



ELECTRONIC FRONTIER FOUNDATION

Protecting Rights and Promoting Freedom on the Electronic Frontier

November 1, 2017

Senator Dianne Feinstein
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein,

At the Electronic Frontier Foundation (EFF), we have been concerned for many years about provisions in the Foreign Intelligence Surveillance Act (FISA), including Section 702, that allow intelligence agencies to conduct unconstitutional domestic surveillance largely hidden from legislative and judicial oversight. In particular, we are concerned about surveillance that involves "incidental" collection of the communications of law-abiding Americans en masse and about backdoor searches relating to Americans without a warrant.

Additionally, we are concerned that Senator Burr's bill, the *FISA Amendment Reauthorization Act of 2017*, does nothing to restore critical constitutional protections. In many ways, Senator Burr's bill rolls back protections the agencies have voluntarily agreed to implement, such as ending "about" searching.

We were pleased to see that you offered an amendment in the Senate Select Committee on Intelligence (SSCI) to require the government to obtain a warrant based on probable cause before accessing information collected through the Section 702 authorities. We agree that the law must be reformed to protect Americans from warrantless surveillance.

We were disappointed that Senator Burr's bill passed without your amendment or other critical privacy reforms. We appreciate your strong stand against backdoor searches of Americans' communications, and we look forward to working with you in the coming weeks to ensure that the final bill includes strong protections against backdoor searches and other provisions that restore crucial constitutional protections to all Americans.

Sincerely,

The Electronic Frontier Foundation

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