

Government Surveillance Reform Act

Sen. Ron Wyden, Sen. Mike Lee, Rep. Warren Davidson, and Rep. Zoe Lofgren

Section 702 of the Foreign Intelligence Surveillance Act (FISA) is a valuable national security statute that helps the U.S. government surveil foreigners overseas. However, as the program has dramatically expanded with new communications technologies, Americans' private conversations and records are increasingly collected, searched and read by the U.S. government. The FBI and NSA have conducted millions of warrantless searches of Americans' communications, resulting in extensive documented abuses. The forthcoming December 31 sunset of section 702 provides Congress with a once-in-a-generation opportunity to strengthen Section 702 by ensuring it cannot be used to violate Americans' rights, and to enact comprehensive surveillance reform.

The Government Surveillance Reform Act renews Section 702 of FISA for 4 years and reforms the law to better protect national security and Americans' Constitutional rights. Notably, it reforms 702 to protect Americans from warrantless backdoor searches, ensures that foreigners aren't targeted as a pretext for spying on the Americans with whom they are communicating, and prohibits the collection of domestic communications.

While section 702 features a sunset, it is not the only FISA authority in need of reforms. The Act ends warrantless collection of business records, ensures that the government provides accurate information to the Foreign Intelligence Surveillance Court, and requires meaningful accountability for violations of the law.

Americans' privacy is also threatened by unchecked surveillance conducted by intelligence agencies outside of FISA. This surveillance, undertaken pursuant to Executive Order 12333, presents many of the same problems as FISA surveillance only without statutory checks and balances or court oversight. The Act extends many of the same reforms needed for 702 to 12333 activities, including by limiting warrantless searches of Americans' communications and prohibiting the targeting of foreigners as a pretext for surveilling Americans. It also limits the acquisition of Americans' information as part of large datasets.

Federal law governing law enforcement surveillance has not kept pace with developments in technology, in large part because Congress hasn't meaningfully updated relevant law in decades. The Act restores Constitutional protections that have been undermined by modern collection methods, by requiring warrants for surveillance of Americans' location data, web browsing and search records, and by prohibiting the government from purchasing Americans' data from data brokers.

The Government Surveillance Reform Act represents the most balanced, comprehensive surveillance reform bill in 45 years. This bill will strengthen the legal foundations of a vital national security authority by ensuring U.S. government surveillance of Americans takes place under a consistent, Congressionally-enacted legal framework, supervised by independent judges.