

FISA Overhaul Needs to be Made Permanent

Congress must pass a FISA fix that addresses modern day intelligence gathering scenarios. In August 2007, Gus joined more than 190 House Republicans signing and releasing a letter to House Speaker Pelosi urging her to pass the necessary FISA reform that closes the existing intelligence gap identified by the Director of National Intelligence (DNI).

An excerpt from the letter:

“The Congressional Intelligence Committees and the House leadership have known about this problem since April of this year and yet, we are now approaching the August recess and still no action has been taken to fix the problem. Madam Speaker, our intelligence analysts are not able to connect the dots to keep us safe if they cannot collect the dots in the first place. This situation is unacceptable and places the American people at risk.”

An editorial in the Wash Times today outlines what Congress needs to do on FISA . . .

“When Congress returns to work next week, the first item on its national security agenda needs to be enacting into law permanent changes to the Foreign Intelligence Surveillance Act (FISA), the primary law governing the collection of foreign intelligence, which expires Feb. 1.”

The Foreign Intelligence Surveillance Act (“FISA”) was enacted in 1978. It is now technologically outdated, placing artificial and unintended burdens on intelligence collection. As Director of National Intelligence McConnell explained:

“[T]here are circumstances in which the Government seeks to monitor, for purposes of protecting the nation from terrorist attack, the communications of foreign persons, who are physically located in foreign countries, [and] the government is required under FISA to obtain a court order to authorize this collection.” -Senate Select Committee on Intelligence, May 1, 2007

FISA was designed to handle cold war surveillance over Soviet spies — not an electronic 21st century war against a sophisticated terrorist enemy. Its cumbersome process simply cannot move with the speed and agility needed to find and fight terrorists. The problem has gotten worse and is now acute. The FISA system should be directed to protecting the civil rights of Americans — not radical jihadists overseas.

Want to read more on this issue? Check out DNI McConnell's written testimony on FISA reform submitted to the Senate Select Committee on Intelligence on May 1, 2007.