



August 15, 2023

The Honorable Mark Warner
Chairman
Select Committee on Intelligence
U.S. Senate
Washington, DC 20510

The Honorable Mike Turner
Chairman
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

The Honorable Marco Rubio
Vice Chairman
Select Committee on Intelligence
U.S. Senate
Washington, DC 20510

The Honorable Jim Himes
Ranking Member
Permanent Select Committee on Intelligence
U.S. House of Representatives
Washington, DC 20515

Dear Chairs Warner and Turner, Vice Chair Rubio, and Ranking Member Himes:

Law enforcement officers across the country risk their lives every day to protect and serve our communities. In order to be successful, they rely on allied partnerships with federal partners such as the Department of Homeland Security. S. 2103, the Intelligence Authorization Act for Fiscal Year 2024, Section 312 will produce significant consequences pertaining to counterterrorism and foreign intelligence, border security, drug smuggling, protection of critical infrastructure, and public safety overall.

The Overt Human Intelligence Collection (OHIC) Program operated by the Department of Homeland Security's Office of Intelligence and Analysis (I&A) was established after 9/11 to generate and maintain an effective national intelligence network. This network is comprised of federal intelligence and law enforcement communities, state, local, tribal, and territorial authorities, and the private sector owners and operators of critical infrastructure. This network has been critical in preventing another 9/11. It has operated in the years since with due regard to the protection of civil liberties, producing intelligence of significant value to our efforts to defend our Nation against threat actors like the Mexican cartels, which continue to traffic fentanyl and other deadly drugs that are killing Americans at record rates.

On May 4, 2023, DHS I&A announced an organizational realignment to ensure that I&A's operations are conducted in full alignment with the safeguards that protect American privacy, civil rights, and civil liberties. This realignment will strengthen the authority and reach of I&A's oversight functions by establishing a Transparency and Oversight Program Office that is led by one of the Department's most experienced and respected homeland security lawyers.

Should I&A be subject to the collection prohibition set forth in Section 312, it could not collect publicly available or departmental information needed to analyze or report on the activities, associations, or tactics, techniques, or procedures used by individuals in the country who have radicalized to violence.

Under Section 312, I&A could not collect even the most basic publicly available information about U.S. persons who are suspected criminals or terrorists even if they have been charged or convicted of terrorism-related crimes. I&A also would not be able to analyze the responses of people inside the United States consuming and amplifying foreign terrorist organization-generated media. Among other things, this would

compromise I&A's ability to provide essential threat or vulnerabilities information in support of DHS's National Terrorism Advisory System advisories and Joint Threat Assessments preceding National Special Security Events.

While the tragedy of September 11th occurred over 20 years ago, we must not be complacent and ignore the innovative, balanced, and thoughtful approaches which were articulated in the 9/11 Commission Report. The report overtly recommended numerous improvements to the sharing of information and intelligence between federal, state, local, and tribal agencies and since these recommendations were implemented, the intelligence community has improved upon them as threats continue to emerge and evolve over time. These progressive recommendations led to incredible cooperation at all levels of law enforcement which continues today and is absolutely critical in maintaining the safety and security of our nation. Should we harness, prohibit, or disallow partners from sharing vital intelligence with each other and restrain the monitoring of nefarious actors, it will make America less safe – and it will be no secret to both international and domestic criminals that we have weakened our oversight of their activities.

Over the last five to ten years, the threats we have faced have become more dangerous and complex and our adversaries, both foreign and domestic, have become bolder in their tactics and strategies. This is not the time to make intelligence and information sharing siloed and prohibitive of thoughtful collaboration.

In light of these serious concerns, we, the undersigned organizations, strongly urge you to consider the serious real-world public safety and homeland security impacts, and we ask you to yield to the House Permanent Select Committee on Intelligence. Certainly, a yearlong study to examine I&A's Transparency and Oversight Program Office would prove to provide factual data in establishing that I&A is not overreaching its oversight functions. We appreciate your attention to this matter.

Sincerely,



Jonathan Thompson
Executive Director, CEO
National Sheriffs' Association



Megan E. Noland
Executive Director
Major County Sheriffs of America



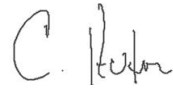
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