

April 16, 2024¹

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Dick Durbin
Chairman
Senate Committee on the Judiciary
Washington, DC 20515

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The Honorable Mark Warner
Chairman
Senate Select Committee on Intelligence
Washington, DC 20515

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Dear Majority Leader Schumer, Minority Leader McConnell, Chairman Durbin, and Chairman Warner:

We, the undersigned organizations, write to express our profound alarm and vehement opposition to the Reforming Intelligence and Securing America Act (RISAA), H.R.7888, which would dramatically expand the government's warrantless surveillance powers. We strongly urge you to oppose its consideration in the Senate.

RISAA would expand Section 702 surveillance in dramatic and deeply troubling ways. Currently, Section 702 requires electronic communications service providers, such as Verizon or Gmail, to assist the government in conducting Section 702 surveillance — generally by turning over targets' communications. Under [an amendment adopted as part of RISAA](#), the government could conscript into service a wide range of other types of service providers who merely have access to the equipment (e.g., a router) on which communications transit. Although the amendment exempts hotels, libraries, restaurants, and a handful of other types of establishments, an enormous range of businesses would still be fair game, including grocery stores, department stores, hardware stores, laundromats, barber shops, fitness centers, and — perhaps most disturbingly — commercial landlords that rent out the office space where tens of millions of Americans go to work every day, including news media headquarters, political campaign offices, advocacy and grassroots organizations, lobbying firms, and law offices. Because these businesses might lack the ability to segregate out particular communications, they could be forced to give the government access to entire communications streams, including vast volumes

¹ Signatories will be added on a rolling basis.

of purely domestic communications — trusting the NSA to extract and retain only communications to and from targets.

This “Everyone Is A Spy” Provision fundamentally transforms the nature of surveillance in this country by requiring American businesses and individuals that have no role in providing communications services to assist with NSA surveillance. The measure is tailor-made for aggressive misuse, which is why Senator Ron Wyden (D-OR) described it as “one of the most dramatic and terrifying expansions of government surveillance authority in history.” This dangerous approach is precisely what Congress rejected in 2008 when it replaced the highly fraught Protect America Act with Section 702.

Members of the House Permanent Select Committee on Intelligence (HPSCI) have insisted that this change amounts to a “narrow” update. This frank misrepresentation has been refuted by preeminent experts who have access to the underlying classified information, including one of the FISA Court amici, who took the unusual step of issuing public warnings about this provision.²

This mammoth expansion of Section 702 surveillance is all the more disturbing given what the Foreign Intelligence Surveillance Court itself has noted to be the “[persistent and widespread](#)” abuses of Section 702 since its enactment. Intelligence agents have performed hundreds of thousands of baseless backdoor searches of the Section 702 databases, including searches for: journalists; 19,000 donors to a congressional campaign; members of Congress; a local political party; tens of thousands of people involved in “civil unrest” over a one-year period; and the communications of protesters from across the ideological spectrum.

Rather than preventing further abuses, RISAA instead would vastly expand this warrantless surveillance authority with no meaningful safeguards, all while offering special privacy protections exclusively for members of Congress.

If the Senate passes RISAA on the floor without amendments, it will be signing off on a “[terrifying](#)” expansion of U.S. government surveillance power and on the continued abuse of that power to spy on Americans. We therefore urgently call on you to oppose any version of Section 702 reauthorization that includes this alarming provision.

Sincerely,

AAPI Equity Alliance
Access Now

² See, Marc Zwillinger et al, ZwillGenBlog, “FISA 702 Reauthorization Amendments: The Second Time is Not the Charm,” April 9, 2024, <https://www.zwillgen.com/law-enforcement/fisa-702-reauthorization-amendments-second-time-not-charm/>.

Advocacy For Principled Action In Government
Afghans For A Better Tomorrow
American Arab Anti-Discrimination Committee (ADC)
American Civil Liberties Union (ACLU)
Americans for Prosperity
APA Justice Task Force
Asian Americans Advancing Justice - AAJC
Asian Americans Advancing Justice Southern California (AJSOCAL)
Asian American Federal Employees for Nondiscrimination (AAFEN)
Asian American Legal Defense and Education Fund (AALDEF)
Asian American and Pacific Islander Victory Alliance (AAPIVA)
Asian American Scholars Forum
Asian Law Alliance
Aurora Commons LLC
Brennan Center for Justice at NYU School of Law
Center for Democracy & Technology
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Chinese for Affirmative Action (CAA)
Citizens for Responsibility and Ethics in Washington (CREW)
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Committee to Protect Journalists
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Media Alliance
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MPower Change Action Fund
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Muslims for Just Futures (MJF)
Muslim Justice League
National Association of Criminal Defense Lawyers
National Asian Pacific American Families Against Substance Abuse (NAPAFASA)
National Korean American Service & Education Consortium (NAKASEC)
National Pacific Islander Education Network (NPIEN)
NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
Oakland Privacy
OCA - Asian Pacific American Advocates
OCA-Asian Pacific American Advocates, Greater Chicago
OCA-Asian Pacific American Advocates, Greater Cleveland
OCA-Asian Pacific American Advocate, Silicon Valley
OCA-Asian Pacific American Advocate, Central Virginia
Organization for Identity & Cultural Development (OICD.net)
Patient Privacy Rights
Project for Privacy and Surveillance Accountability (PPSA)
Project On Government Oversight
Project South
Restore the Fourth
Savage Daughters
Secure Justice
SMART Legislation
South Asian Network
South Asian Public Health Association
S.T.O.P. - The Surveillance Technology Oversight Project
Stop AAPI Hate
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