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U.S. HOUSE OF REPRESENTATIVES
PERMANENT SELECT COMMITTEE
ON INTELLIGENCE

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July 24, 2007

The Honorable Heather Wilson
U.S. House of Representatives
Washington, DC 20515

Heather
Dear Congresswoman Wilson:

I would like to offer the Committee's resources to you so that you may become better informed on the issue of the Foreign Intelligence Surveillance Act (FISA) and the NSA Surveillance Program. It is clear to me, having listened to your various floor motions over the past two weeks, that you may be confused about several fundamental issues.

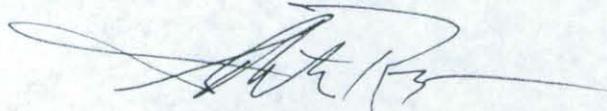
- **FISA is not an outdated statute:** You repeatedly claim that that FISA is woefully outdated. You neglect to mention that Congress has made numerous substantive changes to the Act since September 11, 2001, beginning with the USA Patriot Act. Since 1978, FISA has been updated nearly 50 times, and this includes at least eight updates since 9/11. These changes expanded FISA's scope and thereby authorized a wider range of foreign-intelligence surveillance. Neither you nor the Administration raised concerns during the consideration of those bills that the statutory changes proposed were inadequate.
- **FISA Does Not Require A Court Order For Communications Between Foreign Targets Outside the US:** You claim that FISA requires a court order when a foreign target overseas is communicating with another foreign target overseas. This is incorrect. The definition of electronic surveillance in the statute makes clear that a warrant is not required when two foreign targets overseas are communicating with each other.

Members of HPSCI have tried to clarify that communications between foreign targets outside the US are exempt from FISA, yet you voted against this clarification when an amendment was offered to your FISA Bill last Congress.

- **The Administration is Refusing to Devote Additional Resources to Track Terrorists:** As recently as July 18, 2007, I wrote President Bush urging him to “spare no effort to give our intelligence professionals the tools and resources they need to protect us from Al Qaeda.” My letter is available to you at the Committee. If there is a national emergency, we should all be working to provide additional analysts and intelligence professionals to shore up any gaps we have in our FISA system.
- **The House Intelligence Committee is Addressing this Issue:** I strongly object to your suggestion that our Committee is not addressing this matter. As you well know, we have held four closed hearings on this topic in the last several weeks, as well as numerous staff briefings and meetings with Administration officials to identify solutions. But we are unable to gather the requisite facts because the Administration is refusing to comply with the bipartisan document request that Mr. Hoekstra and I made to the Administration on May 31.

In sum, this issue is far too serious and too important to treat it in a partisan political manner. I hope you will join me in focusing on facts, not partisan rhetoric.

Sincerely,



Silvestre Reyes
Chairman

cc: Speaker Nancy Pelosi
Majority Leader Steny Hoyer
Majority Whip James Clyburn
Minority Leader John Boehner
Minority Whip Roy Blunt
Members of the House Permanent Select Committee on Intelligence