

UNCLASSIFIED

24 November 2008

The Honorable John D. Rockefeller IV  
Chairman  
Senate Select Committee  
on Intelligence  
United States Senate  
Washington, D.C. 20510

Dear Mr. Chairman:

Title III of the Foreign Intelligence Surveillance Act (FISA) Amendments Act of 2008, which was signed into law on 10 July 2008, requires the Inspectors General (IGs) of the elements of the Intelligence Community that participated in the President's Surveillance Program to conduct a comprehensive review of the Program. The Act requires the IGs to submit to the appropriate committees of Congress, not later than 60 days after the date of enactment, an interim report that describes the planned scope of the review. This letter constitutes the interim report required under the Act. This report was originally submitted on 10 September 2008 in a classified form. The report was recently declassified, with the exception of one sentence, which has been removed, and is being resubmitted in an unclassified form as required by the Act.

The IGs of the Department of Justice (DoJ), the Department of Defense (DoD), the Office of the Director of National Intelligence (ODNI), the National Security Agency (NSA), and the Central Intelligence Agency (CIA) will participate in the review required under the Act. The CIA IG has agreed to coordinate the conduct of the review and the preparation of the interim and final reports. The participating IGs have met to discuss their individual and collective responsibilities in conducting the review, the extent to which work currently underway or already completed addresses the review's objectives, and the scope of additional work that needs to be accomplished to fully meet Title III requirements. Representatives of each of the participating IGs have discussed these areas in detail to ensure that the requested scope of the review will be fully addressed. The following paragraphs summarize the key areas to be examined by each IG.

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The DoJ IG is completing work on a broadly-scoped review of the Program, which the DoJ IG has been conducting over the past 18 months. In accord with its normal procedures and consistent with classification requirements, the DoJ IG will release its report when completed. The DoJ IG's review examines the involvement of the DoJ and the Federal Bureau of Investigation (FBI) in the Program, including the use of and control over Program information; compliance with relevant authorities governing the Program as these authorities changed over time; and the impact and effectiveness of Program information on DoJ's and FBI's counterterrorism efforts. The review also describes various legal assessments of the Program, legal and operational changes to the Program, any use of Program information in the FISA process, and the transition to Foreign Intelligence Surveillance Court orders related to the Program.

The NSA IG's review will examine the evolution of the Presidential authorization as it affected NSA, the technical operation of the Program, the preparation and dissemination of the product of the Program, and communications with and representations made to private sector entities. The review will address access by NSA to legal reviews and information concerning the Program and will also examine NSA's interaction with the Foreign Intelligence Surveillance Court and the transition of Program activities to operations under court orders. The review will also include a description of NSA's oversight of the Program. To conduct the review of the Program, the NSA IG will both initiate new work and draw upon a substantial body of completed evaluations.

The DoD IG will examine the involvement of the Office of the Secretary of Defense in the establishment and implementation of the Program.

The ODNI IG will examine the involvement of DNI senior leadership in the Program and DNI communication with private-sector entities concerning the Program. The ODNI IG will also examine the role of the National Counterterrorism Center (NCTC) in drafting and coordinating the threat assessments and legal certifications supporting periodic reauthorization of the Program; NCTC's role in identifying targets and tasking Program collection; and NCTC's use of the product to support counterterrorism analysis.

The CIA IG will examine CIA's participation in the program, including the Agency's role in preparing the threat assessments and legal certifications supporting periodic reauthorization of the Program.

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Representatives of each of the participating IGs will meet regularly to discuss the status of their work, avoid unnecessary duplication of effort, and ensure that the full scope of the review prescribed in the Act is being addressed. Each of the IG teams will be alert to other matters not specifically identified in the Act that should be examined as part of a comprehensive review of the Program.

The IGs will provide the CIA IG, in writing, the results of their reviews from which a comprehensive final report will be prepared that will include both unclassified and classified volumes. If you have any questions concerning the interim report or the overall review, please contact the CIA Office of Inspector General Executive Officer,

An original letter is being provided to Vice Chairman Bond.

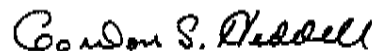
Sincerely,



John L. Helgerson  
Inspector General  
Central Intelligence Agency



Glenn A. Fine  
Inspector General  
Department of Justice



Gordon S. Heddell  
Acting Inspector General  
Department of Defense



Edward Maguire  
Inspector General  
Office of the Director of  
National Intelligence



George Ellard  
Inspector General  
National Security Agency