

The Senate Must Stop “One of the Most Dramatic and Terrifying Expansions of Government Surveillance Authority in History”

The Reforming Intelligence and Securing America Act (RISAA), as amended in the House, authorizes **the largest expansion of surveillance on domestic soil since the Patriot Act**. The potential for abuse of this new authority is staggering, and the Senate must prevent it from becoming law.

How It Works. Under current law, the government conducts Section 702 surveillance with the compelled assistance of “electronic communications service providers,” such as Verizon and Google, that have direct access to Americans’ communications. The government obtains orders from the FISA Court requiring the companies to provide assistance, generally by turning over the communications of designated targets.

RISAA vastly expands the universe of entities that can be compelled to provide assistance to include providers of *any* service, as long as they have access to equipment on which communications are transmitted or stored. **This sweeps in an enormous range of U.S. businesses that provide wifi to their customers and therefore have access to routers or other equipment on which communications transit.**

- Although the provision exempts hotels, libraries, restaurants, and a handful of other establishments, **the vast majority of U.S. businesses—department stores, barber shops, laundromats, hardware stores, dentist’s offices, fitness centers—would be fair game.** So would the commercial landlords that lease the office space where tens of millions of Americans go to work every day, including the offices of journalists, lawyers, nonprofits, and others.
- The provision would even encompass service providers who come to our homes. **House cleaners, people performing repairs, plumbers, IT service providers—anyone who might have access to a laptop or router within the home could be compelled to serve as a surrogate spy for the NSA.**
- Unlike Verizon or Google, most of these businesses and individuals would lack the ability to isolate and turn over individual communications. They would therefore be forced to give the NSA access to the equipment itself, or to copy and turn over entire repositories of stored communications, including countless communications between and among Americans. **The NSA would be on the “honor system” to pull out and retain only the communication of foreign targets.**

What the government says. The administration denies that it has any intent to make full use of this sweeping authority. Indeed, House intelligence committee members portrayed it as a “narrow” fix to their inability to compel assistance from a single provider (which the *New York Times* [identified](#) as a data center for cloud computing). But whatever the claimed intent, there is nothing “narrow” about this measure, and nothing to stop this administration—or a future one—from using the power to its fullest.

- One of the FISA Court’s amici curiae (outside experts appointed to assist the court) took the highly unusual step of going public with his concerns about this provision. He [warned](#) that “[t]he breadth of the new definition is obvious,” and that it would sweep in “delivery personnel, cleaning contractors, and utility providers.”
- Senator Ron Wyden, who has a history of issuing prescient warnings about surveillance overreach, [stated](#) that **this provision “represents one of the most dramatic and terrifying expansions of government surveillance authority in history.”**

No democracy should allow its government to have such an Orwellian power. If there is an opportunity to remove this provision by amendment, the Senate should remove it. **If the provision is not removed, the Senate should not pass RISAA.**

The White House and intelligence committees will say there’s no time to get this right, because Section 702 is set to expire on April 19. But on April 4, the administration [obtained approval](#) from the FISA Court to continue conducting Section 702 surveillance until April of 2025. According to the government itself, that approval will “grandfather” Section 702 surveillance for a year even if Section 702 itself were to lapse. **The Senate must not let a meaningless deadline pressure it into creating a surveillance state.**

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