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.\(^1\) 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.\(^2\)

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.\(^3\) 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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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.\(^4\)

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,

Pramila Jayapal
Member of Congress

Andy Biggs
Member of Congress

\(^4\) 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)
Matt Gaetz
Member of Congress

Harriet M. Hageman
Member of Congress

Clay Higgins
Member of Congress

Sara Jacobs
Member of Congress

Barbara Lee
Member of Congress

Anna Paulina Luna
Member of Congress

Nancy Mace
Member of Congress

Thomas Massie
Member of Congress

James P. McGovern
Member of Congress

Alex X. Mooney
Member of Congress