

BOB GOODLATTE, Virginia
CHAIRMAN

F. JAMES SENSENBRENNER, JR., Wisconsin
LAMAR S. SMITH, Texas
STEVE CHABOT, Ohio
DARRELL E. ISSA, California
J. RANDY FORBES, Virginia
STEVE KING, Iowa
TRENT FRANKS, Arizona
LOUIE GOHMERT, Texas
JIM JORDAN, Ohio
TED POE, Texas
JASON CHAFFETZ, Utah
TOM MARINO, Pennsylvania
TREY GOWDY, South Carolina
RAÚL R. LABRADOR, Idaho
BLAKE FARENTHOLD, Texas
DOUG COLLINS, Georgia
RON DeSANTIS, Florida
MIMI WALTERS, California
KEN BUCK, Colorado
JOHN RATCLIFFE, Texas
DAVE TROTT, Michigan
MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan
RANKING MEMBER

JERROLD NADLER, New York
ZOE LOFGREN, California
SHEILA JACKSON LEE, Texas
STEVE COHEN, Tennessee
HENRY C. "HANK" JOHNSON, JR., Georgia
PEDRO R. PIERLUISI, Puerto Rico
JUDY CHU, California
TED DEUTCH, Florida
LUIS V. GUTIÉRREZ, Illinois
KAREN BASS, California
CEDRIC L. RICHMOND, Louisiana
SUZAN K. DELBENE, Washington
HAKEEM S. JEFFRIES, New York
DAVID CICILLINE, Rhode Island
SCOTT PETERS, California

ONE HUNDRED FOURTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

December 16, 2016

Honorable James R. Clapper
Director, Office of the Director of National Intelligence
Washington, DC 20511

Dear Director Clapper:

As you know, Section 702 of the Foreign Intelligence Surveillance Act is scheduled to sunset on December 31, 2017. In the past, each of us has expressed concern that Section 702 surveillance programs may not adequately protect the privacy or civil liberties of United States persons.

On April 22, 2016, we wrote to ask that you provide us with a public estimate of the number of communications or transactions involving United States persons that may be captured by Section 702 surveillance on an annual basis.

Since that letter, your office and the National Security Agency have briefed our staff about the manner in which you might comply with this request. We understand that you have provided additional, classified briefings to the staff of the House and Senate Judiciary committees.

We write today to memorialize our understanding of this project at this time:

- The Office of the Director of National Intelligence and the National Security Agency will provide us with the information we have requested “early enough to inform the debate” about reauthorization in the next Congress, with a target date of January 2017.
- The information will be in a form that can be shared with the public.
- Any estimates will be presented in real numbers—not merely percentages.

- As ODNI and NSA survey these collections, they may encounter information from individuals about whom there is insufficient information to know whether they are Americans or located inside the United States. The number of these individuals will be included in any reporting as well.
- ODNI and NSA will provide us with an explanation of the methodology chosen to conduct this survey of Section 702 programs.
- Although we recognize that you may provide us with additional details about this project in a classified setting, ODNI and NSA will make a description of the methodology available to the public.
- In earlier conversations, our staff has conveyed to you the methodologies we would find acceptable. If a materially different approach is chosen, ODNI and NSA will brief us on this matter as soon as possible.

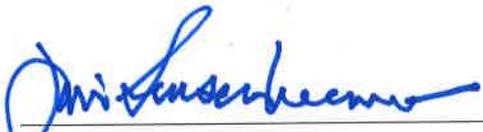
Thank you for your prompt attention to this matter. The timely production of this information is incredibly important to informed debate on Section 702 in the next Congress—and, without it, even those of us inclined to support reauthorization would have reason for concern.

We look forward to working with your office in the year to come.

Sincerely,



Representative John Conyers, Jr.



Representative F. James Sensenbrenner



Representative Jerrold Nadler



Representative Darrell E. Issa



Representative Zoe Lofgren



Representative Ted Poe



Representative Henry C. "Hank" Johnson, Jr.



Representative Jason Chaffetz

A handwritten signature in blue ink, appearing to read "Ted Deutch", written over a horizontal line.

Representative Ted Deutch

A handwritten signature in blue ink, appearing to read "Suzan K. DelBene", written over a horizontal line.

Representative Suzan K. DelBene

A handwritten signature in blue ink, appearing to read "David N. Cicilline", written over a horizontal line.

Representative David N. Cicilline

cc: Chairman Bob Goodlatte
House Committee on the Judiciary