DNI Clapper Declassifies Additional Intelligence Community Documents Regarding Collection Under Section 501 of the Foreign Intelligence Surveillance Act

October 28, 2013

In June of this year, President Obama directed me to declassify and make public as much information as possible about certain sensitive intelligence collection programs undertaken under the authority of the Foreign Intelligence Surveillance Act (FISA) while being mindful of the need to protect national security. Consistent with this directive, in September 2013, I authorized the declassification and public release of a number of documents pertaining to the Government's collection of bulk telephony metadata under Section 501 of the FISA, as amended by Section 215 of the USA PATRIOT Act (Section 215). Today I am authorizing the declassification and public release of a number of additional documents relating to collection under Section 215. These documents were properly classified, and their declassification is not done lightly. I have determined, however, that the harm to national security from the release of these documents is outweighed by the public interest.

Release of these documents reflects the Executive Branch's continued commitment to making information about this intelligence collection program publicly available when appropriate and consistent with the national security of the United States. Additionally, they demonstrate the extent to which the Intelligence Community kept both Congress and the Foreign Intelligence Surveillance Court apprised of the status of the collection program under Section 215. Some information has been redacted because these documents include discussion of matters that continue to be properly classified for national security reasons and the harm to national security would be great if disclosed. These documents will be made available at the website of the Office of the Director of National Intelligence and at ICOntheRecord.tumblr.com, the public website dedicated to fostering greater public visibility into the intelligence activities of the U.S. Government.

James R. Clapper
Director of National Intelligence

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1. February 25, 2009 NSA notification memorandum to the House Permanent Select Committee on Intelligence (HPSCI) of compliance incidents identified during an on-going NSA-initiated End-to-End review of its collection of bulk telephony metadata pursuant to Section 215 authorities.

2. March 2009 Internal NSA Memorandum of Understanding required for access and query privileges of data collected through NSA's bulk telephony metadata program under Section 215 authorities.

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3. May 7, 2009 NSA notification memorandum to the Senate Select Committee on Intelligence (SSCI) and HPSCI on the status of the on-going NSA-initiated End-to-End review of its collection of bulk telephony metadata pursuant to Section 215 authorities.

4. July 2, 2009 Letter from the Department of Justice (DoJ) to the United States Foreign Intelligence Surveillance Court (FISC), providing notice of the production of NSA's June 25, 2009 Business Records Foreign Intelligence Surveillance Act (FISA) End-to-End Review Report to the Congressional Intelligence and Judiciary Committees.

5. September 10, 2009 NSA notification memorandum to SSCI of presentations made to several FISC judges regarding NSA's bulk telephony metadata program under Section 215 authorities and of the FISC granting the government's request to reauthorize the bulk telephony metadata program and restoring to NSA the authority to query the metadata upon a Reasonable Articulable Suspicion standard without seeking Court approval on a case-by-case basis.

6. October 21, 2009 Joint Statement for the Record by the Director of the National Counterterrorism Center and the Associate Deputy Director for Counterterrorism of the NSA, to HPSCI providing information relating to NSA's bulk telephony metadata program under Section 215 authorities for the USA PATRIOT Act reauthorization.

7. December 17, 2009 Letters from DoJ to Representatives Bobby Scott, John Conyers, and Jerrold Nadler providing notice of Executive branch efforts with the Intelligence Committees to make a detailed report on NSA's bulk telephony metadata program under Section 215 authorities available to all Members of Congress.

8. August 16, 2010 Cover Letter from DoJ for submission of several documents to the Congressional Intelligence and Judiciary Committees relating to NSA collection of bulk telephony metadata under Section 501 of the FISA, as amended by Section 215 of the USA PATRIOT Act.

9.April 1, 2011 Memorandum from NSA to SSCI regarding NSA's receipt of cell site location information test results.

10. September 1, 2011 NSA notification memorandum to the House and Senate Committees on the Judiciary on NSA's collection of telephony metadata under Section 501 of FISA.