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DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

JUN 25 2007

The Honorable Tom Udall
House of Representatives
Washington, DC 20515

Dear Representative Udall:

Thank you for your May 3, 2007 letter to the President regarding Title IV of the Administration's proposed Intelligence Authorization Act for Fiscal Year 2008. The President has asked me to respond to your concerns regarding the proposed amendments to the Foreign Intelligence Surveillance Act (FISA). It is vitally important that Congress and the Executive Branch work together to close critical gaps in our intelligence capability, while ensuring the protection of the civil liberties of Americans.

As you have observed, in certain emergency situations, the proposed amendment to FISA would permit the retention of information if it "contains significant foreign intelligence information." The intent behind the provision is to ensure that the Government may retain valuable foreign intelligence that is collected unintentionally, rather than being required to destroy all such information. However, this provision would not allow all information inadvertently collected to be retained. Rather, the Government could retain only significant information relating to the capabilities, intentions and activities of foreign powers, organizations or persons, to include information on international terrorist activities. As a safeguard, the Administration's proposal would require that all such retention be regularly reported to the congressional intelligence committees as part of the Attorney General's assessments currently required by FISA.

The proposal, as you note, also contains liability protection for persons that allegedly assisted the government with lawful intelligence activities after September 11, 2001. We appreciate your position; however, it is vitally important that the Government retain a means to secure the assistance of private parties. As a former Director of the National Security Agency, a private sector consultant to the Intelligence Community, and now the Director of National Intelligence, I am acutely aware that in order for us to do our job, we frequently need the sustained assistance of those outside of government to accomplish our mission.

We appreciate your input regarding the specifics of the proposal. We have begun a constructive dialogue with Members of Congress, their staffs, and groups outside of government to discuss concerns and ideas for modifications. We are sure you agree that 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.

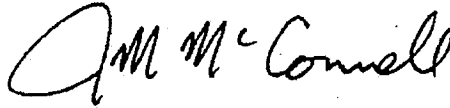
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If you have any questions on this matter, please contact my Director of Legislative Affairs Kathleen Turner, who can be reached on [REDACTED]

Sincerely,



J. M. McConnell

Sir, I also would be happy to meet with you personally to discuss further.

v/R

