

b2/b6

[Redacted]

From: [Redacted]  
To: [Redacted] "John Demers" <John.Demers@usdoj.gov>  
cc: [Redacted]

Date: Friday, May 23, 2008 08:06AM  
Subject: Re: Offer to Hoyer

[Redacted]

b5

----- Original Message -----

From: [Redacted]  
Sent: 05/23/2008 06:42 AM EDT  
To: [Redacted]; "John Demers" <john.demers@usdoj.gov>  
Cc: [Redacted]  
Subject: Re: Offer to Hoyer

[Redacted]

b5

Associate General Counsel  
Office of the Director of National  
Intelligence

NOTE: After June 6, 2008 my contact information will change. New  
Contact  
information is as follows:

email: [Redacted]  
phone: [Redacted]

----- Original Message -----

b2/b6

[Redacted]

From: [Redacted]  
Sent: 05/23/2008 12:19 AM EDT  
To: [Redacted]; "John Demers" <John.Demers@usdoj.gov>; [Redacted]  
Cc: [Redacted]  
Subject: Fw: Offer to Hoyer

[Large Redacted Block]

b5

b2/b6



b2/b6

From:  
To:  
cc:



Date: Tuesday, July 10, 2007 05:03AM  
Subject: Re: Mtg for the DNI with Chairman Reyes ref Need for FISA Moderni zation

Ben. - no worry will work around your time off



----- Original Message -----

From: [redacted]  
Sent: 07/10/2007 12:39 AM EDT  
To: [redacted]  
Cc: [redacted]  
Subject: Re: Mtg for the DNI with Chairman Reyes ref Need for FISA Moderni zation

Please not thu july 19 or fri July 20 as I plan to be out of office.

----- Original Message -----

From: [redacted]  
Sent: 07/09/2007 10:07 PM AST  
To: [redacted]  
Cc: [redacted]  
Subject: Fw: Mtg for the DNI with Chairman Reyes ref Need for FISA Moderni zation

[redacted] Based on the green light from Chairman Reyes' Staff Director, please reach out to Reyes' scheduler for a 45-60 minute session in H-405 on FISA with Ben Powell and me. If we could do it in the next 2 weeks that would be great. Thanks!  
Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence  
[redacted]

----- Original Message -----

From: "Delaney, Mike" [redacted]@mail.house.gov]  
Sent: 07/09/2007 07:34 PM AST  
To: [redacted] Parker, Wyndee" [redacted]@mail.house.gov>; Bash, Jeremy" [redacted]@mail.house.gov>  
Cc: [redacted]  
Subject: Re: Mtg for the DNI with Chairman Reyes ref Need for FISA Moderni zation



b2/b6

zation

Chairman says that is fine. Set it up.

Mike Delaney  
HPSCI 202-225-7690

-----Original Message-----

From: [REDACTED]  
To: Delaney, Mike; Parker, Wyndee; Bash, Jeremy  
CC: [REDACTED]  
Sent: Mon Jul 09 19:14:36 2007  
Subject: Mtg for the DNI with Chairman Reyes ref Need for FISA Modernization

Hello Mike, Wyndee and Jeremy: Director McConnell would like to meet with Chairman Reyes sometime over the next few weeks and give him an update on the urgency and imperatives for FISA Modernization and solicit his views on how to gain traction for the Bill. I know they have talked about this subject on the margins of other meetings, but we do not recall that they have actually sat down to discuss it in a focused way. Is this something you think we could make happen? I have infoed the DNI's scheduler, [REDACTED], as she can work directly with the Chairman's scheduler.

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence  
[REDACTED]

[REDACTED]

b2/b6

[Redacted]

From: [Redacted]  
To: "D (Intelligence) Grannis" [Redacted] @ssci.senate.gov  
bcc: [Redacted]  
Date: Friday, July 27, 2007 01:02AM  
Subject: Fw:

David- text attached as discussed. Also sent to andy j. And mike D.  
Ben

----- Original Message -----  
From: "Ben Powell" [Redacted]  
Sent: 07/27/2007 12:59 AM AST  
To: [Redacted]

The FISA mod file contains text that does the following:

- 1) Adds one paragraph to the existing statute making clear that FISA does not cover surveillance directed at a person overseas.
- 2) Provides a means of compelling assistance from communications providers.
- 3) Effective date and providing for transition of any currently existing FISA orders. If this is short-term fix with a sunset, would suggest adding the sunset date to this clause.

The additional provision file contains text that addresses a concern raised in past discussions about "reverse targeting". The text provides that the primary purpose of acquiring communications of a non-US person overseas cannot be to acquire the communications of a person in the US (unless a FISA order is obtained of course).

The second concern raised by some has been issues about "mass targeting" and interpretation of the phrase "particular, known" in our full proposal. There is not a need to address this issue in this surgical fix as the existing definitions of electronic surv under FISA remain the same domestically, with only a carve out for activity directed overseas. [And, for the record, we do not agree that our proposal allowed such alleged mass targeting (or reverse targeting), but in any event, no need to address the issue in the attached approach]

I would note the time of night that I am sending up this text - The FISA technical experts are going to need to think through this text and I would not be surprised if we would have additional adjustments to make to ensure the text accomplishes what I think is our common goal. Obviously, this represents a late night email and not a fully coordinated proposal (or one that has even been seen/approved by DNI), but time is short.

b2/b6



Ben

Attachments:

FISA additional provision.doc

FISA Mod surgical July 26 2007.doc

Out of Scope



To: "Jack Livingston" <[redacted]@ssci.senate.gov>  
From: [redacted]  
Date: 10/16/2007 10:39PM  
Subject: Re: Amendments

Also, heard sen. wyden mentioned to dni about having someone present at markup for tech assistance. Also understand that it would be unusual and Andy has said no. In any event, that is matter for committee--I would come with brett if the committee wants us there.

b2/56

----- Original Message -----

From: [redacted]  
Sent: 10/16/2007 10:21 PM EDT  
To: Jack Livingston" <[redacted]@ssci.senate.gov>  
Subject: Re: Amendments



----- Original Message -----

From: "Livingston, J (Intelligence)" [redacted]@ssci.senate.gov  
Sent: 10/16/2007 10:06 PM AST  
To: [redacted]  
Subject: RE: Amendments



From: [redacted]  
Sent: Tuesday, October 16, 2007 9:55 PM  
To: Livingston, J (Intelligence)  
Subject: Re: Amendments



Thanks.

b2/b6

----- Original Message -----  
 From: "Livingston, J (Intelligence)" [redacted]@ssci.senate.gov]  
 Sent: 10/16/2007 09:34 PM AST  
 To: Gerry, Brett (OLP)" <Brett.Gerry@usdoj.gov>; [redacted]; Eisenberg, John"  
 <John.Eisenberg@usdoj.gov>; Demers, John (NSD)" <John.Demers@usdoj.gov>; Vito  
 Potenza (work)" [redacted]; [redacted]  
 Cc: Wainstein, Kenneth (NSD)" <Kenneth.Wainstein@usdoj.gov>  
 Subject: Amendments

Senator Bond and Senator Rockefeller have not yet reached a deal on the Chairman/Vice  
 Chairman mark. The deadline for amendments is tomorrow at 12:00 noon.

We are presently putting together amendments on the following issues in the event that a deal to  
 protect the mark is not reached.

- [if !supportLists]-->1) <!--[endif]--> Define electronic surveillance (technology neutral DNI April  
 definition)
- [if !supportLists]-->2) <!--[endif]--> Define contents consistent with Title III
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- [if !supportLists]-->6) <!--[endif]--> Add beefed up immunity language for carriers in the  
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- [if !supportLists]-->7) <!--[endif]--> Add back in the requirement that the FISC act on the any  
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10/17/2008

basis of amendments. Please don't provide technical assistance or do any substantive work. Ideas are fine, we'll make our leg counsel do the work. I'm just willing to entertain your ideas, if you have any FISA fixes that you've been dying to have. Don't spend much time on this, because this entire exercise could be a waste of time if we reach an agreement.

One caveat, no need to suggest the redefinition of agent of a foreign power to include non-us persons with foreign intelligence information. Thanks.

10/17/2008

b2/b6

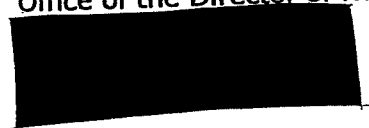


From: [redacted]  
To: "Andy Johnson" [redacted]@ssci.senate.gov  
cc: [redacted]@ssci.senate.gov, [redacted]@ssci.senate.gov  
bcc: [redacted]

Date: Friday, April 04, 2008 05:18PM  
Subject: RE: On the return of H.R. 3773 to the Senate

Andy: Barring Ben Powell's inability to get back to DC from his overseas travels (he arrives at Dulles on Sunday), he will attend the discussion on Monday afternoon at 2 pm. Thanks and have a great weekend.

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence



-----"Johnson, A (Intelligence)" [redacted]@ssci.senate.gov> wrote: -----

To: "Ben Powell" [redacted]  
From: "Johnson, A (Intelligence)" [redacted]@ssci.senate.gov  
Date: 04/04/2008 02:17PM  
cc: "Davidson, M (Intelligence)" [redacted]@ssci.senate.gov, "Dubee, M (Intelligence)" [redacted]@ssci.senate.gov  
Subject: RE: On the return of H.R. 3773 to the Senate

Ben and Kathleen:  
See below.

This meeting was set up a week ago. Resolving FISA is the top priority of the DNI, the Chairman, and a host of others. The DNI has repeatedly stated the danger of delay, both publicly and privately. In light of the urgency of the matter, the discussion between Chairman Rockefeller and the Director earlier this week, and that everyone has scheduled the meeting, the notion that this long-delayed meeting would be delayed another 5 days because a single staff person is told he can't attend is unacceptable.

I need to assure the Chairman that this meeting -- which the DNI said is not a negotiation session but an exchange of information -- is proceeding as scheduled and promised. If Jack wishes a reprise of what is discussed or a continuation of the discussion on Friday, then that is fine. But it should not further delay what is an important exchange on views and information -- and exchange that is necessary if we are eventually going to get an agreement and a bill through both houses that the President will sign.

62/b6

I need to contact the Chairman about this promptly if there is a change afoot. The sooner you can reply back to me with the Director's intention regarding the Monday meeting, the better.

Thanks in advance,

Andy

-----Original Message-----

From: Davidson, M (Intelligence)  
Sent: Friday, April 04, 2008 1:47 PM  
To: Johnson, A (Intelligence); Dube, M (Intelligence)  
Subject: Fw: On the return of H.R. 3773 to the Senate

-----  
Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Demers, John <John.Demers@usdoj.gov>  
To: Livingston, J (Intelligence); Davidson, M (Intelligence); Ben Powell  
<[REDACTED]>; Eisenberg, John <John.Eisenberg@usdoj.gov>; Nichols, Carl  
(CIV) <Carl.Nichols@usdoj.gov>; Potenza, Vito <[REDACTED]>

Rice, K (Intelligence); DeRosa, Mary (Judiciary-Dem);  
Rossi, Nick (Judiciary-Rep); Espinel, Zulima (Judiciary-Dem); Solomon,  
Matthew (Judiciary-Dem)

Cc: Healey, C (Intelligence); Starzak, Alissa (Intelligence)  
Sent: Fri Apr 04 13:41:38 2008  
Subject: RE: On the return of H.R. 3773 to the Senate

Mike,

We are available Friday and would strongly prefer for this meeting to involve all of the key players on the Senate side.

Thanks,  
John

---

From: Livingston, J (Intelligence) [mailto:[REDACTED]@ssci.senate.gov]  
Sent: Friday, April 04, 2008 1:16 PM  
To: Davidson, M (Intelligence); Ben Powell; Demers, John; Eisenberg, John;  
Nichols, Carl (CIV); Potenza, Vito; [REDACTED]  
Rice, K (Intelligence); DeRosa, Mary (Judiciary-Dem); Rossi, Nick  
(Judiciary-Rep); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew  
(Judiciary-Dem)  
Cc: Healey, C (Intelligence); Starzak, Alissa (Intelligence)  
Subject: RE: On the return of H.R. 3773 to the Senate

Mike,

9/4/2008 2:03 PM

b2/b4

[REDACTED]

Consistent with our earlier discussion this morning, I just spoke with Louis and I need to keep Monday free to help out with the Minority Report to the Committee's Phase II reports. Louis has authorized me to participate in bipartisan negotiations on Friday, April 11. My schedule is pretty open that day, so if you want to go with the 2:00 meeting time, or perhaps something earlier, that's fine with me. Thanks.

Jack

From: Davidson, M (Intelligence)  
Sent: Friday, March 28, 2008 4:54 PM  
To: 'Ben Powell'; 'Demers, John (NSD)'; 'Eisenberg, John';  
'Carl.Nichols@usdoj.gov'; 'Potenza, Vito'; [REDACTED]  
'[REDACTED] Livingston, J (Intelligence); Rice, K (Intelligence); DeRosa, Mary (Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem)  
Cc: Healey, C (Intelligence); Starzak, Alissa (Intelligence)  
Subject: RE: On the return of H.R. 3773 to the Senate

After consulting with Ben about a date and time, let's plan to meet on Monday, April 7, at 2, for a full afternoon, bipartisan Senate-side discussion (Intelligence and Judiciary) with ODNI/DOJ/NSA to help set us on a path that enables the branches to reach agreement on a good law.

I've reserved both our hearing room, SH-219, and a conference room in SH-211, depending on the number of participants. Let's assume for now that we'll meet in 219.

Looking forward to seeing all.

Mike

From: Davidson, M (Intelligence)  
Sent: Friday, March 14, 2008 5:43 PM  
To: 'Ben Powell'; Demers, John (NSD); 'Eisenberg, John';  
Carl.Nichols@usdoj.gov; Potenza, Vito; [REDACTED]  
Livingston, J (Intelligence); Rice, K (Intelligence); DeRosa, Mary (Judiciary-Dem); Rossi, Nick (Judiciary-Rep); Espinel, Zulima (Judiciary-Dem); Solomon, Matthew (Judiciary-Dem)  
Cc: Healey, C (Intelligence); Starzak, Alissa (Intelligence)  
Subject: On the return of H.R. 3773 to the Senate

9/4/2008 2:03 PM

b2/b4

[REDACTED]

Dear ODNI/DOJ/NSA and Senate Intelligence and Judiciary colleagues:

Given the possibility, as is now occurring, that the FISA bill would come back to the Senate, over the last day or so Chris, Alissa, and I have prepared a draft for discussion. It is not a formal Rockefeller draft, but something that we hope advances the discussion, together with ideas that all of you might put on the table. It will, of course, be important to begin a discussion that also includes House colleagues, and we will share this with them. Still, it will be good to get our mutual bearings on the Senate side, and we hope this will make a contribution to that end.

The underlying document begins with the Senate amendment to H.R. 3773. The strike outs and insertions represent a combination of matters (additions, deletions, or modifications) in the House amendment that we would propose for acceptance, or matters that we would propose be amended in some way. There are a number of items in the House amendment that are not included (e.g., the Commission and statute of limitations amendment). The matters taken or modified from the House amendment include both substantive matters and drafting recommendations from the House Legislative Counsel, some of which, such as much of Title III, the two Legislative Counsel offices worked on together.

All of the proposed changes are in Titles I and III. The attached makes no changes to Title II.

Principal items are:

The proposed sunset, which is in Title III (in accordance with a Legislative Counsel placement recommendation), is December 2011, in order to provide more time for experience than the 2009 date would allow while making clear the expectation that the permanent system should be settled on during the term of the President who will be elected this November.

The Feinstein exclusivity amendment is included. For ourselves, we have not foreclosed the possibility of including some form of the additional text that David Grannis had been exchanging with Jack and John D. on collection following an attack on the United States, particularly one for which the Congress enacts an AUMF. That could very well be a subject of discussion.

The IG review provision is included -- as the text had been developed by Senator Leahy, with the House modification that the IGs should select one of them who is presidentially appointed and Senate confirmed to coordinate the review. Not to mix up legislative issues, but we would be happy if that turned out to be an Inspector General for the Intelligence Community.

9/4/2008 2:03 PM

b2/b6



Our proposed alternative to the electronic surveillance definition carve-out, which we believe achieves everything that may have been sought in the carve-out, is in section 702(c)(2) on page 4: "Nothing in the definition of electronic surveillance shall be construed to require an application under section 104 for an acquisition that is targeted in accordance with this section at a person reasonably believe to be located outside the United States." If there is any need to have anything that achieves the purpose of a carve-out (to confess, we're doubters about that in light of the "notwithstanding any" preface to section 702 (old 703)), new 702(c)(2) does that by making clear that nothing in the definition of e.s. produces the consequence to be avoided, namely, a requirement of proceeding under Title I. And because, that can be achieved without a change in the definition of e.s., there is no need for any of the anti-carve-out provisions in the bill. We've placed a substantially identical provision in section 703 (old 704).

A key aspect of the attached is a solution, which we believe works, to the timing of judicial review debate.

Whatever the practical or theoretical significance of the prior approval/pre-approval debate may have been before enactment of the PAA when every authorization under the PAA would be a first-time authorization, the fact is that a large part of what occurs in the future will be an annual cycle of reauthorizations.

702(i)(5), on page 11, is designed to encourage orderliness in that annual process by providing, to the extent practicable, a schedule of synchronized handoffs from one year's authorizations to the next, while making it absolutely clear in 5(E) that the AG/DNI are free to submit certifications for additional authorizations at other times during the year as necessary.

Building on this, as a matter of both administrative and judicial efficiency, the AG/DNI should be able to submit, in advance of the expiration of an annual authorization (or set of them) the certification and procedures for the new authorization year. That, as a practical matter, will allow for approval by the beginning of the new authorization year. But the attached makes perfectly clear that at any time, without characterizing it as an emergency, the AG/DNI may provide for immediate action.

There is a goal or expectation, but not a mandate, that accompanies this. Approval by the beginning of a new authorization year (subject to the AG/DNI's immediate implementation power) serves valuable interests, none of which involves any solicitude toward foreign targets. It will mean that directives which are issued come with the strength, that may be important someday to a doubtful carrier, that the U.S. person protections (i.e., the completeness of certifications and adequacy of targeting and minimization procedures) have been approved. It will also increase the opportunity to be able (note, not mandated, but be able) to make corrections before collection

b2/b4

[REDACTED]

begins. The same goal, when possible, exists for new authorizations.

But to underscore the point again, the attached is written to give the AG/DNI the full authority to begin when needed, and to continue until directed otherwise by the Court of Review.

One other topic - guidelines. You'll see that we propose, in 702(f) on pages 4-5 a general provision for guidelines, applicable to all the limitations in 702(b), without any required detail, the existence of which the AG/DNI must certify, but which are submitted to committees here, not to the FISC for review.

These are highlights. There are other items, all of which we should discuss.

Chris and Alissa are here next week; I'll be away. We'll reverse that during the second week of the recess. Please don't hesitate to begin an exchange of thoughts with whomever may be here. Let's definitely plan to sit down together as early as possible during the first week back.

And a Happy Easter and start of spring to all.

Mike



b2/b4

[Redacted]

From: [Redacted]  
To: "Jack Livingston" [Redacted]@ssci.senate.gov>

Date: Tuesday, October 16, 2007 10:56PM  
Subject: Re: Amendments

[Redacted]

----- Original Message -----  
From: "Livingston, J (Intelligence)" [Redacted]@ssci.senate.gov]  
Sent: 10/16/2007 10:49 PM AST  
To: [Redacted]  
Subject: RE: Amendments

[Redacted]

From: [Redacted]  
Sent: Tuesday, October 16, 2007 10:45 PM  
To: Livingston, J (Intelligence)  
Subject: Re: Amendments

[Redacted]

----- Original Message -----  
From: "Livingston, J (Intelligence)" [Redacted]@ssci.senate.gov]  
Sent: 10/16/2007 10:43 PM AST  
To: [Redacted]  
Subject: RE: Amendments

[Redacted]

From: [Redacted]  
Sent: Tuesday, October 16, 2007 10:21 PM

b2/b6

[Redacted]

To: Livingston, J (Intelligence)  
Subject: Re: Amendments

[Redacted]

----- Original Message -----

From: "Livingston, J (Intelligence)" [Redacted]@ssci.senate.gov]  
Sent: 10/16/2007 10:06 PM AST  
To: [Redacted]  
Subject: RE: Amendments

[Redacted]

From: [Redacted]  
Sent: Tuesday, October 16, 2007 9:55 PM  
To: Livingston, J (Intelligence)  
Subject: Re: Amendments

Thanks.

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From: "Livingston, J (Intelligence)" [Redacted]@ssci.senate.gov]  
Sent: 10/16/2007 09:34 PM AST  
To: Gerry, Brett (OLE)" <Brett.Gerry@usdoj.gov>; [Redacted] Eisenberg, John"  
<John.Eisenberg@usdoj.gov>; Demers, John (NSD)" <John.Demers@usdoj.gov>; Vito  
Potenza (work)" [Redacted] Caproni, Valerie  
E." [Redacted]  
Cc: Wainstein, Kenneth (NSD)" <Kenneth.Wainstein@usdoj.gov>  
Subject: Amendments

Senator Bond and Senator Rockefeller have not yet reached a deal on the Chairman/Vice  
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We are presently putting together amendments on the following issues in the event that a  
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b2/b4



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You all had mentioned that you had changes to 106, so maybe some of those could form the basis of amendments. Please don't provide technical assistance or do any substantive work. Ideas are fine, we'll make our leg counsel do the work. I'm just willing to entertain your ideas, if you have any FISA fixes that you've been dying to have. Don't spend much time on this, because this entire exercise could be a waste of time if we reach an agreement.

One caveat, no need to suggest the redefinition of agent of a foreign power to include non-us persons with foreign intelligence information. Thanks.

b2/b4

[Redacted]

From: [Redacted]  
To: "Jack Livingston" [Redacted]@ssci.senate.gov  
bcc: [Redacted]

Date: Tuesday, October 16, 2007 10:39PM  
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[Redacted]

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To: [Redacted]  
Subject: RE: Amendments

[Redacted]

From: [Redacted]  
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Subject: Re: Amendments

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b2/b6

[REDACTED]

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Sent: 10/16/2007 09:34 PM AST  
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<John.Eisenberg@usdoj.gov>; Demers, John (NSD)" <John.Demers@usdoj.gov>; Vito  
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E." [REDACTED]  
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non-us persons with foreign intelligence information. Thanks.

Out of scope

From: [REDACTED]  
Sent: Sunday, April 20, 2008 8:51 PM  
To: "Louis Tucker"  
Subject: Re: FISA

Hey Louis: Ben, [REDACTED] and I will be there. Ben has to leave at 11:30. Can we try and wrap up the mtg then? From DoJ, John Demers and [REDACTED] will attend, and NSA's Vito Potenza will attend. See you Mon am.  
Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence  
[REDACTED]

h2/b6

----- Original Message -----

From: "Tucker, L (Intelligence)" [L\_Tucker@SSCI.Senate.Gov]  
Sent: 04/19/2008 01:16 PM AST  
To: "Livingston, J (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>; "Davidson, M (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>; "Demers, John (NSD)" <John.Demers@usdoj.gov>; "Potenza, Vito" <[REDACTED]@SSCI.Senate.Gov>; "Eisenberg, John" <John.Eisenberg@usdoj.gov>; "Rice, K (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>; "DeRosa, Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; "Rossi, Nick (Judiciary-Rep)" <[REDACTED]@Judiciary-dem.senate.gov>; "Solomon, Matthew (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; "Espinel, Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>; "Johnson, A" <[REDACTED]@mail.house.gov>; "Abegg, John (McConnell)" <[REDACTED]@mail.house.gov>; "Hawkins, Tom (McConnell)" <[REDACTED]@mail.house.gov>; "Lettre, Marcel" <[REDACTED]@mccconnell.senate.gov>; "Reid" <[REDACTED]@mccconnell.senate.gov>; "Healey, C (Intelligence)" <[REDACTED]@mail.house.gov>; "Weich, Ron (Reid)" <[REDACTED]@mail.house.gov>; "Starzak, Alissa (Intelligence)" <[REDACTED]@mail.house.gov>; "Wolfe, J (Intelligence)" <[REDACTED]@mail.house.gov>; "Joel D. Kaplan" <joel\_d\_kaplan@who.eop.gov>; "Harold H. Kim" <harold.h.kim@who.eop.gov>; "Starzak, Alissa (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>; "Wolfe, J (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>; "Weich, Ron (Reid)" <[REDACTED]@SSCI.Senate.Gov>; "Wolfe, J (Intelligence)" <[REDACTED]@SSCI.Senate.Gov>  
Subject: FISA

Staff: Congressman Hoyer and Senator Bond have been in contact regarding a possible way forward with respect to FISA. Senator Bond expressed to Congressman Hoyer that because the Senate bill has bipartisan support with a supermajority in the Senate and an apparent simple majority in the House and is supported by the DNI/DOJ/Administration, he believed the most helpful way forward would be to hear from the House Democratic

b2/b4

Leadership what specific modifications to the Senate bill the House Democrats require to allow a version of that bill a vote on the House floor, while retaining bipartisan Senate/House and DNI/DOJ/Administration support. Congressman Hoyer conveyed to Senator Bond that he will respond with such specifics to Senator Bond this week, and with that understanding he asked him to send staff to (and to ask his respective colleagues to send staff to, and to encourage the Administration to participate in) a bicameral, bipartisan and Administration staff meeting on Monday to hear from House Democrat staff the primary concerns of their principals and their ideas on possible ways forward. Senator Bond agreed and has asked me to convey that Republican staff from the following offices (House/Senate Leadership, House/Senate Intelligence and Judiciary Committees, as well as representatives from the DNI/DOJ/White House) are planning to attend a meeting with Democrat staff from those respective offices. The meeting will be held in the Senate Intelligence Committee space, Senate Hart Building Room 219 at 10am on Monday morning. I would ask that offices send only necessary staff (preferably 2-3) as the room will fill up rather quickly. If we are to hear/discuss classified matters (as I imagine we will) then staff will need to send their clearances to [REDACTED]@ssci.senate.gov (the SSCI's security manager) first thing Monday morning. If staff without clearances are necessary then we can hold an unclassified portion first and then a classified discussion thereafter. I look forward to seeing you all Monday morning.

Louis Tucker  
Republican Staff Director  
Senate Select Committee on Intelligence

7/3/2008

b2/b6

[Redacted]

**From:** "Tucker,L (Intelligence)" [Redacted]@SSCI.Senate.Gov>  
**To:** [Redacted]  
**cc:** "Livingston,J (Intelligence)" [Redacted]@SSCI.Senate.Gov>,  
[Redacted], "Rice,K (Intelligence)"  
[Redacted]@SSCI.Senate.Gov>

**Date:** Friday, April 04, 2008 07:39PM  
**Subject:** Re: On the return of H.R. 3773 to the Senate

The question isn't if but when, did Rockefeller and the DNI agree to Monday or next week sometime? You know there are other things in motion and they will use this. If you the timing of that, and their UC today and what they'll say coming from Monday, etc. are just coincidences, I'd think again. Bond will be objecting Monday to their UC to pass/extend the PAA for 30 days on the Senate floor. If you want a bipartisan meeting with Senate Intel that would be next Friday. That's our recommendation, you're free of course to do as you will.

----- Original Message -----

**From:** [Redacted]  
**To:** Tucker, L (Intelligence)  
**Cc:** Livingston, J (Intelligence); Benjamin Powell <[Redacted]>  
[Redacted]  
**Sent:** Fri Apr 04 19:15:54 2008  
**Subject:** Re: On the return of H.R. 3773 to the Senate

Louis: We said we'd come period. We cannot walk this one back. The DNI told Rockefeller on the phone Ben would be there, and the DNI said: We are not coming to negotiate.

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence  
[Redacted]

-----"Tucker, L (Intelligence)" [Redacted]@SSCI.Senate.Gov> wrote: -----

**To:** [Redacted]@dni.gov>, "Livingston, J (Intelligence)"  
[Redacted]@SSCI.Senate.Gov>  
**From:** "Tucker, L (Intelligence)" <[Redacted]@SSCI.Senate.Gov>  
**Date:** 04/04/2008 07:14PM  
**cc:** [Redacted]  
**Subject:** Re: On the return of H.R. 3773 to the Senate



b2/b6

Makes more sense to bump till Friday. You guys said you'd come if it was bipartisan, will be bipartisan on Friday when we will attend, why not bump to Friday?

----- Original Message -----

From: [REDACTED]  
To: Livingston, J (Intelligence)  
Cc: Benjamin Powell [REDACTED]; Tucker, L (Intelligence); [REDACTED]

Sent: Fri Apr 04 18:46:50 2008  
Subject: RE: On the return of H.R. 3773 to the Senate

Jack: We are planning to attend on Monday at 2 pm; we told Mike over a week ago that we would and the Chairman raised it with the DNI in a phone call earlier this week. It is not a negotiation session. Have a good weekend Jack.

Kathleen Turner  
Director of Legislative Affairs  
Office of the Director of National Intelligence

[REDACTED]

-----"Livingston, J (Intelligence)" [REDACTED]@ssci.senate.gov> wrote: -----

To: "Davidson, M (Intelligence)" [REDACTED]@ssci.senate.gov>, "Ben Powell" [REDACTED], "Demers, John (NSD)" <John.Demers@usdoj.gov>, "Eisenberg, John" <John.Eisenberg@usdoj.gov>, <Carl.Nichols@usdoj.gov>, "Potenza, Vito"

[REDACTED] "Rice, K (Intelligence)" <K\_Rice@ssci.senate.gov>, "DeRosa, Mary (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>, "Rossi, Nick (Judiciary-Rep)" <[REDACTED]@judiciary-rep.senate.gov>, "Espinel, Zulima (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>, "Solomon, Matthew (Judiciary-Dem)" <[REDACTED]@Judiciary-dem.senate.gov>

From: "Livingston, J (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Date: 04/04/2008 01:16PM  
cc: "Healey, C (Intelligence)" [REDACTED]@ssci.senate.gov>, "Starzak, Alissa (Intelligence)" <[REDACTED]@ssci.senate.gov>  
Subject: RE: On the return of H.R. 3773 to the Senate

Mike,

Consistent with our earlier discussion this morning, I just spoke with Louis and I need to keep Monday free to help out with the Minority Report to the Committee's Phase II