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PROJECT GUARDIAN

Oversight of Terrorist Threat Information: A Proposal

- “*Terrorist Threat Information*” is a new category of information defined by Statute and/or Executive Order. It includes: foreign intelligence, foreign counter intelligence and law enforcement information (which could otherwise be lawfully obtained by or shared with federal law enforcement agencies or the Intelligence Community).
- “*Terrorist Threat Information*” could also include other specific categories of information (including public health, safety and environmental information) which the Federal Government otherwise had lawful access to, provided that the Director of Central Intelligence (DCI), the Secretary of the Department of Homeland Security (DHS), Attorney General (AG) and the Secretary of Defense (SECDEF) determined in advance that such categories of information were “relevant” to the “current terrorist threat”; such categories would be periodically reviewed, approved and reported to various Committees of Congress.
- “*Terrorist Threat Information*” would be disseminated to certain approved federal, state and local agencies. [The DCI, the Secretary of DHS, AG and SECDEF would be required to initially approve the nature, extent and categories of dissemination and periodically report such determinations to various Committees of congress.]
- Necessary amendments to/waivers of the Freedom of Information Act (FOIA) and Privacy Act would be enacted/obtained.
- “*Terrorist Threat Information*” would be also analyzed with technology that applied “*Current Threat Models*” to the data, such “*Current Threat Models*” to be established, periodically reviewed and approved by the DCI, Secretary of DHS, AG, and SECDEF; report of such determinations and reviews could be provided to select Committees of Congress.
- “*U.S. Person*” (as defined in current law) information obtained for and contained in the “*Terrorist Threat Information*” database would be, *at first intake and from whatever source*, protected by anonymous coding, which would indicate that the data is related to a U.S. person, but would not allow identification of the person, unless and until specifically approved by one of two procedures:
- *U.S. Person identity and information could be revealed and disseminated in the context of a Current Threat Model, provided such release was approved by a senior official; reports of such releases would be provided periodically to various Committees of Congress.*
- *In addition, U.S. Person identity and information relating to an “Urgent Terrorist Threat”, as defined, could also be revealed and disseminated on specific approval of the AG and the Secretary of DHS; reports of such releases would be given to the same Congressional leaders as identified in the “covert action” section of the National Security Act.*
- Approvals/court orders for specific U.S. Government collection of foreign intelligence/foreign counterintelligence concerning U.S. Persons would continue to be governed by existing authorities.
- A *comprehensive annual or semi-annual report of all activity* described above would be required in unclassified version for public release and a classified version to various Committees of Congress.