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April 7, 2017

The Hon. Daniel Coats
Director of National Intelligence
Office of the Director of National Intelligence
Washington, DC, 20511

Dear Director Coats:

One year ago, several members of our Committee wrote to your predecessor to request "a public estimate of the number of communications or transactions involving United States persons subject to Section 702 surveillance on an annual basis."¹ Members subsequently followed up with additional requests for the same information. We appreciate the technical and logistical challenges presented by these requests, but we remain convinced that this estimate is crucial as we contemplate reauthorization of the FISA Amendments Act.

We write today to renew the requests of our colleagues. We also ask that you provide us with an update on this request **no later than April 24, 2017.**

You have described reauthorization of Section 702 as your "top legislative priority."² Although Congress designed this authority to target non-U.S. persons located outside of the United States, it is clear that Section 702 surveillance programs can and do collect information about U.S. persons, on subjects unrelated to counterterrorism. It is imperative that we understand the size of this impact on U.S. persons as our Committee proceeds with the debate on reauthorization.

¹ Letter from Rep. John Conyers, Jr., et al., to Director of Nat'l. Intelligence James R. Clapper, Apr. 22, 2016.

² SSCI *Additional Prehearing Questions for Daniel Coats upon his nomination to be Director of National Intelligence*, Feb. 28, 2017.

In a December 16, 2016 letter to Director Clapper, several of our colleagues outlined the Committee's understanding of the project so far:

- The ODNI and the NSA will provide us with the estimate “early enough to inform the debate” about Section 702.
- 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 the data, 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.
- If your office chooses a methodology that is materially different from the approaches already discussed with our staff, ODNI and NSA will brief us on the matter as soon as possible.³

Unless you communicate otherwise, we will assume that this understanding of the project—which is based on multiple briefings to our staff by ODNI and NSA—is still accurate.

At your confirmation hearing before the Senate Select Committee on Intelligence, Senator Ron Wyden (D-WA) pressed you on the importance of delivering on this estimate. You responded: “I’m going to do everything I can to work with Admiral Rogers in NSA to get you that number.”⁴ We thank you for your prompt attention to this matter, and look forward to your response.

³ Letter from Rep. John Conyers, Jr., et al., to Director of Nat’l. Intelligence James R. Clapper, Dec. 16, 2016.

⁴ *Nomination of Daniel Coats to be Director of National Intelligence*, hearing before the S. Select Comm. on Intelligence, Feb. 28, 2017 (statement of former Sen. Daniel Coats).

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Sincerely,



Bob Goodlatte
Chairman



John Conyers, Jr.
Ranking Member