

September

Re: FISA Section 702 Reauthorization

Dear Representative

The undersigned civil rights, civil liberties, privacy, and government oversight organizations
write to urge you to vote "no" on reauthorization of Section 702 of the Foreign Intelligence
Surveillance Act.

States The FISA court required corrective action to limit the use of this information but Sen Ron W den D OR has recentl asked the administration to publicl clarif hether the government uses Section for this purpose

- Section has been used to collect information completel unrelated to its targets For e ample a revie of documents provided to the Washington Post found that of the information collected hile targeting a foreigner abroad had nothing to do ith the target and included sensitive information like medical records and famil photos Despite being deemed useless b anal sts the information as retained
- The government has failed to compl ith its obligation to provide notice in criminal cases here Section is used to criminall prosecute Prior to no criminal defendant had ever received notice that Section information as being used against them even though it turns out that it as Since that time follo ing an apparent ree amination in polic notice as provided in a total of eight cases This number is suspiciousl lo given that the intelligence communit confirmed it shares criminal evidence unrelated to terrorism ith investigators There are also reports that intelligence is regularl funneled to the Drug Enforcement Administration DEA hich then uses parallel construction to obscure the source of the evidence Despite repeated requests the Department of Justice continues to ithhold its legal

made compliant with the privacy rules in this instance it has reserved the right to restart those surveillance activities called upstream about collection even knowing the will certainly pick up domestic and irrelevant communications

The NSA and CIA knowingly search for Americans' communications and metadata in the _____ database tens of thousands of times a year and though the FBI does not keep track of its searches for Americans' information, the Privacy and Civil Liberties Oversight Board reports that the FBI conducts such searches routinely. News reports from the DNI confirm that NSA and CIA agents searched through data with known American identifiers like emails and phone numbers well over _____ times last year and that _____ does not account for the FBI's use or the number of times the CIA searches through metadata pertaining to Americans' communications. It also does not reflect recent changes in the privacy rules that will allow the National Counterterrorism Center access to the data starting this summer or that will allow intelligence agencies to query communications collected through upstream surveillance which was prohibited until this summer.

- The administration has reversed course on estimating the number of Americans surveilled under Section _____. Following over a year of briefings with Congressional staff and other stakeholders, the DNI committed to provide an estimate of the number of Americans whose communications were incidentally collected under the program but reneged on this commitment in June of this year.

