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The national security threats to the United States and its allies are greater today than at any point since 9/11. To keep Americans safe, our Intelligence Community needs to fully employ every tool available to it. We cannot be lulled into a false sense of security. As recent events in Orlando have made tragically clear, terrorists will continue to attack the U.S. homeland.

Despite the threats that face us, Congressman Massie and Congresswoman Lofgren's amendment to the Department of Defense Appropriations Act (H.R. 5293) would end the use of a vital tool for identifying and disrupting terrorist plots at home and abroad. If this amendment were enacted, the Intelligence Community would not be able to look through information lawfully collected under FISA Section 702 to see if Omar Siddiqui Mateen, the Orlando nightclub attacker, was in contact with any terrorist groups outside the United States.

Enclosed you will find a two short summaries of the damage the Massie/Lofgren amendment would cause to national security, as well as a background paper from the Heritage Foundation on the importance of Section 702.

We ask you to oppose the Massie/Lofgren amendment and give our Intelligence Community all of the authorities it needs to detect and stop terrorist attacks. As always, Intelligence Committee members and staff are available to answer any questions you have on this or any other intelligence issue.

Best Regards,


DEVIN NUNES
Chairman


LYNN WESTMORELAND
NSA and Cyber
Subcommittee Chairman

Why the USG should be able to query its 702 holdings with USP identifiers

When the IC acquires the communications of CT or CI targets abroad, among the most critical issues is to determine if they are communicating with persons in the United States. Once the IC identifies that a party to the communications is in the United States, a determination needs to be made regarding whether that person is a threat to the national security. One of the most valuable ways to do so is to conduct a query using that person's selectors to see if he is communicating with other suspected CT or CI targets abroad. If so, that is significant threat intelligence that we would pass as a CT or CI lead to the FBI for follow-up.

- These queries help protect the security of the nation by allowing the Intelligence Community to properly prioritize its review of Section 702 collection and identify threats to national security as quickly as possible.
- The purpose of Section 702 authority is to enable the government to acquire communication of certain foreigners located abroad .
- Having an array of communications of the non-U.S. person located abroad provides important contextual and operational value to the IC.
- For example: It enables analysts to identify potential terrorist plots and identify the participants and track the activities of foreign nations seeking to hack into our networks and locate foreign intelligence officers engaging in clandestine intelligence collection in the U.S., among other important such as allowing the government to identify potential victims or hostages and alert them, if possible.
- Communications between individual foreign intelligence targets and U.S. persons can have significant intelligence value.
- The IC must be able to review its Section 702 collection in a manner that will allow it to identify threat information and neutralize that threat before national security is harmed.
- Allowing the IC to query its 702 collection with USP identifiers is therefore critical to the IC mission to protect the national security
- Court approved minimization procedures already limit how queries are conducted, to include U.S. person queries.
- Not only are the queries limited in scope but they are also subject to oversight.