U.S. Department of Homeland Security
Washington, DC 20528

Homeland Security

August 1, 2018

Ben Berwick
Counsel
Protect Democracy
10 Ware St.
Cambridge, MA 02138

Faiza Patel
Brennan Center for Justice at NYU School of Law
120 Broadway, Suite 1750
New York, NY 10271

Benjamin Wittes
Senior Fellow and Research Director in Public Law
The Brookings Institution
1775 Massachusetts Ave, NW
Washington, DC 20036

Michael Crowley
P.O. Box 211
Belmont, MA 02478

Nora Ellingsen
1563 Massachusetts Ave
Cambridge, MA 02138

Dear Mr. Berwick, Ms. Patel, Mr. Wittes, Mr. Crowley, and Ms. Ellingsen:

The Department of Homeland Security ("Department") writes in further response to your February 8, 2018, request for correction under the Department's Information Quality Act ("IQA") guidelines. Your request seeks retraction and correction of information in the Executive Order 13780: Protecting the Nation from Foreign Terrorist Entry Into the United States Initial Section 11 Report ("Initial Section 11 Report" or "Report"). The Department provided an interim response to your request on June 19, 2018. As noted in that response, the Department required additional time to resolve your request given the number and complexity of issues raised in your request.

The Department has now completed its review of your IQA request and its contentions in connection with the Initial Section 11 Report and the Department's IQA guidelines. Based on information presently available, the Department has determined that there is no inconsistency with the information contained in the Initial Section 11 Report and the Department's IQA guidelines.

Section 11(i) of Executive Order (EO) 13780 required the Secretary of Homeland Security, in consultation with the Attorney General, to provide information regarding the number of foreign nationals in the United States who have been: charged with terrorism-related offenses while in the United States; convicted of terrorism-related offenses while in the United States; or removed from the United States based on terrorism-related activity, affiliation with or provision of material support to a terrorism-related organization, or any other national-security-related reasons. Pursuant to Section 11(i), the Department and the Department of Justice (DOJ) worked collaboratively to provide the information for the Initial Section 11 Report.

In the request, you ask that additional data, context, and explanations be provided. For instance, you argue that the Report should include information on domestic terrorism. However, the Report specifically identified what information was available and noted that because of previous information collection practices some of the data presented did not capture the full spectrum of statistics envisioned by the EO. Report at 1. As the Report makes clear on its face, the scope of the data on terrorism convictions is confined to international terrorism-related offenses. *Id.* at 2. On this point as with other data, the information contained in the Report is annotated to explain the data being provided, and the Report contains caveats for the data limitations. For example, the report provides that "DHS and DOJ do not yet have complete, final information" concerning the 402 convictions of foreign nationals or naturalized U.S. citizens. *Id.* at 2-3. Where data was not available, the lack of data is either noted in the report or other sources of estimated data are referenced with citations to those sources. *Id.* at 8 & n.15.

Much of your request does not specifically challenge the accuracy of the data contained in the Report, but rather requests that the Report be amended to include "appropriate context." In addition, you advance arguments based not on the data in the Report itself, but on your differing interpretation of that data, which do not warrant correction under the Department's IQA guidelines. As noted in the Report, the Department will endeavor to provide additional information in future reports that are required to be issued under the EO. With respect to such future reports, the Department is working to refine the available data, provide more detail where practicable, and examine other datasets that might warrant release in the interest of transparency about the threat environment, especially the challenge of terrorist recruitment and radicalization.

Based on its review of your request, the Department concludes that neither retraction nor correction of information in the Initial Section 11 Report is warranted, and therefore denies your request. As noted above, the Department will be providing additional information, consistent with privacy protections and other limitations, in future reports issued pursuant to the requirements of Executive Order 13780. The Department

will take the points raised in your IQA request into consideration in the preparation of future reports.

The Department's IQA guidelines provide petitioners with the right to an administrative appeal. Any appeal of the Department's decision on your request must be submitted within 45 business days of this response letter. Please direct any appeals to:

Department of Homeland Security
ATTN: Office of the Chief Information Officer/Information Quality Officer
245 Murray Lane, SW
Mail Stop 0136
Washington, DC 20528

Email: DHS.InfoQuality@hq.dhs.gov

Fax Number: 202-343-2530

Sincerely,

Tyrone Huff