

441 G St. N.W.  
Washington, DC 20548

August 23, 2021

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Washington, D.C. 20528

### **Additional Priority Open Recommendations: Department of Homeland Security**

Dear Secretary Mayorkas:

On August 13, 2021, the Comptroller General sent you a letter regarding GAO's recommendations to the Department of Homeland Security (DHS) and to call your personal attention to areas where open recommendations should be given high priority.<sup>1</sup> This supplemental letter is to inform you that we are adding two new recommendations related to domestic intelligence and information sharing from our August 2021 report on DHS's special event designations as related to the Capitol attack on January 6, 2021.<sup>2</sup> These two additional recommendations bring the total number of priority recommendations to 40.

In the report, we recommended that DHS consider whether additional factors, such as the context of events and surrounding circumstances in light of the current environment of emerging threats, are needed for designating National Special Security Events (NSSE). DHS did not concur with the recommendation and said that they evaluate the context, current environment, and emerging threats when determining whether to designate an event as an NSSE. They noted that the designation process is proactive and involves months of planning with law enforcement partners and others. While we recognize that the NSSE process is complex and can take months to coordinate, our recommendation addresses the need for the process to remain dynamic and responsive to change. For example, as noted in our report, the Secret Service believed the joint session of Congress to certify the election results would not meet the current criteria for an NSSE designation because it is considered routine Congressional business. The view that the events on January 6, 2021 were routine business seems to ignore the context surrounding the November 2020 election, including potential emerging threats and protests. We continue to believe that, in light of the changing security environment, DHS should formally review the factors including whether additional events should be designated.

We also recommended that DHS update its policy to clarify and communicate the process for requesting an NSSE designation for an event held on federal property in Washington, D.C., to all relevant stakeholders, including relevant federal and local entities. DHS did not concur with

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<sup>1</sup>Priority recommendations are those that GAO believes warrant priority attention from heads of key departments or agencies. They are highlighted because, upon implementation, they may significantly improve government operation, for example, by realizing large dollar savings; eliminating mismanagement, fraud, and abuse; or making progress toward addressing a high-risk or duplication issue. See GAO, *Priority Open Recommendations: Department of Homeland Security*, [GAO-21-377PR](#) (Washington, D.C.: Aug. 13, 2021).

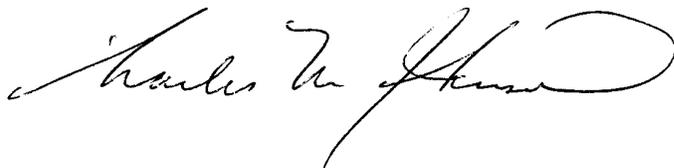
<sup>2</sup>GAO, *Capitol Attack: Special Event Designations Could Have Been Requested for January 6, 2021, but Not All DHS Guidance is Clear*, [GAO-21-105255](#) (Washington, D.C.: Aug. 9, 2021).

the recommendation and disagreed that its designation process needs clarification. However, our report found that there was confusion among relevant stakeholders as to who can initiate the request for designation of an NSSE on federal property in Washington, D.C. Specifically, the D.C. Homeland Security and Emergency Management Agency did not think the District Government had the authority to make such a request. Certain federal agencies that may provide security support during NSSEs indicated that they expect DHS or another agency to initiate the process. As noted in our report, there is a gap in DHS's policy and in the awareness of relevant partners regarding the process. Our recommendation is to clarify and communicate the policy, recognizing that it is important to both establish in policy who can request an NSSE designation for events on federal property in Washington D.C. and to make sure those entities have a clear understanding of the process. We continue to believe that action should be taken to assure that all entities have a clear understanding of the process and procedures. Taking this action would address the confusion identified in our work.

The Comptroller General has recused himself from GAO's work regarding the attack on the U.S. Capitol. If you have any questions or would like to discuss these specific recommendations, please do not hesitate to contact me or Triana McNeil, Director, Homeland Security and Justice Team at [McNeilT@gao.gov](mailto:McNeilT@gao.gov) or (202) 512-8777.

We appreciate DHS's continued commitment to these important recommendations. Our teams will continue to coordinate with your staff on all open recommendations. Thank you for your attention to these matters.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Charles Michael Johnson, Jr.", written in a cursive style.

Charles Michael Johnson, Jr.  
Managing Director  
Homeland Security and Justice Team

cc: John K. Tien, Deputy Secretary  
The Honorable Shalanda Young, Acting Director, Office of Management and Budget

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