



STAFF ADDENDUM TO PCLOB REPORT ON AUTHORITIES ADDRESSING FOREIGN RACIALLY MOTIVATED EXTREMISM & PRIVACY AND CIVIL LIBERTIES IMPACTS

APRIL 30, 2025

The Privacy and Civil Liberties Oversight Board (“PCLOB” or “Board”) released its Assessment and Recommendations of Authorities Addressing Foreign Racially Motivated Extremism & Privacy and Civil Liberties Impacts (“Report”) on January 21, 2025. In accordance with standard practice, the Report had been subject to review by the Office of the Director of National Intelligence (“ODNI”) for accuracy and classification prior to its release. Following publication of the Report, ODNI alerted PCLOB that Congress in 2022 had rescinded Section 1016(h) of the Intelligence Reform and Terrorism Prevention Act (“IRTPA”) which required the President to submit to Congress annual reports on the state of the Information Sharing Environment (“ISE”) and information sharing across the federal government.¹ Accordingly, the portions of PCLOB’s Report that cite to that provision of IRTPA as a current requirement are in error.

The deletion of that provision, however, does not relieve the Executive Branch of all reporting requirements with respect to the ISE. Under a provision of IRTPA that remains in effect, the ISE Program Manager responsible for information sharing across the Federal Government must still “assist, monitor, and assess the implementation of the ISE by Federal departments and agencies to ensure adequate progress, technological consistency and policy compliance; and regularly report the findings to Congress.”²

It remains our understanding that ODNI has not submitted reports on the ISE to Congress since 2019. Accordingly, the Report’s recommendation that ODNI should recommence filing regular, if not annual, reports in compliance with IRTPA stands.

¹ See James M. Inhofe National Defense Authorization Act for Fiscal Year 2023, Pub. L. No. 117-263, Div. F, § 6811(c), 136 Stat. 2395, 3600-3601 (2022).

² Intelligence Reform and Terrorism Protection Act of 2004, Pub. L. No. 108-458, § 1016(f) (2004) (codified as amended at 6 U.S.C. § 485(f)(2)(A)(v)).