

Libin, Nancy C. (ODAG)

From: Libin, Nancy C. (ODAG)
Sent: Thursday, October 14, 2010 11:33 AM
To: [REDACTED]
Subject: RE: Backdrop paper re: ISE Authorities related to the NSI - eGuardian discussions

Thanks, [REDACTED]

From: [REDACTED]
Sent: Thursday, October 14, 2010 11:31 AM
To: Libin, Nancy C. (ODAG)
Subject: RE: Backdrop paper re: ISE Authorities related to the NSI - eGuardian discussions

Here's the attachment.

From: Libin, Nancy C. (ODAG) [mailto:Nancy.C.Libin@usdoj.gov]
Sent: Thursday, October 14, 2010 11:30 AM
To: [REDACTED]
Subject: RE: Backdrop paper re: ISE Authorities related to the NSI - eGuardian discussions

[REDACTED] -- Thanks very much for sending this along.

Best,
Nancy

From: [REDACTED]
Sent: Thursday, October 14, 2010 11:25 AM
To: Libin, Nancy C. (ODAG)
Subject: Backdrop paper re: ISE Authorities related to the NSI - eGuardian discussions

Hi Nancy,

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[REDACTED]

[REDACTED]

www.ise.gov

ISE Authorities relating to NSI-eGuardian discussions

--Source of PM-ISE's Statutory Authority

Under IRTPA sec. 1016(f) the PM is responsible for "issu[ing] governmentwide (sic) procedures, guidelines, instructions, and functional standards, as appropriate, for the management, development, and proper operation of the ISE." (IRTPA, sec. 1016(f)(2)(A)(iii) (emphasis added).) Functional standards issued by the PM must be drafted in consultation with the Information Sharing Council (ISC) (now ISA-IPC) and be consistent with policies issued by the President, DNI, and OMB. (IRTPA, sec. 1016(f)(2)(A)(iii).)

The ISE-SAR FS is consistent with policies issued by the President, the DNI, and OMB; and is appropriate for the management, development, and proper operation of the ISE. The PM-ISE properly issued the ISE-SAR FS. As a properly issued FS it has government wide applicability, and therefore applies to the FBI.

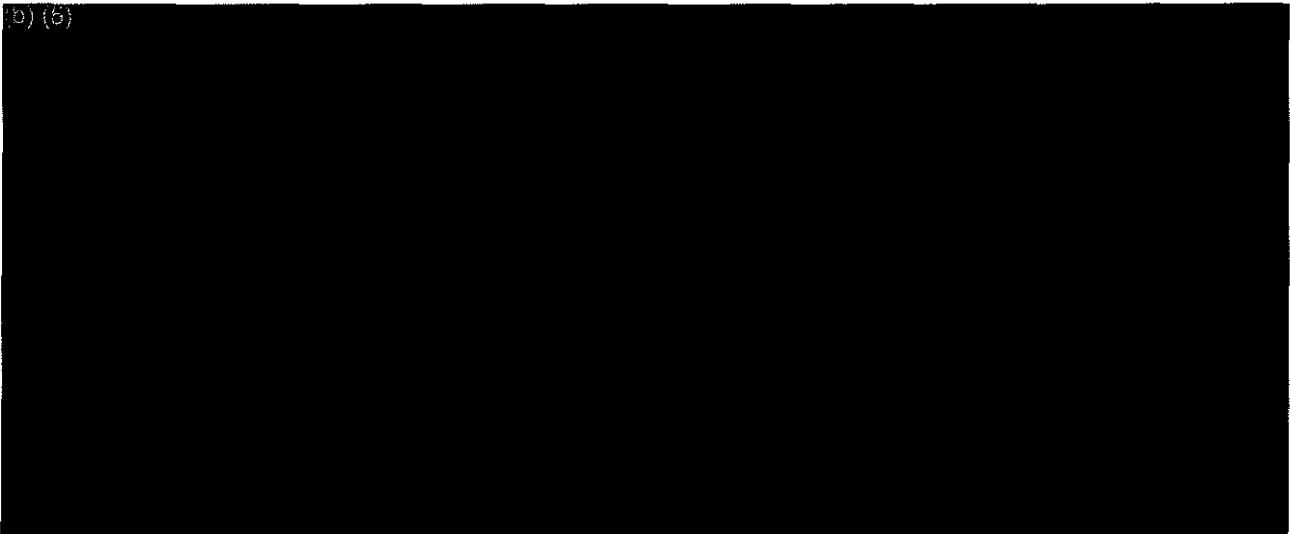
IRTPA, sec. 1016(b)

IRTPA sec. 1016(b), among other things, requires the President to determine and enforce the policies, directives, and rules that will govern the content and usage of the ISE (IRTPA, sec. 1016(b)(1)(B)); to "facilitate[] the availability of information in a form and manner that facilitates its use in analysis, investigations and operations" (IRTPA, sec. 1016(b)(2)(C)); and to "integrate[] the information within the scope of the information sharing environment." (IRTPA, sec. 1016(b)(2)(J).)

Through a series of delegations the PM-ISE is now responsible for exercising the President's responsibilities under IRTPA sec. 1016(b). Particularly, on April 10, 2007, the President delegated his section 1016(b) functions to the DNI. In that delegation the President directed that the PM-ISE shall be the DNI's assistant in carrying out those functions. Thereafter, on May 2, 2007, the DNI re-delegated the section 1016(b) functions to the PM-ISE.

Generally speaking then, the PM-ISE now exercises the President's authority under IRTPA sec. 1016(b). So then to the extent the ISE-SAR FS governs the content and usage of the ISE; facilitates the availability of terrorism information to foster FBI analysis, investigations, or operations; or integrates terrorism information within the ISE, the FS was issued under sec. 1016(b).

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