

THE DANGERS OF H.R. 4124

The USA RIGHTS Act

Fact check: The USA RIGHTS Act would not prohibit any of the known successful uses of Section 702 identified by HPSCI.

- The USA RIGHTS Act is an attempt to impose unnecessarily severe requirements on the Government's use of Section 702 of the Foreign Intelligence Surveillance Act (FISA), which is a key national security tool in U.S. counterterrorism efforts.
- Due to its significant negative impact to U.S. national security, **the bill is not supported by the Trump Administration or any of the relevant congressional committees of jurisdiction.**
- If enacted, the bill will erode U.S. national security and place Americans and U.S. troops at home and abroad in harm's way by:

HJC Ranking Member Nadler forcefully opposes S. 139 in a statement on Jan. 5.[1] HPSCI reported the bill with 13 ayes and 8 noes.

USA RIGHTS explicitly permits USP queries to assist such people in Sec. 2 under (2)(B)(ii). It also provides for emergency exceptions.

USA RIGHTS only requires a description of what classes of people have been certified for targeting. Sec 16.

It requires the government use this FOREIGN INTELLIGENCE for national security, not domestic crime, unless it obtains a WARRANT.

USA RIGHTS does not protect terrorists in any way. Sec. 11 provides litigants with standing in some court cases, which is necessary because the gov. misled the Supreme Court about its 702 disclosures.[2]

1. Preventing the Intelligence Community from uncovering plots against the United States and saving potential hostages via limitations on the ability to conduct U.S. person queries in lawfully acquired Section 702 data;
2. Unnecessarily stopping NSA from understanding foreign threat networks by permanently ending NSA's "abouts" collection;
3. Providing U.S. adversaries inferred knowledge of Section 702 targeting decisions by mandating the public description of any classified Section 702 certifications;
4. Significantly limiting the Government's ability to obtain Section 702 information on foreign terrorists by unnecessarily restricting when the Government may ask for technical assistance from electronic communication service providers;
5. Mandating a flat prohibition on the use of Section 702 information in prosecuting dangerous criminals, including murderers and child abusers;
6. Subverting the authority and expediency of the Foreign Intelligence Surveillance Court by requiring an amicus review during every Section 702 authorization; and
7. Protecting domestic terrorists and spies, and potentially exposing them to highly classified U.S. sources and methods, by allowing such actors to sue the U.S. Government based on their belief that they communicated foreign intelligence information to foreigners located overseas. In that scenario, plaintiffs may presume their communication was collected by the U.S. Government via Section 702, resulting in actionable injury.

"Abouts" collection is currently ILLEGAL. S. 139 would restart it.

The gov. must simply show the FISA Court that the assistance is necessary, tailored, and not an undue burden. Sec. 14.

Only for the regular annual certifications, and the FISC need not side with the amicus.

• The 9/11 Commission Report warned that one of the reasons for the catastrophic terrorist attacks on September 11, 2001 was the inability of the Intelligence Community to put the pieces of the puzzle together due to information sharing problems. **This bill will rebuild the "wall" between national security and law enforcement and put Americans, at home and broad, in danger.**

Utterly false. USA RIGHTS is about protecting Americans' rights — it stops backdoor searches for Americans in collected data. There is no wall to be found in this bill.

[1]: <https://democrats-judiciary.house.gov/news/press-releases/nadler-statement-intel-702-bill-be-considered-house-floor-next-week>

[2]: <http://www.nytimes.com/2013/07/16/us/double-secret-surveillance.html>