

House Judiciary Committee to hold hearing on Section 702 of the Foreign Intelligence Surveillance Act

Details on the provision and what experts are saying



About the provision

- Section 702 of the Foreign Intelligence Surveillance Act was enacted as an intelligence tool, allowing law enforcement to target the electronic communications of foreign individuals abroad for foreign intelligence purposes without a warrant
 - This does not preclude electronic communications between such foreign targets and Americans
- The provision is set to expire at the end of 2017, leaving many to argue the merits of its reauthorization and potential reform



What are people saying

- The witness panel for the hearing includes many national security figures, such as representatives from the NSA, the Department of Justice and the FBI
- A coalition of tech trade groups have penned a letter to legislators to “ensure that any reauthorization includes meaningful safeguards for internet users’ privacy and civil liberties”
- The Electronic Frontier Foundation has stated that the provision as it stands has “been used to justify some of the most invasive NSA surveillance,” asserting that it has been used unconstitutionally
- The Heritage Foundation has asserted that the provision is “so vital to America’s national security that Congress should reauthorize Section 702 in its current form,” asserting that it has been mischaracterized as government overreach



Next steps

- On March 1, the House Judiciary Committee will hold a full committee hearing on the section. This hearing will be part one of two on the matter

Sources: Federation of American Scientists, 2017; House Judiciary Committee, 2017; Dia Kayyali, “This way the NSA uses Section 702 is deeply troubling. Here’s why,” Electronic Frontier Foundation, May 8, 2014; Grant Gross, “Tech groups gear up for FISA surveillance fight,” PCWorld, February 16, 2017; Paul Rosenzweig, Charles Stimson and David Shedd, “Maintaining America’s ability to collect foreign intelligence: the Section 702 program,” The Heritage Foundation, May 13, 2016; Noun Project, 2017.