

January 14, 2016

The Honorable Jason Chaffetz
Chairman, Committee on Oversight and Government Reform
2157 Rayburn House Office Building
Washington, DC 20515

The Honorable Elijah Cummings
Ranking Member, Committee on Oversight and Government Reform
2471 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Chaffetz and Ranking Member Cummings:

We are writing regarding the December 30, 2015, letter to NSA Director Michael Rogers inquiring into “the processes NSA employees follow in determining whether intercepted communications involve[] Members of Congress and the latitude agency employees have in screening communications with Members of Congress for further dissemination within the Executive Branch.”¹

Congressional independence from the Executive Branch is essential to our system of separated powers enshrined in the Constitution. This independence must include protection from Executive Branch surveillance when conducting legislative and oversight functions. We applaud the inquiry

Finally, we urge you to develop legislation to limit collection of communications involving legislative and judicial branch activities, as well as independent Executive Branch agencies. NSA guidance on data collection efforts is subject to agency interpretation and these dissemination practices are subject to change. Legislation should flatly prohibit Executive Branch interception of communications and collection of metadata involving Members of Congress, congressional staff, legislative support agency staff, and the work of any independent government agency, unless explicitly and directly authorized by a federal judicial warrant