

DHS Could Do More to Address the Threats of Domestic Terrorism





OFFICE OF INSPECTOR GENERAL

Department of Homeland Security

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July 5, 2022

MEMORANDUM FOR: The Honorable Robert Silvers
Under Secretary for Strategy, Policy, and Plans
Department of Homeland Security

FROM: Joseph V. Cuffari, Ph.D. **JOSEPH V CUFFARI**
Inspector General

SUBJECT: *DHS Could Do More to Address the Threats of Domestic Terrorism*

Digitally signed by
JOSEPH V CUFFARI
Date: 2022.07.05
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Attached for your action is our final report, *DHS Could Do More to Address the Threats of Domestic Terrorism*. We incorporated the formal comments provided by your office.

The report contains six recommendations to improve DHS' efforts to prevent and reduce domestic terrorism in the United States. Your office concurred with all six recommendations. Based on information provided in your response to the draft report, we consider all six recommendations resolved and open. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed-upon corrective actions and of the disposition of any monetary amounts. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the Inspector General Act, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Bruce Miller, Deputy Inspector General for Audits, at (202) 981-6000.

Attachment

cc: See Distribution List



DHS OIG HIGHLIGHTS

DHS Could Do More to Address the Threats of Domestic Terrorism

July 5, 2022

Why We Did This Audit

The *Homeland Security Act of 2002* established DHS, charging it with the primary mission to prevent terrorist attacks in the United States. We conducted this audit to determine the extent to which DHS is positioned to prevent and reduce domestic terrorism in the United States.

What We Recommend

We made six recommendations to improve DHS' efforts to prevent and reduce domestic terrorism in the United States.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

The Department of Homeland Security could strengthen its efforts to prevent and reduce domestic terrorism in the United States. Although DHS continues to develop strategies for combating domestic terrorism, the Department has only made recent progress in achieving its mission to counter domestic terrorism.

DHS has taken steps to help the United States counter terrorism, but those efforts have not always been consistent. In 2019, DHS established a strategic framework with goals for countering terrorism and an accompanying implementation plan with actions designed to achieve those goals. However, DHS' data showed more than 70 percent of the milestone actions in the implementation plan were not completed as planned. This occurred because the Department has not established a governance body with staff dedicated to long-term oversight and coordination of its efforts to combat domestic terrorism.

DHS could also improve how it identifies domestic terrorism threats, tracks trends for future risk-based planning, and informs partners and the public about domestic terrorism. Specifically, the Department has limited access to the sources of information it needs to identify domestic terrorism threats. DHS could do more to compile, maintain, and track domestic terrorism information for future planning. Finally, the advisories DHS issues to inform partners and the public may not be timely to help them take steps to protect themselves from threats.

Without a cohesive long-term approach to countering domestic terrorism, DHS may not be able to proactively prevent and protect the Nation from this evolving threat.

DHS Response

DHS concurred with all six recommendations.



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Abbreviations

FBI	Federal Bureau of Investigation
GAO	Government Accountability Office
I&A	Office of Intelligence and Analysis
NTAS	National Terrorism Advisory System
OPS	Office of Operations Coordination
Privacy Act	<i>Privacy Act of 1974</i>
S&T	Science and Technology Directorate



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Background

The *Homeland Security Act of 2002* established the Department of Homeland Security with the mission to prevent terrorist attacks within the United States. One of DHS' top priorities is to protect Americans from threats of terrorism. In recent years, terrorists and criminals have increasingly adopted new techniques and advanced tactics in an effort to circumvent homeland security and threaten the safety, security, and prosperity of the American public. The rapidly evolving threat environment demands that DHS and its partners proactively respond to these threats by identifying, detecting, and preventing attacks against the United States.

The DHS Lexicon¹ defines domestic terrorism as “any act of unlawful violence that is dangerous to human life or potentially destructive of critical infrastructure or key resources committed by a group or person based and operating entirely in the United States or its territories, without direction or inspiration from a foreign terrorist group. This act is a violation of the criminal laws of the United States, or of any State or other subdivision of the United States, and appears to be intended to intimidate or coerce a civilian population, to influence the policy of the government by intimidation or coercion, or to affect the conduct of government by mass destruction, assassination, or kidnapping.”

A DHS Office of Intelligence and Analysis memorandum issued in March 2021,² noted the terms "domestic terrorism" and "domestic violent extremism" are interchangeable. Domestic violent extremism can fit within one or multiple categories of ideological motivation and can span a broad range of groups or movements. The memorandum defined a domestic violent extremist as an individual based and operating primarily within the United States or its territories without direction or inspiration from a foreign terrorist group or other foreign power who seeks to further political or social goals, wholly or in part, through unlawful acts of force or violence.

DHS and the Federal Bureau of Investigation (FBI) collaborate to prevent terrorist attacks in the United States. DHS is responsible for delivering intelligence and information to Federal, state, local, and tribal governments, and the private sector. FBI is responsible for leading law enforcement and domestic intelligence efforts to defeat terrorist attacks. DHS and FBI also work

¹ The DHS Lexicon is a repository of organized terms, acronyms, and phrases, providing a single, explicit, and context-driven definition for each word or phrase and, if necessary, extended definitions and supporting annotations.

² *The Interim Guidance: Terms and Definitions Associated with Domestic Terrorism or Domestic Violent Extremism.*



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together and with state and local law enforcement partners in matters related to domestic terrorism, including information sharing and training. *The Attorney General's Guidelines For Domestic FBI Operations* provide the full utilization of all authorities and investigative methods, consistent with the Constitution and laws of the United States, to protect the United States and its people from terrorism and other threats to the national security, to protect the United States and its people from victimization by all crimes in violation of Federal law, and to further the foreign intelligence objectives of the United States. As such, the mission aimed at domestic terrorism requires stronger partnerships and information sharing to provide the American people with a firm assurance that the responsible agencies are acting properly under the law.

Although not all DHS components have specific programs or groups dedicated to the prevention of domestic terrorism, they all contribute to this mission through their areas of expertise and authorities. We focused on the following primary support components:

- Office of Strategy, Policy, and Plans (Office of Policy): Designated lead for coordinating and tracking component efforts to meet the milestones established in the *Department of Homeland Security Framework for Countering Terrorism and Targeted Violence*. The offices under the Office of Policy assisting in countering and preventing domestic terrorism include:
 - Counterterrorism & Threat Prevention Policy: Leads the Department in addressing global transportation security, screening and vetting, watchlisting, information sharing, identity management and credentialing, and biometrics by developing and coordinating department-wide strategy and administering programs such as REAL ID and Countering Unmanned Aerial Systems.
 - Center for Prevention Programs and Partnerships:³ Serves as the Department's lead for intra- and inter-agency coordination and furtherance of the mission to prevent both violent extremism and targeted violence.

³ DHS established the Office for Community Partnerships in 2015 to lead the Department's mission to prevent radicalization to violent extremism. In 2017, DHS renamed the office the Office of Terrorism Prevention Partnerships. In 2019, DHS renamed it the Office for Targeted Violence and Terrorism Prevention, and the mission expanded to include both prevention of violent extremism and targeted violence. In May 2021, DHS changed the name to its current name, the Center for Prevention Programs and Partnerships.



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- Office of Intelligence and Analysis (I&A): Delivers information to state, local, tribal, and territorial governments, and private sector partners and develops information from those partners for the Department and the intelligence community. I&A manages the department-wide processes for coordinating and executing the information cycle at both the Federal and local levels and represents the Department in the state and locally-owned and operated fusion centers.
- Office of Operations Coordination (OPS): Serves as the bridge for sharing information among DHS components, across the interagency community, and along the homeland security enterprise. OPS provides situational awareness and incident and crisis management, facilitates cross-cutting operations through its special events program, and provides senior leadership decision support.
- Science and Technology Directorate (S&T): Aggregates research data on domestic terrorism incidents for the Department via contracts with universities. S&T provides an independent objective assessment of individuals, small groups, and organizations that affect threats, to ensure that DHS can understand the outcomes, impacts, and unintended consequences of DHS investments in targeted violence and terrorism prevention.

DHS strategies for countering terrorism have included strategies for combating domestic terrorism. The most recent strategy and accompanying implementation plan, as well as an internal review DHS conducted in 2021, included domestic terrorism:

- Department of Homeland Security Framework for Countering Terrorism and Targeted Violence (Strategic Framework) (September 2019): Articulates the Department's approach to confront and combat terrorism and targeted violence, specifying four goals:
 - Understand the evolving terrorism and targeted violence threat environment and support partners in the homeland security enterprise through this specialized knowledge.
 - Prevent terrorists and other hostile actors from entering the United States and deny them the opportunity to exploit the nation's trade, immigration, and domestic and international travel systems.
 - Prevent terrorism and targeted violence.
 - Enhance U.S. infrastructure protections and community preparedness.



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- Strategic Framework for Countering Terrorism and Targeted Violence – Implementation Plan (Implementation Plan) (October 2020): Aligns with the strategic framework and identifies actionable ways the Department will leverage its unique architecture to develop new and enhance existing tools to confront the terrorist threat environment. To achieve these goals, the plan identifies 539 milestone actions that need to be met over 4 years to complete Strategic Framework goals.
- Counterterrorism and Targeted Violence Posture Review (Posture Review) (June 2021): An internal Department review identifying opportunities and gaps in DHS’ current capabilities in its mission to prevent, detect, disrupt, and mitigate all forms of foreign and domestic terrorism and targeted violence.

In June 2021, the White House issued the *National Strategy for Countering Domestic Terrorism*. The strategy outlines four “strategic pillars” to guide the U.S. Government response to the threat posed by domestic terrorism:

- Understand and share domestic terrorism-related information.
- Prevent domestic terrorism recruitment and mobilization to violence.
- Disrupt and deter domestic terrorism activity.
- Confront long-term contributors to domestic terrorism.

We conducted this audit to determine the extent to which DHS is positioned to prevent and reduce domestic terrorism in the United States.

Results of Audit

The Department of Homeland Security could strengthen its efforts to prevent and reduce domestic terrorism in the United States. Although DHS continues to develop strategies for combating domestic terrorism, the Department has only recently made progress in achieving its mission to counter domestic terrorism.

DHS has taken steps to help the United States counter terrorism, but those efforts have not always been consistent. In 2019, DHS established a strategic framework with goals for countering terrorism and an accompanying implementation plan with actions designed to achieve those goals. However, DHS’ data showed more than 70 percent of the milestone actions in the implementation plan were not completed as planned. This occurred because the Department has not established a governance body with staff dedicated to long-term oversight and coordination of its efforts to combat domestic terrorism.



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DHS could also improve how it identifies domestic terrorism threats, tracks trends for future risk-based planning, and informs partners and the public about domestic terrorism. Specifically, the Department has limited access to the sources of information it needs to identify domestic terrorism threats. Additionally, DHS could do more to compile, maintain, and track domestic terrorism information for future planning. Finally, the advisories DHS issues to inform partners and the public may not be timely to help them take steps to protect themselves from threats.

Without a cohesive long-term approach to countering domestic terrorism, DHS may not be able to proactively prevent and protect the Nation from this evolving threat.

DHS Made Recent Progress in Its Mission to Counter Domestic Terrorism, but More Is Needed

Prior to 2019, DHS made some progress prioritizing its domestic terrorism mission. For example, the Department 1) issued a *National Strategy for Homeland Security* in 2004; 2) initiated a training program in 2011 focused on Federal, state, and local stakeholders organizing training on countering domestic violent extremism; 3) initiated a grant program in 2016 to support the efforts of state and local governments and nonprofit organizations to address domestic terrorism; and 4) issued a security and coordination plan⁴ in 2018. The plan showed progress in DHS' counterterrorism position in that it coordinated efforts across all components. The timeline in Figure 1 shows key DHS efforts to counter domestic terrorism from 2002 to 2020.

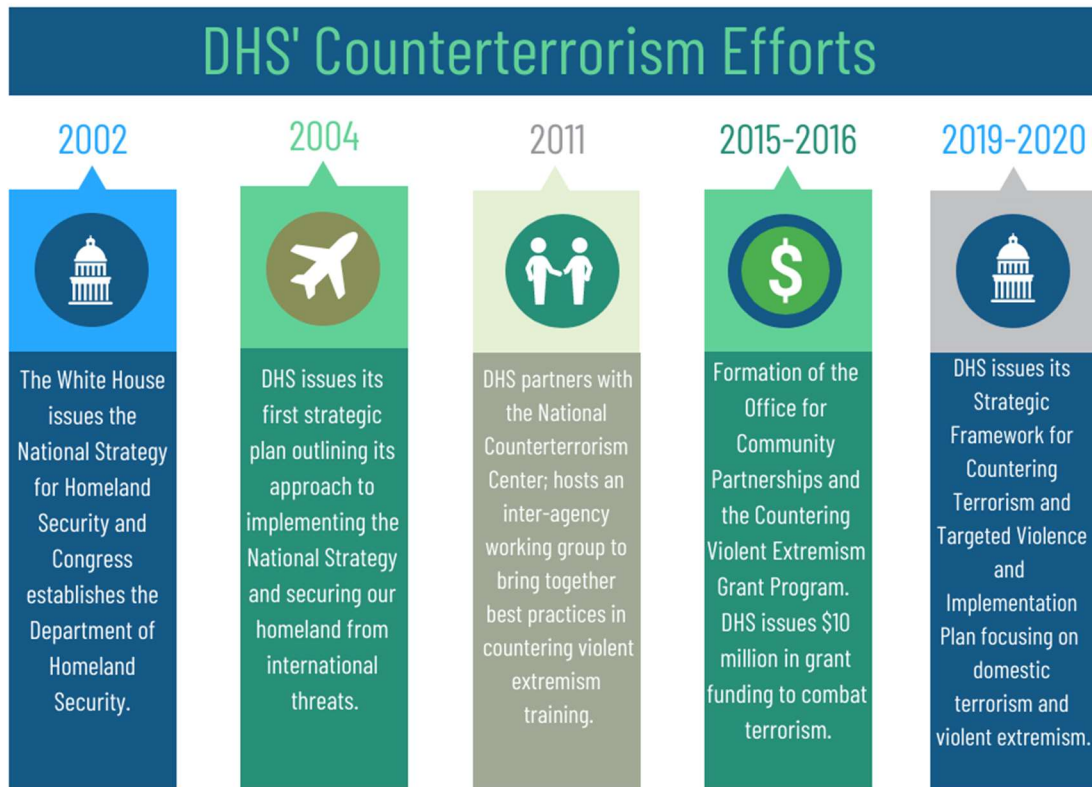
⁴ *Soft Target and Crowded Place Security Enhancement and Coordination Plan*, January 2018.



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Figure 1. Synopsis of DHS' Efforts to Counter Terrorism



Source: DHS Office of Inspector General analysis based on information from the DHS website.

DHS did not always sustain and focus past efforts on addressing domestic terrorism. For example, after issuing its national strategy in 2004, the Department's priority and focus continued to be international terrorism until 2012. The Department did not expand training for state and local governments and nonprofit organizations to focus on threat assessments and threat management techniques. DHS has not consistently funded grants designed to help recipients combat domestic terrorism. Finally, the 2018 security and coordination plan only addressed domestic terrorism security as it pertains to soft targets and crowded places.

DHS has made recent progress in its mission to prevent domestic terrorism, but more can be done. The 2019 Strategic Framework was the first department-level effort to prioritize addressing domestic terrorism. To achieve the goals outlined in the Strategic Framework, the corresponding Implementation Plan identifies 539 milestone actions that need to be met over



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4 years. However, DHS reported it had met only 29 (28 percent) of the 103 milestones with a completion planned for the end of 2020.

In 2021, DHS acknowledged, and the Government Accountability Office (GAO) reported,⁵ the Strategic Framework does not include full elements of a comprehensive strategy. For instance, it does not include information about the resources and investments required to achieve the goals in the strategy or include key external factors that could affect the achievement of the goals.

DHS initiated a Posture Review of the Strategic Framework in 2021 to prioritize and update existing goals, responsibilities, and Implementation Plan milestones. The Posture Review identified 117 action items to close the gaps across DHS in its counterterrorism mission. One identified action item was to establish a dedicated and central management structure to oversee the execution of the Implementation Plan.

Although the Posture Review illustrated DHS' prioritization of its counter-domestic terrorism mission, it also revealed that the Department has significant work remaining to achieve its goals. Namely, DHS identified more than half, 60 (51 percent) of the 117 action items as needing immediate attention. For example, one action item identified as needing immediate attention was updating collection strategies for accessing and making effective use of publicly available information.

DHS Did Not Establish a Long-Term Governance Body to Oversee Its Mission to Counter Domestic Terrorism

DHS is challenged in its efforts to counter domestic terrorism because it has not established a dedicated oversight and coordination body with resources to operate long-term. DHS has not established formal oversight business rules or a feedback mechanism to review, update, and measure the impact of actions taken in response to changes in the domestic terrorism threat environment.

Until DHS created the Strategic Framework and Implementation Plan, it had no consistent, dedicated governance body to oversee department-wide counterterrorism efforts. Once the Department issued the Implementation Plan, the Secretary assigned the Office of Policy the responsibility for developing and executing an approach to oversee milestone accomplishments and obtain component recommendations for new or modified actions.

⁵ *Countering Violent Extremism: DHS Can Further Enhance Its Strategic Planning and Data Governance Efforts*, GAO 21-507, July 2021.



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However, this responsibility has shifted among various groups in the Office of Policy.

As of December 2020, the U.S. Code⁶ authorized the establishment of the Counter Threats Advisory Board (Board)⁷ with the responsibility to coordinate efforts related to departmental intelligence activities, policies, and information related to the mission and functions of the Department that counter threats, including counterterrorism threats. The Counterterrorism Coordinator (Coordinator) is responsible for coordinating counterterrorism activities for the Department and across its directorates, components, and offices. The Coordinator also oversees the development of department-wide counterterrorism policy. However, the Board is only authorized for 2 years (from December 2020) with no guarantee that future laws will sustain it, and the same authorizing statute prohibits additional funds to carry out its mission.

As documented in a memo from the Counterterrorism Coordinator to the Secretary dated July 2021, and pursuant to DHS Delegation 08504, DHS established an Action Group, headed by the Coordinator under the Board, to coordinate DHS efforts associated with implementing the Strategic Framework for Countering Terrorism and Targeted Violence and the Posture Review, and all associated tracking and reporting requirements. The Action Group has no decision authority and must present its work to the Board for approval. The Coordinator in charge of the Action Group is currently a collateral duty and has no dedicated staff to support the function.

The Posture Review revealed there was no mechanism to ensure components and offices coordinated and prioritized their counterterrorism efforts. Although DHS has taken steps to coordinate its efforts by establishing the Board, Coordinator, and Action Group, the Department needs to better define roles and responsibilities and establish processes that can be sustained long-term.

⁶ 6 U.S.C. § 124m-1, *Departmental coordination on counter threats*.

⁷ Formally the Counterterrorism Advisory Board, this is an intra-departmental advisory body comprising DHS Senior Leadership that brings together the intelligence, operational, and policy-making elements from across DHS to facilitate a cohesive and coordinated operational response so that DHS can deter and disrupt terrorist operations.



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DHS Is Unable to Fully Identify Domestic Terrorism Threats, Track Trends, and Inform Partners and the Public

DHS could improve how it identifies domestic terrorism threats, tracks trends for future risk-based planning, and informs partners⁸ and the public. The Department has limited access to the sources of information it needs to identify domestic terrorism threats. DHS could do more to compile, maintain, and track domestic terrorism information for future planning. DHS' advisories for informing partners and the public about potential threats may not be timely to help them take steps to protect themselves.

DHS Has Limited Access to Domestic Terrorism Information

I&A cannot be proactive in identifying and informing partners of domestic terrorism threats. I&A officials told us they cannot access some types of information that is not publicly available, such as private social media groups and encrypted messaging applications and that Executive Order 12333 limits their ability to collect this information. Our review of nine I&A finished intelligence domestic terrorism products from July 1, 2020 through August 3, 2021, showed six of the products contained information that its partners could easily find on their own.

The *Homeland Security Act of 2002*⁹ gives DHS authority to access all the information it needs to meet its mission. However, Executive Order 12333,¹⁰ which appointed I&A as part of the intelligence community and set the direction of intelligence efforts, limits I&A to collecting information overtly or through publicly available sources. One I&A official said that I&A could use better insight into information that is not publicly available, such as FBI case files, state and local information on arrests and charging information, and social media platforms. Currently, I&A supplements its limitations by collecting information through disseminated FBI reporting, local law enforcement sources, and publicly available internet searches. For example,

- I&A can only view disseminated FBI files,
- state and local entities are not obligated to pass information onto the Federal government, and
- I&A does not have non-attributable access to social media.

⁸ Other Federal, state, and local agencies.

⁹ *Homeland Security Act of 2002*, Section 201(d)(1).

¹⁰ Executive Order 12333 – *United States intelligence activities*, Section 1.7(i), December 4, 1981.



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DHS Is Limited in Its Collection and Use of Statistical Information on Domestic Terrorism

The Implementation Plan gives S&T responsibility to work with partners to collect and consolidate relevant and comprehensive information to develop national-level statistics on terrorism and targeted violence. However, the *Privacy Act of 1974*¹¹ (Privacy Act) limits S&T's ability to independently collect, maintain, use, or disseminate records protected by the First Amendment. Specifically, S&T can research information and collect certain aspects of publicly available information but is limited in the type of information it can collect and use. S&T cannot compile, maintain, and track information linked to a specific person or name, because the Privacy Act restricts the use of information related to how individuals exercise their rights guaranteed by the First Amendment. Although the Privacy Act grants three exceptions that allow the use of the restricted information, S&T's work does not fall within these exceptions.

In addition, according to the Implementation Plan, to supplement S&T's efforts, I&A could initiate an effort to compile national-level statistics on terrorism and targeted violence based on its intelligence collection activities. The Implementation Plan gives I&A, in coordination with other DHS components, responsibility for releasing collected statistics to its partners.

Although I&A has developed a tracker of domestic terrorism attacks and disrupted plots since January 2010, it has not used the information to develop overall statistics on domestic terrorism that DHS and I&A partners could use to make informed decisions. According to an I&A official, the first time I&A used the spreadsheet tracker to develop DHS statistics on domestic terrorism incidents and briefed Federal, state, and local government partners was March 2022.

In January 2022, I&A completed its latest quarterly update to the domestic terrorism incident tracker by adding additional requirements, such as weapons and tactics used and the ideology motivating the attack or plot, which improved the process.

¹¹ *Privacy Act of 1974*, as amended, 5 U.S.C. § 552a, Section (e)(7).



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DHS' Domestic Terrorism Advisories to the Public May Not Always Be Timely

DHS may not always issue its advisories to the public timely to help stakeholders take steps to protect themselves from threats and help detect or prevent an attack. Under the *Homeland Security Act of 2002 Section 201(d)(7)*, DHS is responsible for issuing public advisories on threats to homeland security and for providing specific warning information to state and local governments, the private sector, and the public. DHS created the National Terrorism Advisory System (NTAS) to communicate to the public through bulletins and alerts about terrorist threats. The text box at right explains the purpose of each. From December 2015 through February 2022, DHS issued or updated bulletins related to domestic terrorism 17 times and did not issue any alerts.

DHS may not have always issued the bulletins timely. For example, the bulletin issued on January 27, 2021, warned of a heightened threat environment across the United States following the presidential inauguration. DHS issued this bulletin weeks after the January 6, 2021 attack on the Capitol.¹²

The NTAS guidance¹³ is also out-of-date, broad, and contradictory. Specifically:

- DHS has not updated the guidance since 2016.
- The guidance limits the level of detail DHS can communicate and how frequently. According to the guidance, DHS has the option to not issue a bulletin if it may stimulate objectives of terrorists via social media or other means. The guidance also states that DHS has the option to not

NTAS Advisories

Bulletins

Communicate critical terrorism information that, although not necessarily indicative of a specific threat against the United States, is intended to reach homeland security partners or the public for the recipients to implement necessary protective measures.

Alerts

DHS would issue an alert when there is specific, credible information about a terrorist threat. The alert may include specific information about the nature of the threat, as well as steps that individuals and communities can take to protect themselves and help prevent, mitigate, or respond to the threat.

¹² I&A *Identified Threats Prior to January 6, 2021, but Did Not Issue Any Intelligence Products before the U.S Capitol Breach* (OIG-22-29) also reported I&A's delay in sharing threat information timely.

¹³ *National Terrorism Advisory Board Standard Operating Procedures*, February 11, 2016; and *NTAS Concept of Operations*, December 1, 2015.



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issue a bulletin if increased frequency may lead to apathy or complacency, or it might conflict with state or local public instructions.

- The two guidance documents governing the NTAS process contradict each other in how specific advisories should be. According to one document, overly general advisories should be avoided, but the other document states that bulletins should generally address broader or more general trends.

DHS, through the Posture Review, acknowledged the NTAS guidance needs improvement. Specifically, the Posture Review notes that current processes and procedures for developing and issuing NTAS alerts have not been updated to reflect leadership direction and do not align to current governance and oversight processes. As of January 2022, DHS was updating the NTAS guidance.

DHS may not have issued the bulletins timely or updated its guidance because leadership of the NTAS has been inconsistent. An Office of Policy official said NTAS is currently the responsibility of the DHS Counterterrorism Coordinator, but there has been no dedicated staff since 2017, and staffing the NTAS process has been a collateral duty.

Conclusion

Given the current concern about domestic terrorism and the country's ongoing vulnerability to violent acts and destruction of critical infrastructure, the Department should strengthen its efforts to counter the threat of domestic terrorism. Having a governance body dedicated to overseeing and coordinating its efforts and ensuring actions are completed to achieve its strategic goals would help the Department achieve its mission to combat terrorism. As the threat of domestic terrorism continues to evolve, it is imperative that the Department strengthen its ability to collect and disseminate critical information to proactively assist other Federal Government agencies, state and local governments, and the public to deter, prevent, preempt, and respond to the threat of domestic terrorism.

Recommendations

Recommendation 1: We recommend the Counterterrorism Coordinator, with support from the Office of Strategy, Policy, and Plans, Office of Intelligence and Analysis, and the Management Directorate perform a needs assessment to identify the staffing and budget necessary for overseeing the department-wide mission to counter domestic terrorism.



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Recommendation 2: We recommend the Counterterrorism Coordinator use the results of the needs assessment to establish a long-term governing body to oversee and coordinate the Department's efforts to counter domestic terrorism by creating:

- a charter with business rules and roles and responsibilities for long-term action;
- a formalized documented process to monitor and track completion of action items; and
- a formalized documented feedback process to review, update, and measure the impact of priority actions taken in response to changes in the domestic terrorism threat environment.

Recommendation 3: We recommend the DHS Secretary work with the Attorney General and the appropriate congressional committees, to ensure each Department collects and shares direct access to domestic terrorism information. Specifically:

- The Under Secretary of Intelligence and Analysis should immediately begin working with the Federal Bureau of Investigation to ensure Office of Intelligence and Analysis domestic terrorism analysts have appropriate access to Federal Bureau of Investigation case information.

Recommendation 4: We recommend the Under Secretary of Science and Technology and the Under Secretary for Strategy, Policy, and Plans partner with agencies or Department of Homeland Security components to obtain access to appropriate information that may inform development of national-level statistics on terrorism and targeted violence.

Recommendation 5: We recommend the Under Secretary of Intelligence and Analysis:

- use the information collected in the domestic terrorism incident tracker to create national-level statistics on domestic terrorism; and
- share statistics with other Department of Homeland Security components.

Recommendation 6: We recommend the Counterterrorism Coordinator use the results of the needs assessment to ensure a dedicated level of staff support and resources to execute National Terrorism Advisory System functions.



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Management Comments and OIG Analysis

DHS concurred with all six recommendations and provided comments to the draft report. We included DHS' management comments in their entirety in Appendix B. DHS also provided technical comments to our draft report. We made changes to incorporate these comments as appropriate. All six recommendations are open and resolved. A summary of the DHS' responses and our analysis follows.

DHS Response to Recommendation 1: Concur. Management's Office of the Chief Financial Officer, in collaboration with the Counterterrorism Coordinator, Policy, and I&A, will initiate a needs assessment to identify staffing and budget requirements to counter domestic terrorism. DHS estimates a completion date of March 31, 2023.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS provides documentation showing the outcome of the needs assessment. The needs assessment should identify staffing and budget requirements necessary for overseeing the department-wide mission to counter domestic terrorism.

DHS Response to Recommendation 2: Concur. The Counterterrorism Coordinator will work with Policy, I&A, and other Counter Threats Advisory Board members to evaluate the oversight and coordination of the Department's efforts to counter domestic terrorism following the conclusion of the needs assessment. DHS estimates a completion date of June 30, 2023.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS provides documentation establishing: (1) a charter with business rules, and roles and responsibilities for long-term action; (2) a formalized documented process to monitor and track completion of action items; and (3) a formalized documented feedback process to review, update, and measure the impact of priority actions taken in response to changes in the domestic terrorism threat environment.

DHS Response to Recommendation 3: Concur. DHS will continue discussions with the Department of Justice and FBI leadership regarding appropriate access to domestic terrorism case information. DHS estimates a completion date of December 30, 2022.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS can demonstrate it has



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appropriately collaborated with the Department of Justice for appropriate access to FBI case information.

DHS Response to Recommendation 4: Concur. Policy and S&T, in collaboration with I&A, will coordinate to jointly produce a plan that addresses the current information gaps on terrorism and targeted violence, while complying with legal and privacy requirements, to develop and produce pertinent national-level statistics on these matters. DHS estimates a completion date of June 30, 2023.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS provides documentation it has access to appropriate information and is using this information to develop national-level statistics on terrorism and targeted violence.

DHS Response to Recommendation 5: Concur. I&A will publish its intelligence product providing an overview of domestic terrorism attacks and key disrupted plots. Additionally, it will widely disseminate this product to partners in DHS; the Intelligence Community; state, local, tribal, territorial, and private sector partners; and elsewhere, as appropriate. DHS estimates a completion date of December 30, 2022.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS provides documentation it has published its intelligence product and disseminated this product to partners in DHS and the Intelligence Community, and elsewhere, as appropriate.

DHS Response to Recommendation 6: Concur. The Counterterrorism Coordinator, using the needs assessment results, will coordinate with Management to identify sufficient staffing levels and resources to execute NTAS functions, as appropriate. DHS estimates a completion date of June 30, 2023.

OIG Analysis: We consider these actions responsive to the recommendation, which will remain resolved and open until DHS provides documentation it has identified sufficient dedicated staffing levels and resources to execute NTAS functions.



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Appendix A

Objective, Scope, and Methodology

The Department of Homeland Security Office of Inspector General was established by the *Homeland Security Act of 2002* (Public Law 107-296) by amendment to the *Inspector General Act of 1978*.

We conducted this audit to determine the extent to which DHS is positioned to prevent and reduce domestic terrorism in the United States. Specifically, we sought to determine the extent to which DHS made progress achieving its mission to prevent domestic terrorism. We also identified the Department's counterterrorism strategies and determined whether DHS implemented them. To gain an understanding of the Department's role regarding domestic terrorism, we reviewed the *Homeland Security Act of 2002*.

We interviewed multiple DHS component officials and personnel to gain an understanding of current roles and responsibilities related to countering domestic terrorism. We interviewed personnel and reviewed related files and documents from:

- Office of Strategy, Policy, and Plans
- Office of Intelligence and Analysis
- Office of Operations Coordination
- Science and Technology Directorate
- Cybersecurity and Infrastructure Security Agency
- Transportation Security Administration

As a result of our initial interviews during our planning, our fieldwork focused on the primary support components of Office of Strategy, Policy, and Plans, I&A, OPS, and S&T, as described in the background section of this report.

To answer our objective, including the assessment of internal controls, we reviewed DHS components' roles and responsibilities, related legislation, and DHS goals and priorities. We also reviewed prior OIG and Government Accountability Office reports, media articles, and congressional testimony.

To identify the number of I&A products, we requested a list of all products issued from July 2020 to August 2021. We selected this timeframe to ensure we assessed the most recently issued products. We limited our review to I&A's joint and finished intelligence products because these are the products that I&A has the authority to analyze.



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To assess I&A collection, analytic, and information sharing capabilities regarding domestic terrorism information, we randomly sampled 10 of 104 joint and finished intelligence products from I&A. We requested copies of the finished products to determine whether the information contained in the products was analyzed, identified common threats and/or risks, gathered prior to or after an event, and if the information could be obtained publicly.

We conducted data reliability of the information contained in the product listings by filtering the issue dates to ensure they were within the same time range that we requested. Additionally, we cross-walked the serial number and product title to source documentation. We concluded that the data was reliable for our analysis and message.

We conducted this performance audit between February 2021 and February 2022 pursuant to the *Inspector General Act of 1978, as amended*, and according to generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based upon our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based upon our audit objectives.



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Appendix B
Department's Comments to the Draft Report

U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

June 16, 2022

MEMORANDUM FOR: Joseph V. Cuffari, Ph.D.
Inspector General

FROM: Jim H. Crumpacker, CIA, CFE
Director
Departmental GAO-OIG Liaison Office

JIM H

CRUMPACKER

Digitally signed by JIM H
CRUMPACKER
Date: 2022.06.16 10:29:51
-04'00'

SUBJECT: Management Response to Draft Report: "DHS Could Do
More to Address the Threats of Domestic Terrorism"
(Project No. 21-019-AUD-DHS)

Thank you for the opportunity to comment on this draft report. The U.S. Department of Homeland Security (DHS or the Department) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this report.

DHS leadership is pleased to note OIG's recognition that the Department has already taken steps to help the United States counter threats of domestic terrorism. The Department is committed to supporting our partners prevent acts of targeted violence and terrorism in the United States. For example, DHS is making significant progress implementing activities associated with the strategic goals of the "National Strategy for Countering Domestic Terrorism" (National Strategy), dated June 15, 2021.¹

Given the evolving and heightened threat environment, DHS: (1) constantly re-assesses the threat landscape and the best posture to address it; and (2) will continue to adapt its strategy and resources to ensure it is adequately countering terrorism and targeted violence in all forms. For example, the DHS Office of Intelligence and Analysis' (I&A) Domestic Terrorism (DT) Branch, established in March 2021, increased its analytic production and engagement with stakeholders, and provided threat-related input on action-oriented National Terrorism Advisory System (NTAS) bulletins that provide timely, detailed information to the public.

¹ <https://www.whitehouse.gov/wp-content/uploads/2021/06/National-Strategy-for-Countering-Domestic-Terrorism.pdf>.



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DHS understands the critical role the public and our partners have in addressing domestic terrorism, as the Department's outreach provides information they need to help ensure the safety and security of local communities. Since fiscal year (FY) 2021, DHS has authored approximately 100 intelligence products related to domestic terrorism released to federal, state, local, tribal, territorial, and private sector partners, and published six NTAS bulletins to provide the public relevant information on terrorism threats to the United States.

Recognizing the evolving nature of the threat from domestic terrorism, DHS has also prioritized providing increased grant funding to partners to assist them in countering domestic terrorism. More specifically, on February 25, 2021, Secretary of Homeland Security Alejandro N. Mayorkas designated domestic violent extremism (DVE) as a "National Priority Area" within DHS's Homeland Security Grant Program for the first time, resulting in at least \$77 million being allocated for preventing, preparing for, protecting against, and responding to threats from DVE.

Additionally, at Secretary Mayorkas' direction, a cross-Departmental working group of senior officials conducted a comprehensive internal review of how to best prevent, detect, and respond to potential threats related to domestic violent extremism within DHS. The Department's Chief Security Officer led the Domestic Violent Extremism Internal Review Working Group that included experts from across DHS, as well as consultation with several interagency partners, which resulted in a publicly-released "Report to the Secretary of Homeland Security Domestic Violent Extremism Internal Review: Observations, Findings, and Recommendations," dated March 11, 2022, highlighting key steps the Department is taking to better prevent, detect, and respond to potential internal threats related to domestic violent extremism.²

The draft report contained six recommendations, with which the Department concurs. Enclosed, please find our detailed responses to each recommendation. DHS previously submitted technical comments addressing several accuracy, contextual, and other issues under a separate cover for OIG's consideration.

Again, thank you for the opportunity to review and comment on this draft report. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Enclosure

² <https://www.dhs.gov/publication/dhs-report-domestic-violent-extremism-internal-review>



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Enclosure: Management Response to Recommendations Contained in 21-019-AUD-DHS

OIG recommended that the Counterterrorism Coordinator, with support from the Office of Strategy, Policy, and Plans (PLCY), I&A, and the Management Directorate (MGMT):

Recommendation 1: Performs a needs assessment to identify the staffing and budget necessary for overseeing the department-wide mission to counter domestic terrorism.

Response: Concur. The Counterterrorism Coordinator and DHS PLCY completed and documented a review of the most pressing needs in an information memorandum titled “Counterterrorism and Targeted Violence Posture Review” on June 24, 2021, which identified gaps in specific Department counterterrorism priorities and recommended programmatic enhancements to fill these gaps. Priorities included, but were not limited to: (1) information sharing; (2) screening and vetting; and (3) prevention programs. Building from this foundation, MGMT’s Office of the Chief Financial Officer, in collaboration with the Counterterrorism Coordinator, PLCY, and I&A, will initiate a needs assessment that identifies staffing and budget requirements to counter domestic terrorism. Estimated Completion Date (ECD): March 31, 2023.

OIG recommended that the Counterterrorism Coordinator:

Recommendation 2: Use the results of the needs assessment to establish a long-term governing body to oversee and coordinate the Department’s efforts to counter domestic terrorism by creating:

- a charter with business rules and roles and responsibilities for long-term action;
- a formalized documented process to monitor and track completion of action items; and
- a formalized documented feedback process to review, update, and measure the impact of priority actions taken in response to changes in the domestic terrorism threat environment.

Response: Concur. DHS is striving to better define roles, responsibilities, and processes that it can sustain long term to over its mission to counter domestic terrorism. On December 21, 2020, DHS established the Counter Threats Advisory Board (CTAB) as an intra-departmental body comprising senior leadership from DHS Components and Offices charged with coordinating departmental intelligence and information sharing related to the mission and functions of the Department that counter threats. The CTAB makes recommendations to and advises the Secretary and other DHS leadership on these efforts and activities, including the issuance of public notifications pursuant to the NTAS.



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Following the completion of the Posture Review, DHS further established the Counterterrorism and Targeted Violence Action Group (CTTV-AG) in July 2021, which tracks the Department's progress in accomplishing objectives contained in key DHS and Administration strategic documents, such as the counterterrorism posture review and the "National Strategy". The CTTV-AG coordinates information sharing on this progress across the Department. Accordingly, the CTTV-AG provides the Counterterrorism Coordinator, Under Secretary for I&A, Assistant Secretary for Counterterrorism, Threat Prevention, and Law Enforcement within PLCY, and the CTAB with periodic updates on CTTV-AG progress in accomplishing objectives contained in the National Strategy and the DHS Counterterrorism Posture Review.

The Counterterrorism Coordinator will work with PLCY, I&A, and other CTAB members to evaluate the oversight and coordination of the Department's efforts to counter domestic terrorism following the conclusion of the needs assessment. ECD: June 30, 2023.

OIG recommended that the Secretary of Homeland Security and the Attorney General:

Recommendation 3: Work together with the appropriate congressional committees, to ensure each Department collects and shares direct access to domestic terrorism information. Specifically, the Under Secretary for Intelligence and Analysis should immediately begin working with the Federal Bureau of Investigation [FBI] to ensure Office of Intelligence and Analysis domestic terrorism analysts have appropriate access to Federal Bureau of Investigation case information.

Response: Concur. With the creation of the I&A DT Branch in March 2021, DHS has made significant investments to ensure that domestic terrorism information is utilized for the maximum benefit of Departmental customers. To this end, DHS looks forward to continuing its discussions with Department of Justice and FBI leadership regarding appropriate access to domestic terrorism case information. ECD: December 30, 2022.

OIG recommended that DHS, through the Under Secretary for PLCY and the Under Secretary of S&T:

Recommendation 4: Partner with agencies and components to obtain access to appropriate information that may inform development of national-level statistics on terrorism and targeted violence.

Response: Concur. PLCY and S&T, in collaboration with I&A, will coordinate to jointly produce a plan to address the current information gaps that exist, in compliance with legal and privacy requirements, in order to develop and produce national-level statistics on terrorism and targeted violence. ECD: June 30, 2023.



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OIG recommended that the Under Secretary for I&A:

Recommendation 5:

- use the information collected in the domestic terrorism incident tracker to create national-level statistics on domestic terrorism; and
- share statistics with other Department of Homeland Security components.

Response: Concur. During the first half of FY 2022, the I&A DT Branch conducted briefings with PLCY and CBP, and state, local, tribal, and territorial partners on findings from I&A's domestic terrorism incident tracker. I&A will also publish its first intelligence product providing an overview of domestic terrorism attacks and key disrupted plots since January 2010 in the United States, and widely disseminate this product to partners in DHS; the Intelligence Community; state, local, tribal, territorial, and private sector partners; and elsewhere, as appropriate. ECD: December 30, 2022.

OIG recommended that the Counterterrorism Coordinator:

Recommendation 6: Use the results of the needs assessment to ensure a dedicated level of staff support and resources to execute National Terrorism Advisory System functions.

Response: Concur. Using the needs assessment results, the CT Coordinator will coordinate with MGMT to identify sufficient staffing levels and resources to execute NTAS functions, as appropriate. ECD: June 30, 2023.



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Appendix C

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Appendix D

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