April 29, 2015

RE: Support for the Poe-Lofgren Amendment to USA FREEDOM Act

Dear Chairman Goodlatte, Ranking Member Conyers, and members of the House Committee on the Judiciary:

We write in strong support of Representatives Poe and Lofgren’s proposed amendment to the USA FREEDOM Act, offered with the support of a bipartisan coalition of cosponsors. The House of Representatives voted overwhelmingly in favor of a virtually identical measure—House Amendment 935 (113th Congress), amending the Department of Defense Appropriations Act for FY 2015. As you know, the ongoing revelations about the intrusive nature and broad scope of government surveillance have badly damaged the trust users have in the security of their Internet communications. This amendment would help begin to restore that trust in two ways.

First, the amendment would address the “backdoor search loophole” by prohibiting government agencies from collecting and searching the communications of U.S. persons without a warrant using section 702 of the Foreign Intelligence Surveillance Act (50 U.S.C. 1881a), a statute primarily designed to pick up communications of individuals abroad. Although section 702 prohibits the government from intentionally targeting the communications of U.S. persons, the government asserts the authority to query those communications if they were inadvertently or incidentally collected under section 702.

Second, the amendment would prohibit the government from requiring or requesting that any person or entity build back doors into its products or services that would facilitate electronic surveillance of the users of such products or services. This is a sensible limitation that will not only improve the transparency of surveillance practices, but also promotes security by avoiding the creation of potential vulnerabilities that can later be exploited by criminals and other bad actors. Notably, this particular provision would exempt any mandates or requests that are made with regard to products and services that are covered under the Communications Assistance for Law Enforcement Act (CALEA).

Both of these measures would make appreciable changes that would advance government surveillance reform and help rebuild lost trust among Internet users and businesses, while also preserving national security and intelligence authorities. We urge adoption of the Poe-Lofgren amendment.

Sincerely,

Access

Advocacy for Principled Action in Government

American Association of Law Libraries
American Civil Liberties Union
American Library Association
American-Arab Anti-Discrimination Committee
Bill of Rights Defense Committee
Campaign for Liberty
Center for Democracy and Technology
Center for National Security Studies
Constitutional Alliance
Constitution Project
Council on American-Islamic Relations
CREDO Mobile
Defending Dissent Foundation
Demand Progress
DownsizeDC.org
Fight for the Future
Free Press Action Fund
FreedomWorks
Mozilla
National Association of Criminal Defense Lawyers
Open Technology Institute
OpenTheGovernment.org
RootsAction
Sunlight Foundation
X-Lab

cc: Members of the House Judiciary Committee