

ASPEN INSTITUTE HOMELAND SECURITY GROUP WINTER MEETING
February 11, 2016
Talking Points

Introduction and Opening Remarks

- Recognize Jane Harman and Michael Chertoff, the Aspen Institute Homeland Security Group (AIHSG) Co-Chairs.
- Recognize Clark Ervin, the AIHSG Executive Director.
- Acknowledge the AIHSG Members and thank them for their ongoing support to the Department. (Note: The AIHSG Members have engaged with you and the Department on a number of key issues to include: the 2015 budget, VWP, refugee screening, CISA, visa overstates, NTAS, TSA screening, and REAL ID)
- Remind the AIHSG Members that you need their ongoing support and that you value their opinions.
- Inform the AIHSG Members how they can help between now and the next AIHSG Meeting in July in Aspen.
- Introduce the three topics for presentation and discussion: Texas v. United States, the leading role the Department is taking in the USG effort to counter violent extremism, and the Department's plans for implementing the new cybersecurity legislation to strengthen our cyber and infrastructure protection mission.

Texas v. United States (Lucas Guttentag)

- The Supreme Court will review a decision by the Fifth Circuit invalidating the Secretary's Guidance providing for deferred action for parents of U.S. citizens and legal residents ("DAPA") in a case brought by Texas and other states or governors.
- The issues before the Supreme Court are whether: (1) the states have "standing" to file suit; (2) the DAPA Guidance complies with the Administrative Procedure Act; (3) the Secretary acted within his authority under the immigration laws; and (4) the Guidance violates the Take Care Clause of Constitution (requiring that the President "take Care that the Laws be faithfully executed").
- The case will be argued in April, and a decision is expected by the end of June.

Countering Violent Extremism (George Selim)

- On September 28, 2015, you announced the creation of a consolidated program to support community-based efforts to counter violent extremism. This program resides within the Office for Community Partnerships (OCP).
- OCP's mission is to engage local communities, including non-governmental organizations and faith-based organizations, and to build partnerships between these groups and the public and private sector, technology firms, and other stakeholders.

- The ultimate goal is to make OCP the prime convener of leadership, innovation, and support for local partners, peers, and various sectors in countering violent extremism.
- On January 8, 2016, the White House announced a new permanent interagency task force on CVE that will be housed at the Department, but jointly led by DHS and DOJ. FBI, NCTC and other departments and agencies, will provide additional staffing.

Implementation of Cybersecurity Legislation (Suzanne Spaulding)

- Title I of the new legislation, the Cybersecurity Information Sharing Act (CISA), provides protections, including liability protections, to companies that share cyber threat indicators and defensive measures with one another and with the government for cybersecurity purposes.
- Title II builds on last year's National Cybersecurity and Communications Integration Center (NCCIC) authorization by adding additional clarifications and new authorities. Title II also authorizes the Department's existing capabilities to detect and prevent cybersecurity intrusions in federal and civilian networks.
- An update on the status of procedures and guidelines under CISA is due on February 16, 2016, as well as an update on the status of the Department's automated indicator sharing capability.
- The Department has been working with Congress to strengthen the cyber and infrastructure protection mission by elevating the role of the NCCIC, bringing greater unity of effort across the organization, and transitioning the National Protection and Programs Directorate to become a new component called Cyber and Infrastructure Protection.

Conclusion and Closing Remarks

- Following the conclusion of the discussion, you will provide closing remarks, followed by Jane Harman, Michael Chertoff and Clark Ervin.