

UNCLASSIFIED

THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

April 12, 2007

The Honorable John D. Rockefeller IV
Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

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

Dear Mr. Chairman and Vice Chairman Bond:

I am pleased to provide you with the Administration's proposal to modernize FISA (Title IV of the proposed Fiscal Year 2008 Intelligence Authorization Act) in advance of the hearing on legislation to amend the Foreign Intelligence Surveillance Act (FISA) to be conducted by the Senate Select Committee on Intelligence (SSCI) on April 17, 2007. Since 1978, FISA has served as an important framework governing Intelligence Community activities, but dramatic changes in technology have created unanticipated consequences for the FISA system. I believe this proposed legislation will restore FISA to its original purpose and significantly improve the intelligence efforts to protect America.

The proposal seeks to accomplish several goals. First, it brings FISA up to date with the changes in communications technology and makes the statute technology-neutral. It preserves the privacy protections built in to the original FISA statute. Most importantly, it ensures that the privacy interests of persons in the United States are protected. It enhances the authority to secure assistance from private entities, and makes certain they are protected from liability for having assisted the government in its counterterrorism efforts. Finally, it makes changes that will streamline the FISA process so that the Intelligence Community can effectively direct resources and ensure that the rights and safety of all Americans are protected.

The proposed legislation resulted from an extensive interagency effort that began over a year ago and included both participants from inside and outside the Intelligence Community. We have briefed and discussed various proposals with staff of both the SSCI and the Permanent Select Committee on Intelligence of the House of Representatives (HPSCI) and provided them with numerous briefings on the topic. In addition, congressional committees held numerous hearings related to this topic in 2006.

The enclosed document constitutes the Administration's proposal for FISA modernization in its entirety. The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presenting of these legislative proposals for your consideration and the consideration of Congress at this time.

The remainder of our proposed Fiscal Year 2008 Intelligence Authorization Act, not included in this transmission, contains provisions unrelated to FISA modernization, but of interest to the Intelligence Community. These unrelated provisions will be formally transmitted to you shortly (Titles I, II, and III of the proposed Fiscal Year 2008 Intelligence Authorization Act).

I look forward to working with the Congress to ensure the enactment of this critical legislation. Our most important duty is to do everything possible to protect America, while ensuring that we respect the Constitution, laws, and the civil liberties of all Americans in all of our activities.

Sincerely,

A handwritten signature in black ink, appearing to read "J.M. McConnell". The signature is written in a cursive, flowing style with a large initial "J" and "M".

J.M. McConnell

Enclosure as stated

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THE DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

April 12, 2007

The Honorable Silvestre Reyes
Chairman
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

The Honorable Peter Hoekstra
Ranking Member
Permanent Select Committee on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Ranking Member Hoekstra:

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