are bound by, and then there are primary and civil liberty rules.
- We have the Attorney General's Guidelines and privacy and civil liberties concerns, even if it falls within scope.

(b)(6): Can you task the commercial companies?

DHS employee

(b)(6),(b)(7)(c): If we task an asset or provide direction on control, that entity would have to operate under our rules, therefore, we avoid tasking, as we do not know if we can trust a company to follow all of I&A's rules.

(b)(6):

- It is an attractive market space to anticipate your product and do it without tasking.
- Assuming it is legally acquired, but without tasking, what is the limit?
 - What could a consultancy provide you?

DHS employee

(b)(6),(b)(7)(c)

- There is the assessment part and a prescription part.
- A commercial provider would evaluate the number of customers and the number of products.
- On prescription, we could not request or provide feedback on helpfulness.

- What we receive would have to have been produced with or without I&A's involvement.
- We look at a variety of things:
 - Sources.
 - How did you collect?
 - What tools?
 - What analysis have you done and how are your algorithms developed?
- Evaluate if appropriate for I&A to use.

(b)(6) : Are you finding fissures in the system? Are people violating?

DHS employee

(b)(6),(b)(7)(c)

- I&A does not have a lot of these. Generally, these are fairly benign.
- This is not a conversation happening in a vacuum.
- LexisNexis, we do not do AdTech at I&A.
- We do not use tools that discover and funnel things to us.
- We are worried for privacy perspective because we are all headed in that direction.

DHS employee

(b)(6),(b)(7)(c) :

- There are differences in the language. Comparing DT to Hezbollah.
 - The term "threat" would have been used further along in the briefing.
 - The focus was on Hezbollah as a group.
 - With DT, not talking about groups, talking about threats. Different context to determine where and when and how we do collection.
- Where terrorism shows up in the information.
- How we are talking about it here is always about U.S. persons (USPERs).

DHS employee

(b)(6),(b)(7)(c) :

- As a Department looking at violent extremist groups, we do not want DVE leads to bleed into demonstrators.
- Did not stop the state of Georgia from issuing indictments based on DHS information.
- There are second order effects.

(b)(6) :

- Cannot task them, hesitant to give them tips in private. Is the answer to be more public with what you need to deal with problems?
- We need secure community networks. It is not to be more public.
- What in the universe of social media are you looking for?

(b)(6) :

- It is hard to distinguish between political speech and threats.
 - Someone says the swamp needs to be drained, but maybe it is the velocity.
 - If they say six times over that the Secretary needs to be harmed, is that something that should be collected?

DHS employee

(b)(6),(b)(7)(c) :

- It is the totality.
- It comes down to content and context.
 - Is this someone who in the past has expressed violence and wanting to commit violence?
 - Online information is different. It could be sarcasm, political discourse, etc. Some people express themselves graphically but have no intent to act.
- If you are looking at something online and seeing it for the first time, it is much harder.
- There is confusion at higher levels, so how can you expect a GS-11 to know the differences?
- Trying to have more transparency and strengthen the process for identifying what websites are being looked at.

Break

Working Lunch and Discussion on Administration DT Strategy and DHS Role in Countering DT

Kristie Canegallo, Acting Deputy Secretary and (b)(6), Deputy Homeland Security Advisor, The White House joined the meeting.

Kristie Canegallo:

- Terminology and thinking about DVEs and HVEs, language really matters.
- Investments matter, trying to get grants for programs.
- Thinking about how we navigate through next year, it will be highly polarized. Having principles, guard rails, and guidance during a polarizing time.

(b)(6):

- Markers on Domestic Terrorism.
- May need to go about this problem set sensibly, much of it is law enforcement. Authorities and tools that were relevant to ISIS conversations are not relevant to DT.
- State Department is coming up with DT analogs.
- When the administration started, immediately needed to figure out how to do more and do better. Six months in, released the first ever National Strategy for Countering Domestic Terrorism.
- Energize and activate funds to those outside of government.
- Structural updates and reform to handle enduring problems.
- Disrupt before it becomes violent; but if it does become violent, hold perpetrators accountable and help victims. If Americans are not happy with a certain outcome, and violence is seen as an acceptable response, then the whole democratic experiment falls apart.
- You cannot always pin down on a left/right spectrum where people and issues fall.

Kristie Canegallo:

- How do we understand the threats in order to award grants?
 - What are the types of motivations?

- How to sketch research proposals?
- Conclusions could have a political tone; how do we protect ourselves as we enable others?
- Should we not do grants?

Nick Rasmussen: If you ask researchers to dive into indicators of extremists and terrorism, they might indicate being in the military or religious. This being identified as an indicator suggests we should be more worried about these. We need the space to talk about it honestly.

(b)(6) :

- There is a political backdrop to all of this. It seems that most of the Domestic Terrorism threat now comes from supporters of the former president. It is not like you want a political advantage, but people have attacked the government and its institutions for the last six years.
- How do you appeal to people and say, “this is wrong for anyone to do.”?
- How do we rebuild faith in the federal government?
- This seems to be a White House problem. Each agency cannot defend itself.

(b)(6) r:

- Silence in the face of that threat is not okay, however, sometimes quietly doing the work of democracy is part of it too. It is a mix of saying it out loud and quietly making democracy work.
- State and local partners are dealing with glimmers of threats to poll workers.
- CISA was stating that statements need to come from state and local officials not us.
- None of this is to minimize the problem. It is the responsibility of those in government and outside government to tackle.
- Work with state and local partners around the threat predictions of 2022 election cycle, dealing with glimmers of threats to poll workers.

Kristie Canegallo:

- So much of our philosophy is about being an amplifier and providing information, but the local leaders in a community have important voices.
- How can we equip our SLTT partners with information, raise awareness, and build resilience in their communities?
- There may be mistrust at the national level.
- Recruiting, retention, and resilience of the workforce - how do we demonstrate we have their backs?
- I worry about keeping the people we need and continuing to do the important work.

(b)(6) :

- This has to come from The White House.
- It is not enough for government workers to quietly do their jobs.
- Need to find a way to restore faith in the government.

(b)(6) :

- The President seems an ineffective messenger, particularly with who his opponent is.
- Who could be a good messenger?

(b)(6):

- Senator Marco Rubio's amendment would limit I&A's domestic collection.
- The White House has not gone on the offense and stated that this is wrong.

(b)(6):

- The other guy has been forceful.
- Ken has rallied across the government on this.
- This environment has such an appetite to politicize everything. Quietly talk to people who know better and do not capitalize on it yet.
- Work with people on both sides of the political aisle who understand the gravity of this and try to arm them with the right information.

USIA Wainstein:

- It is a matter of striking that balance.
- Have support from outside groups that offer to send letters, such as the National Sheriffs Association, border sheriffs.
- After a period of time, our messaging will have a track record that we can build on to show that we have come a long way.
- We need to stay true to the original purposes and principles of I&A, meaning, you should not go back and say collection authority should only go to law enforcement.

Nick Rasmussen: The DNI has also jumped in, it is not just DHS arguing for its activities.

USIA Wainstein:

- We have been pulling together the information, to include the binder you have, and prior to Senator Rubio's proposed amendment.
- The DNI has been great, her views are very strong in our support. Meeting with Senator Rubio and others about this dispute.
- FBI is putting out a response that says, "if I&A does not do it, do not assume we will."

(b)(6):

- Add something the private sector is doing well. In crisis communications, who are your influencers?
- You need other digital channels for influence.
- All candidates are on the "All In" podcast.
- The government is still communicating in an old-style way.
- In crisis communication, who are your social influences? You must have other digital channels for influence. All Republican candidates are on the "All In" podcast.
- Getting some of them to support what you are saying, people listen to them.

(b)(6):

- What is old is new again, 2005 – 2010 – 2015, U.S. radicalization is true today.

- Violence has become more acceptable in speech.
- Need to look at who uniformly were good messengers – it is the victims; victimhood is nonpartisan.
- The focus becomes Second Amendment issue.
- Republicans and Democrats disagree on every other topic, but both are opposed to violence.
- Victims of violence
 - Get 9/11 victims saying, “our loved ones died, do not go backwards.”
 - Religions and transnational organizations who do not agree with extremism.
- Violence is not ok.

(b)(6): I do not think DHS using social media will be effective, have other groups do that in the private sector. Also comes down to efficiency.

(b)(6) Who are the Senator Rubio supporters? I have been targeted by them. Are they organized, validated? Who is organizing the outside groups? It is useful to think about who can be persuasive in order to pull in those who are undecided.

(b)(6): It is not just people stuck on this particular issue. They like Senator Rubio, so they follow his lead.

USIA Wainstein:

- He is looking at this issue from a lack of trust on the Domestic Terrorism operation.
- This has happened to other intelligence agencies. They are looking at I&A the same because they are also part of the intelligence community.

(b)(6): Professional Senate Select Committee on Intelligence (SSCI) staff do not call the shots.

DHS employee

(b)(6),(b)(7)(c): Reaching out to people with a message stating that this is a nonpartisan issue.

(b)(6): How do we determine if people are against violence?

(b)(6):

- We do not have to collect on whether the American people think violence is wrong, we have to say that violence is wrong.
- Get members of Congress, one by one, to lead with this topic in speeches.

(b)(6):

- Do not need numerical precision on how many people think political violence is acceptable. It is more about what to do about it. Being confident in the right answers and saying them.
- There are too many people who accept that violence is ok.
- It is more of what to do about it.
- A case study maybe around bringing the seven Americans home from Iran.

- It is our job to do the right thing and say it crisply. If we can get the American people to feel this way about this issue, we can get them to carry our voice.

Nick Rasmussen:

- When Secretary Mayorkas met with the Tree of Life group, they turned the conversation into how they could help him. They showed concern for him, and us, about how to deal with this problem.
- Opportunity to tap into communities of victims, as they can be credible spokespersons for political stability. Staying away from political sides, only that problems are not solved with violence.

(b)(6) : The right has done well with the emotional aspect. This is an emotional topic.

DHS employee

(b)(6),(b)(7)(c) :

- Committee markup hearing by Senator Rubio strips I&A of the ability to intentionally collect on USPERs with the exception of information gathered from SLTT partners.
- House codified suspension of practice by preventing I&A from collecting information from individuals who are in pretrial law enforcement custody or facing criminal charges.
 - House passed this and called for a general review of the OHIC program.
 - Senate bill wrapped into the National Defense Authorization Act (NDAA).
 - Had hoped this provision would be taken out – it was not.
 - Passed as part of the NDAA.
 - We expect conference will be contentious.
- Language is odd, having conversations with Senator Rubio’s staff to better understand intent.
- Statement, which came from voters who support the committee report, has three points:
 - 1) Inappropriate for IC to collect on USPERs when there is not a foreign nexus.
 - 2) Acknowledges I&A’s role as a go between for SLTT partners
 - Open source and overt collection activities show that it is inappropriate for them to collect.
 - Three examples included:
 - Journalist activities in 2020;
 - Collection of activities on pretrial custody; and
 - DVE on them and their platforms.
 - 3) Prohibits I&A from overt and open-source intelligence collection on any USPERs.
- USPERs with foreign nexus wording is left out, which could make it problematic for components.
- Always having a foreign nexus is not consistent with statutory orders or mission.
- Conversations with Senator Rubio and Senator Ossoff’s staff about intended consequences and unintended consequences.
- They have expressed two primary concerns:
 - 1) Ensuring safeguards to protect individuals’ privacy.
 - 2) Fundamentally believe I&A’s work is law enforcement’s mission. Belongs to the FBI and other law enforcement, not intelligence.

- We have said that we are very sensitive to privacy issues and open to safeguards and protection. However, it is critical to the mission that we can collect overtly and openly.
- Senate and House Conference on I&A is starting now.
- We are trying to make sure people on the Hill understand what we do. Educational session with Governmental Advisory Committee (GAC).

USIA Wainstein:

- Traded authorities for civil liberties.
- What are we dealing with in terms of the opinion we are trying to shape?
 - There are political motivations that are doing political prescription. How do you speak to that? Assume good faith.
 - Assume they are talking about civil liberties and privacy, not talking about making political statements.
 - Respond by saying we need these authorities because there is a threat.
 - What requirements placed on us will satisfy you so that authorities are exercised responsibly?

(b)(6):

- You have been criticized, as have the FBI, for not having actionable intelligence that anticipated the January 6th storming of the Capitol.
- Think there are a lot of people in Congress that would be surprised that the Congressional response to that, including by Democrats, is to take away the authority you have, rather than insist you use them. Creates whiplash to say you had gaps in reporting, to then say you should not do it at all.
- The FBI is on record in testimony saying they do not think they have authority to do it. I think they are wrong, but you can see they have cultural inhibitions about it.
- Antecedent question about whether we want anyone to do this work at all? Senate's vote is no.

(b)(6): That is why the FBI letters are important.

(b)(6):

- I would add that the argument to break up the FBI is because of:
 - Culture.
 - You are protecting civil rights and civil liberties by taking away suspicion from law enforcement, because intelligence can collect all they want.
- Focus on the things that people have a hard time disagreeing on, like protection of critical infrastructure.

(b)(6): Senator Rubio seems vulnerable if you attribute what happens if we do not do that.

(b)(6): Reach out to post 9/11 leaders – Tom Ridge, Francis Townsend, Michael Chertoff, Jeh Johnson.

(b)(6) : Need to start with the function and what happens when the function does not have a home.

(b)(6) : Be clear on distinction of FBI's developed intelligence function verses what I&A does.

USIA Wainstein:

- Not saying I&A is taking over domestic intelligence, but we were designed to fill a space, one that was not being filled, which is connectivity between federal, IC, and SLTTP. What is the space we should occupy as the point person?
- We and the FBI need more clarity of roles.
- The FBI has authorities that I&A does not and will not have, but I&A has the state and local partnerships.

(b)(6) : The difference is between what you do with information versus the FBI.

USIA Wainstein:

- We do intelligence products varied from The White House to the IC.
- Primarily, we get information out to SLTT that is consumable.

Nick Rasmussen:

- DHS does not do what other partners do, which is to create tactical intelligence that provides a warning function.
- I&A has a very different mission that is focused on the strategic picture and shaping of law enforcement efforts.
- We do not have the ability to do what national intelligence does.

(b)(6) :

- If Senator Rubio is creating a serious threat, I would not go through the agency ladders.
- Need Republican support to show Senator Rubio is vulnerable.
- Republicans want to undo the CISA, which they set up, because they protect elections and they do not want to do that anymore.

(b)(6) :

- Overlay of political dynamic cannot be ignored.
- The right messengers are important.

(b)(6) :

- Where are the other 18 members of the IC on this?
- This performs an important complimentary function in the IC.

(b)(6) :

- Congress had the great idea to post all our 278s (public financial disclosure report) online, so every foreign intelligence service or terrorist had them. Several of us hammered them and they finally backed down.

- Can see (b)(6) writing something to say that this is affirmatively a bad idea.

(b)(6):

- I intend to write something. I have a parochial position, not as a former intelligence officer, but as a former intelligence subject.
- They have written me in as a civil liberties victim that needs this legislation. I am going to write this saying, do not do it for me, this is a terrible idea and the wrong response.

(b)(6): What oversight are you offering for process safeguards?

DHS employee

(b)(6),(b)(7)(c)

- Offered process-based safeguards.
- Codifying oversight guidelines.
- Willingness for 12333 codification of open-source collection plan.
 - Offered IC – Inspector General review.
 - Offered quarterly briefings.
- Codifying and clarifying rules that collectors are supposed to follow in terms of collecting online and political speech – restrict them to things that are true threats, known bad actors, and violence at an event, like Charlottesville. We would not acknowledge USPERs.

(b)(6) It sounds like I&A is begging when no one else in the IC has to.

USIA Wainstein:

- We already do this; it is not sustainable to go beyond this.
- Codify what we already do, put it into law.
- Our guidance to open-source collection is nebulous. It is a difficult thing to do. In some ways, it may be helpful to get clearer lines.
- It sounds like you are begging.
- Come off foreign nexus and stick with civil liberties in order to get the civil liberties minded people on our side.

DHS employee

(b)(6),(b)(7)(c)

- By codifying collection on political speech, it is more specific.
- It is not 50/50 for or against, on one side it is 100% against us. On the other side, there are members, for different reasons, who say they agree and are not fully invested in I&A
 - Trying to shore up the few supporters they have.

(b)(6):

- Originally, I liked I&A having domestic intelligence collection because they do not have FBI authorities.
- Should focus intelligence collection on crime. If not, it is focused on something else, such as stereotypes and provocative speech.
- The goal of any collection should be the prevention or investigation of crime.

USIA Wainstein:

- Dilemma of how you derive intelligence.
- Want to prevent crime, so you look at precursors of criminal activity in order to anticipate.

(b)(6): What will Senator Rubio be mad about after the next event? What were we not able to do because of the legislation?

(b)(6):

- Hopefully this will not be made permanent. Get it tabled and revisit in a year so that realizations can occur.
- Thinking strategically about getting someone to introduce that for you. You do not want to go back and change legislation.

(b)(6) Anyone whose job it is to receive information from SLTT does not fall under the restriction. Just have people who do the work and have them be able to receive information from SLTT.

DHS employee

(b)(6),(b)(7)(c):

- Not good for long term success.
- Interpret as a lawyer that targeting means to target against the person, which I&A does not do, therefore I can do everything. The problem occurs next year when the staff finds out they are doing this, they will want to defund.

(b)(6):

- Do not mean any offense to **(b)(6)**, **(b)(6)**, and **(b)(6)** who worked very hard.
- Important to give third party validators concrete, tangible I&A success stories.
- Rubio knows you cannot keep the FBI from doing this work. I&A is not playing with fire, they are barely playing with a match. They do not think I&A does that much. Concrete win stories that prove I&A's value is going to be really important for people.

USIA Wainstein: Substantive conversation, going to talk about a follow up before the next quarterly meeting.

Break, everyone sings Happy Birthday to (b)(6)

Evolving DHS Approach to Prevention of Terrorism and Targeted Violence

Nick Rasmussen

Nick Rasmussen:

- Helping with the Guidebook for prevention.
 - CP3
 - Some of the work of Countering Violence Extremism (CVE)
- All the same political sensitivities apply to prevention.
- Prevention in the U.S. Government has baggage:
 - CVE work post 9/11 was focused on Muslim American communities.

- Community awareness on these subjects and indicators.
- Mixed feelings, some liked the idea, some felt targeted.
- Not the approach and has not been in a long time, but there is still a legacy of that happening.
- CP3's Three Missions:
 - 1) Curate knowledge. Fund and engage for best practices, learning from research and academics how to do work better.
 - 2) Field trip to major metropolitan cities to catalyze prevention work in communities.
 - 3) Catalyze community responses beyond threat knowledge.
- In a politically fraught space, we carry legacy challenges.
 - Domestic Terrorism resulted in looking at specific communities who believe certain things.
- Prevention should not highlight specific violent ideologies, only indicators of extremism.
 - Can work with communities on identifying risk factors, not targeting.
- Moving to adopt this movement and language as public health. Reframe terminology.
- Public health intelligence:
 - Identify and focus on risk factors.
 - Identity protective factors that allow you to withstand the risk factors.
 - Provides grant money. Could wake up tomorrow about news of trying to defund CP3 because of legacy. \$20 million a year in grant money does not go far.
 - Setting up a practitioners' network to bring together voices in this space. Provide a grant that helps connect them.
 - Secretary feels strongly about CP3, but it is an uphill battle on the Hill right now.

(b)(6): Is there a lead agency? Cannot imagine it is the FBI leading on prevention, and it is certainly not DHS. Seems to me that there needs to be a lead agency.

Nick Rasmussen: Would not say that there is. There is a National Security Council (NSC) led policy process to make sure work is coordinated.

(b)(6): We would all like to prevent instead of clean up afterwards.

Nick Rasmussen: Exactly, I believe if we did not have the baggage of the past and present, we could make an argument for more resources and energetic programing, but it is just very difficult.

(b)(6):

- One way to prevent is getting people to support. Who is going to come up with a campaign?
- How do we de-glorify and make it cowardly to do this? Need a lead agency to get this strategy on the table.

Nick Rasmussen: DHS is probably too close, or too much a part of law enforcement to play that role.

(b)(6): By taking a public health approach you are bringing in community practitioners to sensitize them and embrace it.

Nick Rasmussen:

- Trying to broaden the conversation to join the fight in keeping the community safe and resilient. Most people do not self-identify as playing a role in counterterrorism.
- Recently, the Surgeon General wrote a mental health article in the Harvard Business Review on social isolation post-pandemic. Lots of same verbiage as they use for prevention.
 - He was six steps ahead of us about how to build a public health consciousness and infrastructure. Becomes part of broader public health vision set.
- It will take a long time to do, 20-30 years.

(b)(6)

- Please do not put all your eggs in that basket. COVID demonstrated how weak public infrastructure is.
- I&A model was to work with public health agencies.

Nick Rasmussen: Public health does not want to be a part of law enforcement but are ok with prevention. Redefine role as identifying people at risk.

(b)(6):

- President could appoint a public health czar.
- Interagency effort but have someone orchestrate bringing together different capabilities.

Nick Rasmussen:

- It is being worked. Every state is different, federalism challenge makes it harder for us.
- Britain has their Prevent Program, controversial for a long time but spread across law enforcement and public health.

(b)(6):

- CDC has the germ theory of disease working in its favor. Treating this as a public health issue is a problem because we do not know how to dissuade people who are thinking of committing violence. Maybe not such a good idea.
- Are you confident that the social science side of this supports the exercise? How far does social science get you to confidence that this is an appropriate way to invest?

Nick Rasmussen:

- Good point, we do not have a huge evidentiary base. However, it is adopting a methodology on risk factors. When it is mature, this would exist in communities as a behavior health factor, determining individuals at risk.
- We are a long way away from having that capability.

(b)(6):

- Challenge you on social sciences not being as developed as suggested. That might be on Domestic Terrorism but there are years of studies on Isolationism and social science.

Much of the research on violence may be indeterminate, but a lot of work can be done, especially following social isolation of COVID.

- The American Medical Association (AMA) changed mental health treatment in the 70's. Every primary care physician had to have some training to identify basic mental health care issues and treat them, not just psychiatrists and psychologists. Same thing now with treatment on drug abuse.
- There is a space for social science, and while it is not perfect, we sort of know what causes radicalization to violence.
- How do you replicate at the volume you need?
 - Not even just state and local - looking at primary care physicians and teachers.
- Use other public health examples of where they have succeeded and failed, away from government and politics.
- CP3 is trying to get away from being a provider and more of a catalyst.

Nick Rasmussen:

- Need prevention capability in every small, local level across the country. That is not going to be a small program.

(b)(6): Anywhere this is happening?

Nick Rasmussen:

- Denver is doing what I described. They sit in the U.S. Attorney's Office and FBI Field Office and include schools, housing, and healthcare.
- If we could replicate this, we could get the top 50 states. How do we do the rest of it?

(b)(6): Cannot solve all the nation's ills, need to focus on what I&A's mission is.

(b)(6):

- We all feel like we own the prevention mission collectively, no sole ownership.
- Worry about throwing on this health overlay when our collective mission is to prevent bad actors.

Nick Rasmussen: Public health informed approach, looking at the problem through the same lens, many pathways look the same.

(b)(6):

- The Department of Health and Human Services (HHS) should not be a tip line for a kid who is showing signs of violence.
- Like the "See Something, Say Something".

(b)(6): Do not be a bystander, be an upstander. Take responsibility for security in your community.

(b)(6): There is a spectrum of activity.

(b)(6): What is the standard? Who do you report to?

(b)(6): U.S. Agency for International Development (USAID).

(b)(6): There is a spectrum of government and nongovernment at play.

(b)(6): What is the threshold?

(b)(6): It depends. It is up to the primary care physician to say, “this kid exhibits anti-social behavior, what do I do?” They do not call Nick and Ken, but when you do find that there are precursors, you want them to be calling the shots.

(b)(6): We all agree that we need more resources that are not just law enforcement. We are all reacting to a tip line idea because it is putting a lot of trust in the role of people who do not know it like you guys do.

(b)(6):

- Who makes up the numbers from the threat report? What percentage of extremist mediatization compared to all over violent deaths in America? Relatively small, even though that is not a good way to put it.
- As emotional and political issue as it is, it does not feel to me that it is where you can make the most impact.
- Is school shooting a DHS issue?

Nick Rasmussen: Yes, it is.

USIA Wainstein:

- Mass shootings are within the homeland mission. One could argue both ways, certainly terrorism is, no question about that.
- CP3 takes us out of purely mass violence. It is a little bit of a grey area.

(b)(6): Is CP3 focused on domestic violence alone? Or broader violence?

Nick Rasmussen: Yes, we have to have a link.

(b)(6):

- Violence is the intent to influence, is it your mission to support that?
- How does I&A support this greater mission?
- DT, yes.
- This would expand your job jar.
- Trying to establish a policy that would pervade the entire department.

USIA Wainstein: Nick has been speaking from his CT role.

Nick Rasmussen:

- Most work is ideologically motivated. We are not involved in all mass shootings.
- **(b)(6)** is right, we do not do domestic or gang violence.

USIA Wainstein: Our space is transnational.

(b)(6): You need more caveats.

USIA Wainstein: Closing statements. Unclassified and classified materials will be available for review following the meeting.

Discussion Questions for the Homeland Intelligence Experts Group (Subgroup) Domestic Terrorism

The Homeland Intelligence Experts Group (Experts Group) will host a small group meeting, via Microsoft Teams, on November 30, 2023, at 3:00pm EST to discuss the function and future of I&A's role in domestic terrorism.

Baseline Premise: I&A has three basic roles:

- (1) **Conduct** intelligence activities within the United States;
- (2) **Provide** information sharing capabilities within and outside the federal government; and
- (3) **Ensure** protection of privacy and civil liberties.

A Fundamental Question: Is the first of these roles still appropriate? And should such intelligence roles include collection, or be confined to analysis?

I&A and Intelligence

- (1) Is I&A a “domestic intelligence agency,” and if so, what does that mean in theory and practice?
- (2) Does I&A's intelligence role include collecting, assessing, and disseminating intelligence describing the plans, intentions, and capabilities of specific US persons (individuals or groups)?
- (3) What should be the limits of such intelligence activity, and should it be performed by a member of the US Intelligence Community?
 - a. What is the difference between what an intelligence officer can do and what an academic or journalist can do?

Domestic Terrorism (DT) and Intelligence

- (1) In the 1990s and then in the aftermath of 9/11, there was much discussion that eventually recognized international terrorism involved both the need to use the US Criminal Code (and thus gather evidence of criminality) and a topic for intelligence collection and analysis – how does that debate map to our current concern regarding domestic terrorism?^{i,ii}
- (2) If I&A were to fully engage on DT (and could change the existing limitations), what type of collection should be done?
 - a. Do we need the ability, like FBI, to work covertly?
 - b. Do we assess the impact of First Amendment speech on the listeners? (E.g., a US person exercises their First Amendment right to burn a flag, bible or Koran).
 - c. Do no collection, just analysis?
- (3) What is the role of Open-Source Intelligence (OSINT) in the DT space?

- a. If OSINT collection is limited, under current guidelines, to “publicly available” does the resulting stream of reporting accurately represent conditions? Should OSINT recipients be advised that our current OSINT is gathered from a self-limited subset of potential collection sources? If this limitation continues, should we reconfigure our OSINT approach, and if so, how?

Decisionmakers, Actors, and Customers

- (1) Who are the **Federal decisionmakers/actors** concerned with DT, and what are their intelligence needs to ensure “decisional advantage” or inform action?
 - a. What kind of policy decisions are, in fact, made related to DT? New laws? Resources? Bully Pulpit talks?
- (2) Who are **customers** for DT products?
 - a. State, Local, Tribal, Territorial, and Private Sector (SLTTP)?
 - i. Law Enforcement support?
 - ii. SLTTP policymakers (considering law, resources, etc.)?
 - b. Internal to DHS?

DT versus International Terrorism (IT)

- (1) What are the models for handling DT?
 - a. Similar to how we handle IT?
 - b. Or is it more like how non-national security entities, such as Department of Labor, Department of Health and Human Services, or Department of Agriculture conduct research to support policymaking (including collecting information within the United States, e.g., unemployment conditions, or disease spread), and do so without using intelligence tradecraft?
 - c. How law enforcement handles mafia or street gang cases, with the end goal not being prosecution, but rather intelligence products informing policymakers?

Possible Different Approaches

- (1) Should we consider the following course of action:
 - a. Shut down I&A’s involvement at all in DT intelligence, ceding to the FBI?
 - b. Split I&A formally, into an Intelligence Community element, and have a separate entity (perhaps under the authority of the Under Secretary) that handles wholly domestic matters that call for application of the skills of intelligence professionals?
 - c. Integrate our DT efforts more closely with the FBI’s (perhaps in some formal way)?

ⁱ **Electronic Surveillance** - In *US v. US District Court*, 407 US 297 (1972), commonly known as the “Keith” case, the Supreme Court decided that electronic surveillance for domestic intelligence/security (as opposed to ordinary law enforcement or foreign intelligence) requires advance judicial approval (e.g., a

warrant), but said that such approval could be available under less-demanding standards than those applicable to ordinary law enforcement surveillance under the 1968 Wiretap Act (also known as “Title III”). The Court effectively invited Congress to enact a domestic security surveillance statute. Congress never did so, meaning that today, domestic terrorists are subject to electronic surveillance only under the laws applicable to ordinary criminals. International terrorists, and other foreign threats to national security, are of course subject to electronic surveillance (and other forms of collection) under the Foreign Intelligence Surveillance Act of 1978, as amended.

ⁱⁱ **Domestic Terrorism Crime** - Federal law defines domestic terrorism (for purposes of statistical reporting), see 18 USC 2331(5), but there is no domestic terrorism offense *per se*. Instead, domestic terrorists are charged with ordinary crimes (e.g., assault, murder, arson) and/or with hate crimes, either under federal or state law. Some respectable former DOJ officials have argued for enactment of a domestic terrorism offense. See, e.g., Mary B. McCord, *It’s Time for Congress to Make Domestic Terrorism a Federal Crime* (2018), available at <https://www.lawfaremedia.org/article/its-time-congress-make-domestic-terrorism-federal-crime>. Again, however, Congress has not taken up the invitation.



Homeland Intelligence Experts Group – Virtual Meeting Summary

November 30, 2023

Experts Group: Thomas Galati, Tashina Gauhar, Karen Greenberg, Emily Harding, David Kris, Michael Leiter, Gregory Nojeim, Benjamin Wittes

DHS employee

DHS: Avery Alpha, (b) (6), (b) (7)(C)

Matthew Kronish, (b)(6),(b)(7)(c), (b)(6),(b)(7)(c), Nick Rasmussen, Ken Wainstein

DHS employee

DHS employee

Introductions/Opening Remarks

Ken Wainstein, Under Secretary for Intelligence and Analysis (USIA):

- Reminded attendees this effort is intended to generate individualized insights and contributions based upon each participant’s unique perspectives and experience. We are not seeking collective recommendations or joint positions. What we do seek is vibrant discussions complete with robust disagreement. Disagreement is good.
- Introduced Avery Alpha as the new Principal Deputy Under Secretary for Intelligence and Analysis (PDUSIA) and invited new participants Emily Harding and Tashina Gauhar to introduce themselves.
- Framed discussion: What is it about Domestic Terrorism (DT) that makes us think we should rethink what we’re doing in this space? Key ideas:
 - DT intel effort requires getting into first amendment protected thought and expression of U.S. persons and raises controversy and political heat.
 - Our authorities are completely co-extensive with those of the Federal Bureau of Investigation (FBI) in the DT space. The FBI has perfected authorities to both look at DT as criminal investigative matter and as an intelligence matter.
- Explained three main missions at I&A: 1. Develop preventative intelligence capacity in the homeland, 2. Share information and intelligence with State, Local, Tribal, Territorial, and Private Sector (SLTTP) as mandated in statute, and 3. Conduct all activities in alignment with privacy and civil liberties.
- Acknowledged I&A’s limited authorities because we operate in the domestic sphere and our ability to pursue our missions is constrained in terms of collection and analysis and what we produce.
- Identified three areas where we add significant practical value in DT space: 1. Strategic intelligence, 2. SLTTP relationships, and 3. Operationally – we push the DT mission forward with Open-Source Intelligence (OSINT).

(b) (6), (b) (7)(C): Provided update on the House and Senate authored legislative efforts to limit our authorities. Shared belief that limitations would be placed on field interviews and an ICIG review of field and OSINT collection programs.

Nick Rasmussen, DHS Counterterrorism Coordinator: Described programmatic and policy need for intelligence analysis of the DT threat landscape to inform our programs and policies related to prevention of violent extremism and targeted violence. Emphasized analysis of the DT threat landscape is essential to senior policy makers and leaders at DHS.

(b) (6): Posed what is the secret sauce where can I&A and DHS generally contribute to the DT space? Recognized this as good moment to figure out adjustments needed.

DHS employee

Discussion

USIA Wainstein: Identified different approaches to debate: 1. Ceding to FBI and ceasing collection; 2. Going back to FBI to clarify the strategic side is our lane and investigations side is FBI's lane.

(b) (6): Expressed the extent to which DHS can be separate itself from FBI and foreign intel agencies is good. Stated importance of carving lines around mission of FBI law enforcement and DHS strategic intelligence capabilities.

(b) (6): Identified need to explain to public what I&A is doing to protect them from terrorism and changes put in place during a heightened threat environment. I&A's focus and value add is helping state and locals receive and deal with intelligence information.

(b) (6): Defined three concepts: 1. Get out of the DT business; 2. There is a niche I&A needs to fill – open-source non-law enforcement domestic intelligence in DT space; and 3. I&A has to work with what it has and the way to do that is to identify a single strategic priority based on circumstances.

(b) (6): Identified opportunity for I&A to distinguish itself from the FBI, as agency that analyzes DT information responsibly without thinking about law enforcement actions.

(b) (6): Framed value add as FBI doing offensive work, and I&A doing defensive work. Support local law enforcement and Non-Governmental Organizations to help them prepare and enable them to work with local communities.

(b) (6): Asked if there a potential value add in serving as clearing house to facilitate information sharing with SLTT, how are intra state and local information sharing networks, and is there room for DHS to facilitate improvement?

(b) (6): Praised DHS as best vehicle sharing threat information, since FBI products are less detailed.

Nick Rasmussen: Noted no federal entity is stepping forward to shoulder burden of gathering, assessing, and analyzing available DT information and packaging in a way that adds value to people who need it.

(b) (6): Identified challenges with respect to politics and public trust and expressed I&A needs to explain what it is uniquely doing to protect people, be transparent, and build trust.

USIA Wainstein: Recognized need to assure Congress and public that we deserve trust. Gauge point where we have track record of demonstrable adherence to rules, before seeking additional resources or authorities.

(b) (6): Suggested thinking about short term actions and long-term goals – because it doesn't have to be all or nothing.

(b) (6): Noted meeting with the National Intelligence Council (NIC) Chair could help think about how the environment is shifting long-term and how to get ahead of it. Reassure the public about what we're not doing, and criteria for deciding when to look closer at a person?

(b) (6): Informed everyone we are still working on social media monitoring guidelines, focused on predicate for collection. Different rules are attached to different circumstances. All collection should be structured so can see why we looked websites, why we collected information, and why we reported.

(b) (6): Posed whether DHS should put something out to public in this teachable moment?

(b) (6), (b) (7)(C): Shared that as we develop more specific guidance, we will evaluate what to communicate to Congress and the public.

(b) (6): Expressed I&A needs to build trust and have a set of detailed procedures on what I&A can and can't do with its authorities. Engage Congress early with our vision and seek input on where I&A should be in five years and shape the conversation that way.

USIA Wainstein: Posed whether we should get out of the DT space and cede to FBI? One argument is we don't really have the resources to do it compared to FBI but we are held equally accountable when there is an incident like January 6th. Another argument is FBI is more equipped because their intel work benefits from their adjacent overlapping criminal work in this space.

PDUSIA Alpha: Noted that we're not well resourced for anything. On that line, we wouldn't be in business at all. So then why exist if we don't try to get more resources to fill gaps?

(b) (6): Posed argument that nobody including FBI should do domestic intel, so why do it at all?

DHS employee

(b) (6) Recognized appearance of overstepping civil liberties privacy concerns. Can I&A say we're not the FBI? Why can't I&A step in and give guarantees that we don't do x,y,z?

DHS employee (b) (6), (b) (7)(C): Clarified that I&A doesn't engage in same activities as FBI. Part of this process is the effort to explain what I&A should and shouldn't be doing.

DHS employee (b) (6), (b) (7)(C): Emphasized we need to make clear what we have and don't have compared to FBI. Not being able to arrest people or regulate companies are fundamental things.

(b) (6): Argued against vacating the DT space. There is so much information out of Homeland Security Investigations and U.S. Customs and Border Protection and if nobody is there to collect and harness it then it's not going to get done and we're going to miss things.

DHS employee (b) (6), (b) (7)(C): Pointed out that within the IC, Department of State INR is the smallest, and they clearly fill a gap – it's a model we should be thinking about. Maybe a small number of great people is better.

Nick Rasmussen: Noted if I&A retains DT space, it should think more passively, aggregate information gathered by others, and be perceived as the knowledge center for the government.

USIA Wainstein: Considered if we don't collect in the DT space, does that help retain collection authorities elsewhere. Overt, publicly available, we can interview, and we do whether they are migrants detained on the border or SLTT partners to get information to produce IIRs for IC bloodstream.

DHS employee (b) (6), (b) (7)(C): Explained EO 12333 directed I&A and other IC elements to collect overtly in the field or from public available sources. Interpretation carried over through four administrations and an activity that has been consistently funded by Congress.

USIA Wainstein: Reminded attendees about May 31 letter DHS sent to the Hill in response to a Politico article about Human Intelligence (HUMINT) interview program. Congress specifically made us part of the intel community and intelligence agencies operates in all parts of intel cycle.

(b) (6): Recognized five years ago, collecting OSINT was challenging. It's easier today, and people use different definitions, ranging from New York Times article to cell phone data from USPERs.

DHS employee (b) (6), (b) (7)(C): Explained how the IC's policy protections are not satisfactory with open-source information anymore. Generally, if it's publicly available it's fair game, and we follow nuanced guidance. Thinks we need to be better about explaining what we won't do.

(b) (6): Pointed out the Army spent years rewriting their open-source guidelines.

DHS employee (b) (6), (b) (7)(C): Questioned value of OSINT if it is limited to a small selection of what is available?

(b) (6): By that argument we shouldn't say anything unless we have perfect information.

USIA Wainstein: Clarified we're constrained to identify threats in the OSINT space more than any individual.

(b) (6): Stressed I&A can do a better job than the NYT with less information, if you do it right.

DHS employee (b) (6), (b) (7)(C) Recognized I&A should identify tipping point where we have less access, but better analysts using tradecraft.

(b) (6): Provided example that Meta has a lot of information but does not use it for good or pre-empting threats. Perfect information is one thing, but having talented analysts focused on a particular customer who needs the information is important.

(b) (6): Identified importance of making distinctions about what information gets collected and analyzed. Imminent threat is one category of things we want to look at an analyze. What emerging threats are there that aren't imminent?

DHS employee (b) (6), (b) (7)(C): Clarified I&A doesn't have imminent requirement. Requirements are fixed—limited in modality we can use to collect, must be done in certain way, and support authorized mission.

USIA Wainstein: Recognized we achieved a lot of interesting and different thoughts. My instinct is I&A has a mission and we want to protect it, build it, and enhance resources.

Nick Rasmussen: Shared concerns about collection authorities concentrated in DT space. It might not be worth preserving social media collection but want to preserve ability to talk to migrants because that is vital intel and core to DHS mission.

USIA Wainstein: Next in-person meeting is January 11th at MITRE in McLean, VA.



**Homeland Intelligence Experts Group (Experts Group)
Agenda – Information Sharing with State, Local, Tribal, Territorial and Private Sector
(SLTTP)**

January 11, 2024

**MITRE Corporation, Building 2, Room 6N120, 7515 Colshire Drive, McLean, VA
8:30am – 3:00pm EST**

- 8:30 AM** **Arrival and Continental Breakfast**
- 9:00 AM** **Introductory Remarks**
Ken Wainstein, Under Secretary for Intelligence and Analysis
Nick Rasmussen, DHS Counterterrorism Coordinator
- 9:15 AM** **SLTTP Partnerships and the I&A Field Restructure Study**
David Carabin, Deputy Under Secretary for Partnerships
- 10:00 AM** **Private Sector: Intelligence Customer and Intelligence Source**
Stephanie Dorsey, Deputy Under Secretary for Collection
DHS employee (b)(6)(b)(7)(c) (b) (6), (b) (7)(C)
- 10:30 AM** **Break**
- 10:45 AM** **Fusion Centers' Role in Homeland Security**
DHS employee (b)(6)(b)(7)(c) (b) (6), (b) (7)(C)
- 11:15 AM** **I&A's Homeland Intelligence Priorities Framework (IA-HSIPF)**
DHS employee (b)(6)(b)(7)(c) Senior Advisor to the Under Secretary
- 12:15 PM** **Break**
- 12:30 PM** **Working Lunch: Intelligence Products Supporting SLTTP**
DHS employee Jim Dunlap, Deputy Under Secretary for Analysis
(b)(6)(b)(7)(c)
- 1:15 PM** **I&A Offsite and Phase II Updates**
Ken Wainstein

2:00 PM **Open Discussion**

2:45 PM **Closing Remarks**
Ken Wainstein
Nick Rasmussen

3:00 PM **Adjourn**



Homeland Intelligence Experts Group –Meeting Summary

January 11, 2024

Experts Group: John Brennan, Jim Clapper, Thomas Galati, Karen Greenberg, Emily Harding, Paul Kolbe, Michael Leiter, Frank Taylor, Asha George (virtual), Gregory Nojeim (virtual), Benjamin Wittes (virtual)

DHS employee

DHS employee

DHS employee

DHS: Avery Alpha, (b)(6),(b)(7)(C), David Carabin, (b)(6),(b)(7)(C), Stephanie Dorsey, Jim Dunlap, (b)(6),(b)(7)(C),
(b)(6),(b)(7)(C), Matt Kronisch, (b)(6),(b)(7)(C), Nicholas Rasmussen, (b)(6),(b)(7)(C),
(b)(6),(b)(7)(C), Kenneth Wainstein

DHS employee

DHS employee

DHS employee

Introductions/Opening Remarks

Ken Wainstein, Under Secretary for Intelligence and Analysis (USIA):

- Reminded attendees this effort is intended to generate individualized insights and contributions based upon each participant’s unique perspectives and experience and is not intended to seek collective recommendations or joint positions. What we do seek is vibrant discussions complete with robust disagreement. Disagreement is good.
- Introduced Avery Alpha as the new Principal Deputy Under Secretary for Intelligence and Analysis (PDUSIA). Also introduced the newer members of the I&A leadership team.

Nick Rasmussen, DHS Counterterrorism Coordinator: Discussed the issues the CT Coordinator’s office is working with I&A that have a focus on CT and terrorism, and with Customs and Border Protection (CBP) on southern border issues. Border issues have expanded to include people coming from Central America, Honduras, and the Western Hemisphere. Now they are coming from China, Russia, Pakistan, Uzbekistan, and other more global countries.

Discussion

USIA Wainstein: Explained his role in heading the domestic Intelligence Enterprise (IE). The Secretary wants I&A to mobilize the IE and work with the partners and DHS Components in a more deliberate way. The Secretary issued a directive in November that included retooling the Counter Threats Advisory Board; releasing the Annual Homeland Threat Assessment in September focused on threats to the homeland; and reaffirming that the USIA will review Components intelligence budgets. The USIA expressed desire to be a champion of the intelligence budgets and not a detriment.

(b)(6): Highlighted the reluctance from IC partners like the Central Intelligence Agency (CIA) to share with other agencies because of the classification. I&A should make itself the point of channeling identity-based intelligence to counter national security threat actors. How do we help these people to validate the relationship with the CIA? This issue has been discussed at meetings lately and relevant information will be shared with the USIA.

(b) (6) : Noted there is precedent from his time as USIA, where something similar was done with CBP.

DHS Employee

(b) (6), (b) (7)(C) : Discussed the Intelligence Authorization Act of Fiscal Year 2024, including negotiating language on collecting on United States Persons (USPERS). The final language includes limiting the number of open-source collectors, and limiting the number of domestic terrorism analysts to 12.

(b) (6) : Limiting personnel is a blunt instrument. Is I&A putting in accounting mechanisms to lessen these types of restrictions in the future?

USIA Wainstein: Noted that it is a one-year provision and there is no plan to increase staff in this area. This gives us something to report on.

Stephanie Dorsey: For strategic collection the number is 13 personnel.

(b) (6) : Argued setting the number of personnel is not the answer. Bad environment for you to have rules that say collect within these parameters and you will not have more than these number of people to do the mission.

(b) (6) : Asked if there is a specific number of people in mind to do the job?

USIA Wainstein: Answered that per Russ Travers, the number is 30 people. Domestic terrorism threat depends on the mandate.

Matt Kronisch: Noted it is also an automation issue, it cannot just be done by people.

Stephanie Dorsey: Discussed the need to figure out how to maximize our support for special events and activities. I&A is limited by authorities on how it can collect. Asked the group if the Federal Bureau of Investigation (FBI) should do it and if I&A has a real part in this.

(b) (6) : Asked if I&A can breakdown what it does so it can narrow the types of threats it is looking at?

USIA Wainstein: Answered yes and discussed Phase 2 focus on the prioritization of threats and the allocation of resources. The Deputy Under Secretaries and Senior Advisors participated in a six-month process to prioritize national and departmental intelligence topics for I&A.

(b) (6) : Highlighted importance of having the law on your side to exercise processes.

DHS employee

(b) (6), (b) (7)(C) : Noted there is a one-year provision on everything. The Hamas terrorist attack on Israel on October 7, 2023, changed the threat picture.

Nick Rasmussen: Shared there was an immediate demand for information from State, Local, Tribal, Territorial, and Private Sector (SLTTP) and the public. The White House found a daily threat picture helpful, which included a homeland component. Public Safety Announcements (PSAs) were used to inform the public. There was an increased sense of threat to Jewish and Arab communities, as well as online threats. This threat picture is enduring, and this event has energized global terrorism activities.

Private Sector: Intelligence Customer and Intelligence Source Discussion

DHS employee

(b) (6), (b) (7)(C): Outlined key I&A private sector engagement initiatives to ensure that private sector operators and decision-makers are equipped with the intelligence and information they need. Highlighted the Domestic Security Alliance Council (DSAC) partnership with FBI and I&A to enhance communication and enable exchange of information between the federal government and the private sector.

Stephanie Dorsey: Asked how we get basic information on how we analyze threats to the Homeland? What other topics should they consider and what best practices could they employ?

(b) (6): Asked if I&A has engaged with non-governmental organizations (NGOs) that are working with migrants?

DHS employee

(b) (6), (b) (7)(C): Explained that this engagement is mostly done through the DHS Office of Partnership and Engagement (OPE).

(b) (6): Suggested large companies have global footprints and have information that would be valuable to I&A. Provided an example of NBC Universal's interest in influence campaigns and internal threats and cyber. The bulletins are helpful, but our people are not cyber.

Stephanie Dorsey: Stressed the need to deconflict and work with the CIA and other partners.

David Carabin: Noted I&A is looking into priorities, deconfliction, strategic competition, and economic security.

(b) (6): Suggested focus groups with CIA, FBI, and the National Security Agency (NSA) would be helpful. Recommended I&A follow up with members of the Experts Group to meet separately with different analytic groups on specific issues. [Note: I&A will consult with OGC-ILD to determine if this is feasible.]

(b) (6): Recognized there is so much capability in the private sector and suggested embracing the idea that the private sector can be helpful with collection issues.

SLTTP Partnerships and the I&A Field Restructure Study Discussion

David Carabin: Explained the establishment of I&A and its statutory authority to provide intelligence to SLTTP; provided timeline of I&A focus on field capabilities/information sharing, and metrics on the Fusion Centers; and shared how the MITRE independent study of I&A's field structure resulted in development of proposed changes to optimize I&A's mission and field operations.

Fusion Centers' Role in Homeland Security Discussion

DHS employee

(b) (6), (b) (7)(C): Explained Fusion Centers (FCs) are state-owned and operated centers that serve as focal points for threat-related information between SLTTP and federal agencies; touched on Fusion Center funding; and discussed Fusion Center effectiveness and the need to improve capacity building, training, and partnership engagement.

Nick Rasmussen: Noted Fusion Centers stood up after 9/11 with a focus on terrorism and asked what is their focus now?

DHS employee

(b) (6), (b) (7)(C): Answered it is all threats, all hazards.

David Carabin: Noted there are aspects in the grant money focused on terrorism.

(b) (6): Asked if there is oversight for how threat is defined?

DHS employee

(b) (6), (b) (7)(C): Answered the jurisdiction decides. Suggested the need for common and consistent capabilities. I&A lays out the requirements and priorities.

(b) (6): Asked if Fusion Centers have the ability and expertise to recognize the threat?

USIA Wainstein: Answered Fusion Centers give I&A a platform to connect across the country.

(b) (6): Suggested there are other crisis centers that also play a part.

DHS employee

(b) (6), (b) (7)(C): States are creating some oversight. For example, Maine implemented state legislature oversight of their Fusion Center.

(b) (6): Expressed concern about how Fusion Centers can engage on crime that is distant from terrorism, as well as the notion that Fusion Centers are directing what they focus on.

(b) (6) Argued that there should be oversight and Fusion Centers should focus on the issues in their area and where they are being funded. Joint Terrorism Task Forces (JTTFs) are focused on supporting the federal need. Fusion Centers could do the same for SLTTP.

(b) (6): Asked if the I&A staff be directed to not support state-only issues?

DHS employee

(b) (6), (b) (7)(C): Explained I&A personnel have authorities and training on what they can work, specifically with a federal focus.

(b) (6): Suggested I&A leverage social media and provide standardized training for State and Local as federal organizations each have unique capabilities and authorities.

(b) (6): Posed what is the situation where the Governor says do not do that?

I&A's Homeland Security Intelligence Priorities Framework (IA-HSIPF) Discussion

DHS employee

(b) (6), (b) (7)(C) Explained I&A took the National Intelligence Priorities Framework (NIPF) topics and adopted them to Homeland Security and then added Department topics. This is an iterative document and a starting point for the enterprise. Are we on the right track and does it have the right orientation?

(b) (6): Asked how does this relate to the field?

DHS employee

(b) (7)(C), (b) (6): Noted this is the foundational document that drives analysis and collection. This is the overarching framework.

(b) (6) : Recognized standardizing the Homeland Security intelligence priorities across the enterprise would be significant.

Working Lunch: Intelligence Products Supporting SLTTP Discussion

Jim Dunlap: Explained I&A has 100 analysts working across four centers: Counterterrorism Center; Cyber Intelligence Center; Nation-State Threats Center; and Transborder Security Center; expressed need to manage new growth, and understand who the customers are, the Department's posture, the posture at the border, and when to turn to NCTC on threat issues; identified need to identify who the experts are on the data we need; shared that customers value strategic trend and threat analysis, and our analysis is mostly at that level but we need to work on the operational level.

(b) (6) : Asked how much are you looking at alternative means of communication? Are there ways to use less sophisticated organized methods for integrating intelligence into decision-making? Also identified need to be able to use existing systems at the lowest levels to send triggers up or out. We should embed triggers in the existing systems, like Identity Intelligence.

(b) (6) : Posed what is the utility and accessibility of the information? Intelligence needs to be actionable, and to enable. The activities and information around January 6th is an example of is the information useful and accessible across the enterprise.

(b) (6) : Suggested that using AI you could see something and have the information forwarded, but then you bump into civil liberties and civil rights.

(b) (6) : Shared for years we have talked about need-to-know, but you do not always know what you need to know. That is intelligence sharing in the Homeland. On the tactical level there is a way to have access to the knowledgebase of the Intelligence Community.

(b) (6) : Stressed intelligence should be available – useful – relevant.

(b) (6) : Considered social media needs to be leveraged in a meaningful way. It is currently done only on identities.

(b) (6) : Pointed out it is a systems engineering challenge.

(b) (6) : Argued I&A needs to enable operators and decision makers.

Jim Dunlap: Posed what is the federal connection to the Watchlist? Can we put National Crime Information Center (NCIC) flags on there? You need to understand whose decision you are hoping to inform.

(b) (6) : Recommended creating a national architecture with better information sharing and integration.

(b) (6) : Argued we are failing the American people if we do not figure out how to use the data available to help us while being mindful of civil liberties and civil rights.

(b) (6) : Noted training is important, and a home base of reliable guidance is important.

(b) (6) : Pointed out some initiatives can be privacy enhancing. By getting to the individualized lower level, the law enforcement officer, you could drive them to a centralized knowledge base that has implemented controls.

(b) (6) : Posed what is the balance of strategic threat and warnings vs. specific details on an event, and how is information pushed out?

Jim Dunlap: Answered HSIN platform.

(b) (6) : Asked is there a targeted push?

(b) (6), (b) (7)(C) : Moving towards a subscription-based alert. Right now, they have to pull it.

(b) (6) : This seems like a perfect partnership with the Private Sector. Companies like Google are already doing this.

DHS employee

(b) (6), (b) (7)(C) : We need to integrate federal systems, including Open Source, across I&A, FBI, and the IC.

I&A Offsite and Phase II Updates Discussion

USIA Wainstein: Recapped Phase 1 focused on changes to the management structure to ensure the staff is better trained and that there is proper oversight over the intelligence collection processes; recapped Phase 2 was an assessment of priorities. Determining our main value and purpose while developing sustainable and repeatable processes. When considering change we discussed the parameters of the mission and distilled that down to a list of processes. Each Deputy Under Secretary and Steve and Andy are assessing all possible changes.

DHS employee

(b) (6), (b) (7)(C) : Noted will send out questions to the members as a homework assignment.

(b) (6) : Suggested rethinking dissemination what information looks like in this environment. If you look at the IC for management metrics it will not be productive.

USIA Wainstein: Closing remarks.



**Homeland Intelligence Experts Group
Agenda – I&A’s Collection Efforts
April 11, 2024**

**MITRE Corporation, Building 2, Room 6N120, 7515 Colshire Drive, McLean, VA
11:45am – 5:00pm EST**

11:45 AM Arrival and Working Lunch

12:00 PM Introductory Remarks

Ken Wainstein, Under Secretary for Intelligence and Analysis
Nick Rasmussen, DHS Counterterrorism Coordinator

(b) (6)

12:15 PM I&A Updates

Ken Wainstein

12:45 PM Liaison and Partnership with Collection

Stephanie Dorsey, Deputy Under Secretary for Collection
David Carabin, Deputy Under Secretary for Partnerships

1:45 PM Break

2:00 PM Collection Authorities and Limitations

DHS employee

(b)(6)(b)(7)(c)

(b) (6), (b) (7)(C)

Matt Kronisch, Associate General Counsel, Intelligence Law Division,
Office of General Counsel

2:30 PM Discussion: What Should Collection Look Like?

- What should collection in the Field and the HQ / Field relationship look like?
- What should collection tradecraft in the domestic space look like?

3:15 PM Break

3:30 PM Discussion: What Should Change?

- Should we make changes to authorities and limitations?
- Should we revisit matrix management?

-
- Should I&A be the entity to do all of this?
 - Should the classification policies be changed?

4:15 PM **Discussion:** Future agenda topics/Focus areas

4:45 PM **Closing Remarks**
Ken Wainstein
Nick Rasmussen

5:00 PM **Adjourn for No-Host Happy Hour (Optional)**
AKB Tysons, 7599 Colshire Drive, Tysons, VA 22102



Homeland Intelligence Experts Group –Meeting Summary

April 11, 2024

Experts Group:

John Bellinger, Jim Clapper, Rajesh De, Thomas Galati, Asha George, Emily Harding, Sean Joyce, David Kris, Gregory Nojeim, Caryn Wagner, Benjamin Wittes, Karen Greenberg – virtual attendee, Frank Taylor – virtual attendee

DHS:

^{DHS employee} Avery Alpha, ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} David Carabin, ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} Stephanie Dorsey, ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} Matt Kronisch, ^{DHS employee} (b)(6), (b)(7)(c), ^{DHS employee} (b)(6), ^{DHS employee} Kenneth Wainstein

Introductions/Opening Remarks

- Reminded attendees this effort is intended to generate individualized insights and contributions based upon each participant’s unique perspectives and experience and is not intended to seek collective recommendations or joint positions. What we do seek is vibrant discussions complete with robust disagreement. Disagreement is good.
- Today the discussion will include I&A’s unique collection mission and authorities, information sharing and liaison engagement, field interviews, and open-source information.
- The role of non-state entities in threats to the homeland is increasing and the partnerships with the State, Local, Tribal, Territorial, and Private Sector (SLTTP) is essential to protecting and defending the homeland.

Discussion: I&A Updates

- I&A needs to further develop the intelligence network within the United States by strengthening and expanding SLTTP partnerships while respecting civil liberties, civil rights, and privacy.
- An assessment of I&A priorities covered identification of I&A organizational priorities, six-month process to prioritize national and departmental intelligence topics for I&A, and primary focus areas.
- The homeland security intelligence priorities framework (HSIPF) was developed.
- The open-source collection effort is not adequately resourced, and I&A does not have the authorities needed to work in this domain.
- A consistent record is needed to identify the responsibilities and activities of the Federal Bureau of Investigation (FBI) as well as the broader IC including the limitations.
- Documenting the gaps in the authorities as well as what is not being done is important. A determination of the gap in analytic function and the expectations of what is being done and by whom is needed.
- Some attendees saw this as a Director of National Intelligence (DNI) problem. The DNI has two primary IC members contributing in this domain: FBI and I&A. The DNI needs to address the open-source issues since I&A is stating they do not have the authorities or resources. The DNI also needs to determine who is responsible and ensure they have the authorities and resources to do the mission.
- The risks associated with continuing things as they are currently being executed need to be documented.
- Determining what is guiding the IC in open-source collection and having a framework is important.

- I&A is limited by not being able to disguise who they are like the FBI can.
- It was suggested that getting someone like Philip Zelikow, who guided the 9/11 Commission Report, would be a good approach to identifying the gaps and doing a study on open-source intelligence (OSINT).
- There are vectors that are converging on OSINT: the differences between law and lore; the foreign domestic divide, especially on domestic issues; the data available in OSINT, publicly available information (PAI), and commercially available information (CAI); the issues with election security and social media.
- The study needs to consider other vectors that might be converging.
- The IC is lacking in OSINT and needs to optimize its use.
- There is a lot of political risk around OSINT and people are scared to act.
- The mission area is complicated due to authorities and protections which makes it difficult to translate to the workforce.

Discussion: Liaison and Partnership with Collection

- The discussion started with an overview of the Office of Collection mission, vision, and core capabilities, and the organizational structure for the Office of the Deputy Under Secretary for Collection.
- The HUMINT Review Team looked at policy, training, oversight areas, and ways to bring the organization in alignment to IC standards.
- A programmatic structure and documentation need to be in place with accompanying legal authorities and restrictions. A zero-base review of everything is also needed, including scoping Department level interests.
- Focus areas have been the southwest border, travel, and immigration.
- A homeland security cable system is being considered to create a consistent and authoritative communication mechanism that creates a permanent record.
- Customs and Border Protection (CBP) and Immigration and Customs Enforcement (ICE) look at the more tactical Intelligence Information Report (IIRs), while I&A IIRs (first issued in 2004) are more strategic.
- The future of I&A collection includes producing useable IIRs, utilizing HSIPF and Program of Analysis (POA), Integrate I&As Nationwide Functional Team within I&A to advance intelligence information sharing to address key threats and issues, determining to what extent a partner receives information against one of the priorities, and reevaluate partnerships and the individual and aggregate benefit from the information being shared, and working with collection and the field to incorporate metrics and to determine how things are going.

Discussion: Collection Authorities and Limitations

- There is a large set of needs with a small set of resources and limited authorities.
- I&A needs to determine the unique relationships they have in the collection landscape.
- Law enforcement does not always know the value of the information they collect. They rely on I&A more than any other stakeholder. Valuable open-source information comes from state and local.
- The DHS Components have different oversight processes. I&A is unaware of the activities that are occurring and the resources that are in place. I&A and the Components have to determine their mission space. There is not enough resources to do everything.

- I&A follows the Homeland Security Act when a mission is not specifically covered by Executive Order (EO) 12333.
- I&A national domestic issue areas include domestic terrorism; threats to the homeland; significant threats to security, health, public safety; major disasters; and drug activity.
- The Department of Justice and ODNI under EO 12333 both determined that DHS could work in the hate crimes mission space.
- When I&A does domestic terrorism collection, they can not infringe on someone's free speech.
- On the domestic side we do not have designated groups and the threats are not as clearly defined as foreign threats. I&A does not classify groups as terrorist groups.
- I&A has legal, compliance and oversight, civil rights, and civil liberties elements reviewing activities and there is not always agreement on the reviews.
- I&A should assess the processes other organizations, like the Department of State or law enforcement agencies, are using for their privacy, civil rights, and civil liberties activities. The I&A process places the burden on the analyst which is difficult due to inconsistent data and situations leading to differing interpretations.
- There is sensitivity to getting civil rights, civil liberties, or privacy issues wrong. There needs to be leadership accountability so that staff see the top cover and legal support.
- I&A should assess the New York Police Department and Secret Service processes concerning the First Amendment. The degree of collection as well as I&A's focus on strategic intelligence makes their situation different than other domestic organizations.
- First Amendment issues are multidimensional: support from other organizations varies, there is an internal management problem, and the staff working in this domain are fearful of second guessing.
- Civil rights, civil liberties, and privacy should be structured and not organizationally executed. There should not be disagreement on the law. Collectors should have a clear policy and process, legally, providing guidance and direction.

Discussion: Future Agenda Topics/Focus Areas

Suggestions for future Homeland Intelligence Experts Group Meetings:

- I&A process for prioritization of threats, resources, and mission focus.
- I&A Counterintelligence mission, effectiveness, and impact.
- The use of data science being used on travel analysis.
- Responsibilities as Chief Intelligence Officer (CINT) for DHS.
- Non-state actors and technology companies.
- Supervisor training, retraining and the outcomes for retention.
- I&A's partnership with DHS components.
- A case study on the lifecycle of the I&A collection and reporting process.
- The problems for law enforcement in counterintelligence.

Closing remarks

The next meeting will be 11 July 2024.