

## Vote “NO” on Amendments to Expand Domestic Surveillance and Enact Patriot Act 2.0

Section 702 of the Foreign Intelligence Surveillance Act, which is scheduled to expire on April 19 unless renewed, is a warrantless surveillance authority that is supposed to be targeted at non-Americans located abroad. But this collection “[inevitably](#)” captures Americans’ communications, too. Intelligence agencies have turned Section 702 into a domestic spying tool, using it to perform [hundreds of thousands](#) of warrantless “backdoor” searches for Americans’ private phone calls, e-mails, and text messages every year. These searches have included shocking abuses, including baseless searches for the communications of [141 Black Lives Matter protesters](#), [members of Congress](#), [19,000 donors to a congressional campaign](#), [a local political party](#), and [tens of thousands of people](#) involved in “civil unrest.” Lawmakers from both parties have thus vowed not to reauthorize the law without “[significant reforms](#).”

**The “Reforming Intelligence and Securing America Act,” however, is a “reform” bill in name only.** Modeled closely on the House Intelligence Committee’s bill—and bypassing the critical reforms included in the House Judiciary’s Committee’s [Protect Liberty and End Warrantless Surveillance Act](#)—it is carefully crafted to preserve the status quo and would do nothing to prevent continuing abuses of Section 702. Yet rather than amending the bill to include needed reforms, **leaders of the House Intelligence Committee plan to offer amendments to dangerously—and unnecessarily—expand domestic surveillance.**

- **Forcing U.S. businesses to serve as surrogate spies.** House intelligence committee members may offer Section 504 of the FISA Reform and Reauthorization Act as an amendment. **This provision would enable the largest expansion of surveillance on U.S. soil since the Patriot Act.** Through a seemingly innocuous change to the definition of “electronic communications service provider,” it would allow the government to force ordinary U.S. businesses—including hotels, coffee shops, and even libraries—to assist the government in conducting Section 702 surveillance. Although the targets would still have to be non-U.S. persons overseas, most of these businesses would lack the technical ability to turn over specific communications, so they would be forced to give the NSA access to entire communications streams—trusting the government to retain only the communications of approved targets. Administration officials have reportedly claimed that they do not intend to use this provision in such a broad manner. But the plain text of Section 504 clearly allows such uses, and nothing in the history of U.S. intelligence collection suggests that intelligence agencies will stop short of exercising the full authority granted by law.
- **Expanded surveillance of immigrants.** This amendment would permit entirely suspicionless searches of Section 702 data for the communications of any non-U.S. person seeking permission to travel to the United States, whether on student or work visas or as tourists or business travelers. People should be able to vacation, work, or study in the U.S. without automatically exposing their private communications to U.S. government scrutiny. There are already multiple vetting mechanisms in place to ensure that visitors to this country do not pose a threat to national security.
- **Expanded definition of “foreign intelligence.”** This amendment would expand FISA’s definition of “foreign intelligence” to include information about the international movement of fentanyl OR “any controlled substance designated by the Controlled Substances Act.” Information about dangerous drugs like fentanyl already qualifies under the existing definition of “foreign intelligence”; indeed, the administration has [touted](#) its use of Section 702 to collect intelligence about fentanyl trafficking. Allowing the NSA to collect information about *any* controlled substance, on the other hand—including innumerable prescription medications with minimal abuse potential—would create a massive expansion of surveillance, unmooring “foreign intelligence” collection from the limiting principle of protecting U.S. safety and security.

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