

DIRECTOR OF NATIONAL INTELLIGENCE
WASHINGTON, DC 20511

May 25, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Mitch McConnell
Republican Leader
United States Senate
Washington, D.C. 20510

Dear Leaders Reid and McConnell:

The Attorney General and I have written several letters over the past two years repeatedly citing the important role the three expiring provisions of FISA play in protecting our national security. On the eve of the expiration of these authorities, I write to make clear that if these FISA provisions are allowed to lapse, even for the briefest of time, the nation will be less secure.

The three expiring FISA authorities have been and will continue to be subject to extensive Congressional oversight and have been the focus of significant debate and discussion in both classified and unclassified sessions over the past two years. Should the authority to use these critical intelligence tools expire, our nation's intelligence and law enforcement professionals will have less capability than they have today to detect and thwart terrorist plots against our homeland and our interests abroad. If the Congress does not act quickly to extend these critical authorities:

- We would likely not be able to conduct timely surveillance on a non-U.S. person "lone wolf" terrorist such as an individual who has self-radicalized and responds to international terrorist calls to attack the United States.
- The FBI might not be able to obtain essential information on terrorist plotting inside the United States, such as information about terrorist purchases of bomb-making chemicals and rental of vehicles to transport explosives, because companies could refuse to honor orders for such information in the absence of the Business Records authority in statute.
- A terrorist in this country, who communicates with his terrorist partners using several different cell phones and numerous email accounts, could escape timely surveillance because we lacked Roving Surveillance authority.
- Important classified collection programs might be forced to shut down, causing us to lose valuable intelligence information that could be used to identify terrorists and disrupt their plots.

At this time of enhanced threats to the United States, the intelligence and law enforcement communities are working at a rapid pace to analyze and exploit recently collected intelligence to safeguard our national security. The information obtained at the Usama Bin Laden compound must be quickly analyzed for any indications and warning of terrorist plots and attack plans. As part of this effort, we are using all our collection authorities to investigate and prevent terrorist attacks. In the nearly 10 years since 9/11, our country has not suffered another major terrorist attack in large part because of the efforts of country's intelligence and law enforcement professionals. When we take away these tools, our ability to identify attack plans and disrupt them is significantly reduced.

At this critical moment there must be no interruption in our ability to make full use of these authorities to protect the American people, and I urge the Congress to pass the bill and send it to the President without delay.

Sincerely,



James R. Clapper