

## The Protect Liberty Act: Sensible Surveillance Reform

Section 702 of the Foreign Intelligence Surveillance Act was enacted to make it easier for the government to address foreign terrorist threats. The law gives the government broad authority to surveil non-Americans located abroad, but targeting Americans is prohibited.

Unfortunately, intelligence agencies have used legal loopholes to turn Section 702 into a go-to domestic spying authority, conducting [hundreds of thousands](#) of warrantless “backdoor” searches for Americans’ private communications every year. There have been alarming abuses, including searches for the communications of [racial justice protestors](#), [members of Congress](#), and [political donors](#).

The bipartisan [Protect Liberty and End Warrantless Surveillance Act](#) would end these civil liberties violations while leaving intact the government’s ability to monitor foreign threats under Section 702. Among other reforms, the Protect Liberty Act would:

- Require intelligence agencies to obtain a warrant before performing backdoor searches designed to retrieve the content of Americans’ communications, with exceptions for exigent circumstances, consent (in cases where the subject of the search is a potential victim of a foreign plot), and certain cybersecurity-related searches.
  - No court order would be required to conduct searches of communications “metadata”—i.e., to determine if a particular American was in contact with a foreign target. That information could then be used to support a warrant application.
- Strengthen the prohibition on “reverse targeting”—the practice of collecting foreigners’ communications with the intent of spying on Americans with whom the foreign targets are communicating.
- Prohibit the government from resuming “abouts” collection, a practice by which the NSA collected communications between non-targets whose communications merely mentioned the target. This practice inevitably captured large numbers of purely domestic communications.
- Close the “data broker loophole” that intelligence and law enforcement agencies use to buy their way around the Fourth Amendment and other legal privacy protections by purchasing Americans’ sensitive information, including location history, from commercial data brokers.
- Bolster the role of *amici curiae* (who assist the FISA Court in evaluating arguments presented by the Department of Justice) by creating a presumption that they should participate in certain particularly sensitive or important matters and by increasing their access to information.
- Increase accountability and transparency, including by requiring the Attorney General to adopt “accountability procedures” and by requiring the Department of Justice to disclose all relevant information, including exculpatory information, to the FISA Court.

The Protect Liberty Act is a bipartisan bill that passed out of the House Judiciary Committee 35–2. Its cosponsors include Reps. Andy Biggs, Jerry Nadler, Jim Jordan, Pramila Jayapal, Warren Davidson, Sara Jacobs, and Russell Fry, and has been endorsed by the Brennan Center and dozens of other civil society organizations, including the ACLU, AFP, Asian Americans Advancing Justice | AAJC, Demand Progress, EPIC, FreedomWorks, PPSA, Restore the Fourth, and Stop AAPI Hate.