



May 11, 2015

Senator Patrick J. Leahy
United States Senate
Washington, DC 20510

Senator Mike S. Lee
United States Senate
Washington, DC 20510

Dear Senators Leahy and Lee,

Thank you for your letter of May 11, 2015, asking for the views of the Department of Justice and the Intelligence Community on S. 1123, the USA FREEDOM Act of 2015. We support this legislation.

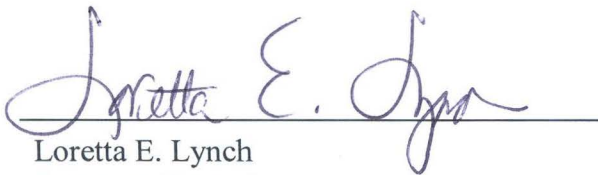
This bill is the result of extensive discussion among the Congress, the Administration, privacy and civil liberties advocates, and industry representatives. We believe that it is a reasonable compromise that preserves vital national security authorities, enhances privacy and civil liberties and codifies requirements for increased transparency. The Intelligence Community believes that the bill preserves the essential operational capabilities of the telephone metadata program and enhances other intelligence capabilities needed to protect our nation and its partners. In the absence of legislation, important intelligence authorities will expire on June 1. This legislation would extend these authorities, as amended, until the end of 2019, providing our intelligence professionals the certainty they need to continue the critical work they undertake every day to protect the American people.

The USA FREEDOM Act bans bulk collection under Section 215 of the USA PATRIOT Act, FISA pen registers, and National Security Letters, while providing a new mechanism to obtain telephone metadata records to help identify potential contacts of suspected terrorists inside the United States. The Intelligence Community believes, based on the existing practices of communications providers in retaining metadata, that these provisions will retain the essential operational capabilities of the existing bulk telephone metadata program while eliminating bulk collection by the government.


The bill also codifies requirements for additional transparency by mandating certain public reporting by the government, authorizing additional reporting by providers, and establishing a statutory mechanism for declassification and release of FISA Court opinions consistent with national security. It establishes a process for appointment of an amicus curiae to assist the FISA Court and FISA Court of Review in appropriate matters. It provides reforms to national security letters, requiring review of the need for their secrecy. The bill also closes potential gaps in collection authorities and increases the maximum criminal penalty for materially supporting a foreign terrorist organization.

Overall, the significant reforms contained in this legislation will provide the public greater confidence in how our intelligence activities are carried out and in the oversight of those activities, while ensuring vital national security authorities remain in place. You have our commitment that we will notify Congress if we find that provisions of this law significantly impair the Intelligence Community's ability to protect national security. We urge the Congress to pass this bill promptly.

Sincerely,



Loretta E. Lynch
Attorney General



James R. Clapper
Director of National Intelligence

cc:

The Honorable Mitch McConnell, Majority Leader, United States Senate
The Honorable Harry Reid, Minority Leader, United State Senate
The Honorable Richard Burr, Chairman, Select Committee on Intelligence
The Honorable Dianne Feinstein, Vice Chairman, Select Committee on Intelligence
The Honorable Chuck Grassley, Chairman, Committee on the Judiciary