

December 16, 2007

**Re: Essential Improvements to S. 2248, the FISA Amendments Act**

Dear Senator:

We are writing to urge you to oppose the version of the FISA Amendments Act, S. 2248, reported by the Senate Select Committee on Intelligence unless it is: (i) amended by the Judiciary Committee's substitute; and (ii) amended to require court authorization of the program of surveillance that would be permitted under the Act. Without such changes, the FISA Amendments Act provides incomplete protections for the rights of Americans who will be affected by surveillance of communications into and out of the United States.

CDT believes that it is crucial to establish checks and balances while providing the intelligence agencies the speed and agility they need. FISA reform legislation should have the following elemental features:

1. Require judicial authorization of a program of surveillance that would sweep in communications to which an American in the U.S. could be a party;
2. Provide judicial oversight of the implementation of minimization procedures applicable to intercepted communications concerning Americans;
3. Have an airtight FISA exclusivity provision that would ensure that electronic surveillance conducted in the U.S. is circumscribed by statute;
4. Require a full, individualized order from the Foreign Intelligence Surveillance Court, based on probable cause, when "a significant purpose" of surveillance targeting a person abroad is to acquire communications of a person in the U.S.;
5. Preserve FISA's definition of "electronic surveillance" so that unlawful acquisition of communications under the new surveillance authorities are subject to appropriate sanctions designed to encourage compliance with the law;
6. Prohibit bulk collection of communications between Americans and people abroad.

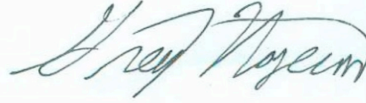
CDT urges you to support amendments – including the Judiciary substitute – that would accomplish these outcomes, and to oppose the SSCI version of this legislation if it is not so amended. We also urge you to support other amendments that may be offered to protect the privacy of communications to which Americans are a party.

For more information, see <http://www.cdt.org/publications/policyposts/2007/13>, or contact CDT's Gregory T. Nojeim, 202/637-9800 x113; [gnojeim@cdt.org](mailto:gnojeim@cdt.org).

Sincerely,



Leslie Harris  
President and CEO



Gregory T. Nojeim  
Senior Counsel and Director,  
Project on Freedom, Security & Technology