

**Congress of the United States**  
**Washington, DC 20515**

March 15, 2024

The Honorable Mike Johnson  
Speaker  
U.S. House of Representatives  
H-232, The Capitol  
Washington, D.C.

The Honorable Hakeem Jeffries  
Democratic Leader  
U.S. House of Representatives  
The Capitol  
Washington, D.C.

Dear Speaker Johnson and Democratic Leader Jeffries:

We write to urge you to allow floor votes on crucial reforms to protect the privacy rights of Americans, specifically amendments to close the backdoor search and data broker loopholes. In addition, we urge you to oppose any attempt to attach reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA) to a “must pass” legislative vehicle, which could endanger final passage of the underlying bill. These actions are crucial to carry out our duty to safeguard Americans’ constitutional right to privacy while ensuring our national security.

Since its enactment 15 years ago, government agencies have continuously misused Section 702. Recent revelations, in particular, demonstrate that warrantless surveillance leads to significant abuses and threatens Americans’ Fourth Amendment rights. In 2022, the FBI used Section 702 over 200,000 times to search for Americans’ data, circumventing the Fourth Amendment.<sup>1</sup> These searches unjustly targeted individuals, including at least two Members of Congress, 19,000 donors to a congressional campaign, a state court judge, protestors and activists on both the right and left, and a local political party.<sup>2</sup>

In addition, reports have exposed that law enforcement agencies nationwide are purchasing Americans’ data, such as location data and internet activity, from data brokers without a warrant.<sup>3</sup> This evasion of the Fourth Amendment is unacceptable. According to the Office of the Director of National Intelligence, the kinds of data purchased by law enforcement “has

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<sup>1</sup> Zeba Siddiqui, *FBI misused intelligence database in 278,000 searches, court says*, REUTERS (May 19, 2023) <https://www.reuters.com/world/us/fbi-misused-intelligence-database-278000-searches-court-says-2023-05-19>.

<sup>2</sup> Dep’t of Justice & Office of the Director of National Intelligence, *Semiannual Assessment of Compliance with Procedures and Guidelines Issued Pursuant to Section 702 of the Foreign Intelligence Surveillance Act*, Submitted by the Attorney General and the Director of National Intelligence (Dec. 2021) <https://www.intelligence.gov/assets/documents/702%20Documents/decclassified/24th-Joint-Assessment-of-FISA-702-Compliance.pdf>.

<sup>3</sup> See, e.g., Charlie Savage, *N.S.A. Buys Americans’ Internet Data Without Warrants, Letter Says*, N.Y. TIMES (Jan. 25, 2024) <https://www.nytimes.com/2024/01/25/us/politics/nsa-internet-privacy-warrant.html>; Byron Tau & Dustin Volz, *U.S. Spy Agencies Buy Vast Quantities of Americans’ Personal Data, U.S. Says*, WALL STREET JOURNAL (Jun. 12, 2023) <https://www.wsj.com/articles/u-s-spy-agencies-buy-vast-quantities-of-americans-personal-data-report-says-f47ec3ad>.

increasingly important risks and implications for U.S. person[s'] privacy and civil liberties, as [the data] can reveal sensitive and intimate information about individuals.”<sup>4</sup>

As you know, the House Judiciary Committee favorably reported the Protect Liberty and End Warrantless Surveillance Act (H.R. 6570) on a strong bipartisan vote of 35-2 in December 2023. This bill—the result of significant compromise over months of deliberation—would ensure that the government has the tools necessary to keep Americans safe while including important privacy protections to address the issues mentioned above, including requiring the government to obtain a warrant before conducting a search on Americans and prohibiting the government from circumventing the Fourth Amendment by purchasing data from third-party data brokers that would otherwise require a warrant.

While we would welcome moving the Protect Liberty Act to the floor for a vote, we have been willing to negotiate and compromise on legislation to reauthorize Section 702 as long as Members have an opportunity to vote on whether the government should end warrantless surveillance of Americans and stop circumventing the Fourth Amendment by purchasing sensitive information on Americans from third parties.

We urge you to advance floor votes on these crucial reforms so that we can restore the vital balance between liberty and security while reauthorizing and reforming tools to safeguard the nation. We also urge you not to include any further FISA reauthorizations in any “must-pass” legislation. Now is the time to seize this unique moment in favor of broad, bipartisan action.

Thank you for your attention to this matter. We stand ready to work with you to advance this critical legislation for the benefit of all Americans.

Sincerely,



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Pramila Jayapal  
Member of Congress



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Andy Biggs  
Member of Congress

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<sup>4</sup> Office of the Director of National Intelligence Senior Advisory Group Panel on Commercially Available Information, *Report to the Director of National Intelligence* (Jan. 27, 2022) <https://www.dni.gov/files/ODNI/documents/assessments/ODNI-Declassified-Report-on-CAI-January2022.pdf>.



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Val Hoyle  
Member of Congress



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Kelly Armstrong  
Member of Congress



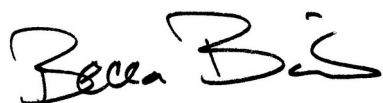
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Warren Davidson  
Member of Congress



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Zoe Lofgren  
Member of Congress



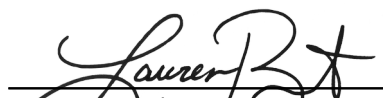
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Becca Balint  
Member of Congress



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Dan Bishop  
Member of Congress



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Lauren Boebert  
Member of Congress



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Josh Brecheen  
Member of Congress



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Eric Burlison  
Member of Congress



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Cori Bush  
Member of Congress



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Judy Chu  
Member of Congress



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Yvette D. Clarke  
Member of Congress



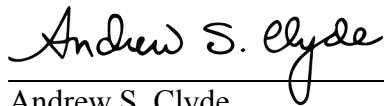
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Ben Cline  
Member of Congress



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Michael Cloud  
Member of Congress



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Andrew S. Clyde  
Member of Congress



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Steve Cohen  
Member of Congress



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Elijah Crane  
Member of Congress



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Chris Deluzio  
Member of Congress



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Lloyd Doggett  
Member of Congress




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Valerie P. Foushee  
Member of Congress



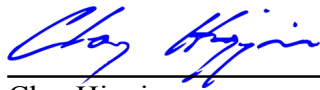
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Matt Gaetz  
Member of Congress



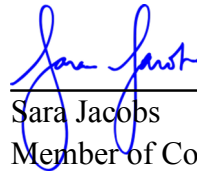
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Harriet M. Hageman  
Member of Congress



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Clay Higgins  
Member of Congress



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Sara Jacobs  
Member of Congress



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Barbara Lee  
Member of Congress



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Anna Paulina Luna  
Member of Congress



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Nancy Mace  
Member of Congress



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Thomas Massie  
Member of Congress



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James P. McGovern  
Member of Congress



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Alex X. Mooney  
Member of Congress



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Barry Moore  
Member of Congress



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Andrew Ogles  
Member of Congress



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Katie Porter  
Member of Congress



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Jamie Raskin  
Member of Congress



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John Rose  
Member of Congress



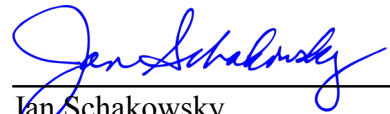
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Matthew Rosendale, Sr.  
Member of Congress



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Chip Roy  
Member of Congress



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Jan Schakowsky  
Member of Congress



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Mark Takano  
Member of Congress



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Randy K. Weber, Sr.  
Member of Congress