

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

February 5, 2008

The Honorable Christopher S. Bond
Select Committee on Intelligence
United States Senate
Washington, DC 20510

Dear Mr. Vice Chairman:

Thank you for your letter of January 18, 2008, regarding implementation of the “Protect America Act of 2007” (PAA). The authorities provided by Congress in the PAA have allowed the Intelligence Community (IC) to collect vital foreign intelligence information, and made the Nation safer by enabling the IC to close gaps in our foreign intelligence collection. As you are aware the PAA will shortly expire, and it is critical that the IC retain the authority – through the “FISA Amendments Act” – to conduct surveillance on foreign intelligence targets located overseas with the speed and agility necessary to safeguard the American people.

I appreciate your desire for context in understanding what it means to “close a gap” in the connection with the debate on the FISA Amendments Act. Per your request, we are providing some unclassified examples and a separate classified letter prepared by the National Security Agency to illustrate the intelligence value of PAA collection activities. In particular, under PAA we have obtained information related to:

- Insight and understanding leading to disruption of planned terrorist attacks;
- Efforts of an individual to become a suicide operative;
- Efforts by terrorists to obtain guns and ammunition;
- Terrorist facilitator plans to travel to Europe;
- Terrorist efforts to disguise their appearance;
- Information on terrorist money transfers;
- Identifying information regarding foreign terrorist operatives;
- Understanding international al-Qa’eda networks;
- Plans for future terrorist attacks;
- Movements of key extremists to evade arrest.

These examples offer a glimpse inside terrorist organizations—information that is key to tracking and disrupting their operations. The IC must continue to collect information of this nature if we are to stay ahead of terrorist and other threats to the United States.

It is important to note that the FISA Amendments Act (S. 2248 as passed by the Senate Select Committee on Intelligence) contains a critical provision lacking in the PAA – retroactive liability protection. We cannot gather this kind of valuable intelligence without cooperation of private parties. Merely extending the expiration date of the PAA, without addressing the issue of

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liability protection, would plunge important intelligence programs into a state of uncertainty and delay.

I appreciate your efforts, and those of your committee, at crafting a bill (S. 2248) that provides for not only the authorities the IC needs, but ensures that the IC can receive cooperation absolutely vital to our national security. Although S. 2248 is not perfect, I am optimistic that it will lead to a bill that the President can sign. It is critical, however, to achieve this goal before the PAA extension expires on February 16, 2008.

If you have any questions on this matter, please contact me or my Director of Legislative Affairs, Kathleen Turner, who can be reached on (202) 201-1698.

Sincerely,

A handwritten signature in blue ink that reads "J.M. McConnell". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

J.M. McConnell

cc: The Honorable John D. Rockefeller IV

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