

A Comparison of Senate Leadership’s FISA Section 702 Reauthorization Proposal with Genuine Reforms of Federal Government Surveillance

	Under Existing Law	Under Leadership’s Proposal	Genuine Reform Proposals*
Requires a warrant to access the content of a U.S. person’s communications collected under Section 702	✗	✗	✓
Protects Americans from abusive surveillance under Section 702	✗	✗	✓
Ends abusive surveillance of Members of Congress under Section 702	✗	✗	✓
Protects American gun owners, manufacturers, and sellers from warrantless surveillance	✗	✗	✓
Protects donors from warrantless surveillance of their political activity under Section 702	✗	✗	✓
Protects political campaigns, reporters, judges, political and religious organizations, and countless others who have been subject to surveillance abuses under Section 702	✗	✗	✓
Includes exceptions for exigent circumstances – cybersecurity, “ticking bomb” emergencies, etc. – meeting every example administrations have said is needed to combat terrorism and foreign threats	✗	✗	✓
Requires a warrant to access only the <i>metadata</i> of a U.S. person’s communications under Section 702	✗	✗	✗
Supports national security by allowing intelligence agencies to access the content of a foreigner’s communications collected under Section 702	✓	✓	✓
Requires a warrant for government purchase of Americans’ geolocation and other sensitive personal information from data brokers	✗	✗	✓
Requires the secret FISA Court to appoint an independent privacy expert to advise it in sensitive cases to protect civil liberties	✗	✗	✓
Fixes the “make everyone a spy” definition of electronic communications service provider added in the 2024 FISA reauthorization	✗	✗	✓
Supports national security by allowing intelligence agencies to access the content of an American’s communication when the agency shows probable cause to believe that person is a foreign agent or engaged in criminal activity	✓	✓	✓

***Genuine reform proposals include the Lee/Durbin Security and Freedom Enhancement Act, the Lee/Wyden/Davidson/Lofgren Government Surveillance Reform Act, and the Biggs Protect Liberty and End Warrantless Surveillance Act.**