July 30, 2019

The Honorable Dan Coats  
Director of National Intelligence  
Office of the Director of National Intelligence  
Washington, DC 20511

The Honorable William Barr  
Attorney General  
United States Department of Justice  
Washington, DC 20530

Dear Director Coats and Attorney General Barr:

We write to follow up on our December 20, 2018 letter to your offices. Our earlier letter requested a prompt response to a series of questions regarding the NSA’s implementation and use of authorities granted under the USA FREEDOM Act. In March, the Justice Department confirmed receipt of our letter and told us that they were working on a response, but we have yet to receive one.

In addition, there are new reports in The Wall Street Journal and The Washington Post regarding a second, previously undisclosed incident in the fall of 2018 in which the NSA collected an undisclosed number of unauthorized U.S. calls and text messages.¹

Given the importance of the issues raised in our 2018 letter, the newly-reported second “overcollection” of metadata, the upcoming discussion about FISA reauthorization, and the over six months that have passed since our initial request, we are writing again to reiterate our prior request and seek an immediate response. In addition to the questions raised in the December 20, 2018 letter, please also respond to the following in the appropriate setting:

- Did the NSA experience a second incident of metadata “overcollection”? If so, why did it occur, how many U.S. phone calls and text messages were collected in error, and what specific steps did the government take to remedy it?
- In a series of congressional oversight hearings during the consideration of the USA FREEDOM Act, various government officials acknowledged that of the 54 terrorism cases provided as examples of where Section 215 phone records collection had been used, only 13 of those plots had a homeland nexus, and only one had a “but for” nexus to Section 215. Please provide updated information about the number of terrorism cases that have been brought as a result of Section 215 phone records collection.

Thank you for your attention to this letter. If you have any questions, please contact David Pendle of Senator Leahy’s staff at (202) 224-4242 or Blake Lanning of Senator Lee’s staff at (202) 224-5444.

Thank you for your attention to this matter.

Sincerely,

Patrick Leahy
United States Senator

Mike Lee
United States Senator

Cc: Gen. Paul M. Nakasone, Director, National Security Agency