

The Honorable Nancy Pelosi  
Speaker of the House  
U.S. House of Representatives  
H-232, U.S. Capitol  
Washington, D.C. 20515

The Honorable Kevin McCarthy  
Republican Leader  
U.S. House of Representatives  
H-204, U.S. Capitol  
Washington, D.C. 20515

The Honorable Steny Hoyer  
Majority Leader  
U.S. House of Representatives  
H-107, The Capitol  
Washington, D.C. 20515

The Honorable Steve Scalise  
Minority Whip  
U.S. House of Representatives  
H-148, The Capitol  
Washington, DC 20515

Dear Speaker Pelosi and Leader McCarthy,

We write to you to request that as the House takes up the Senate-passed H.R. 6171, the USA Freedom Reauthorization Act of 2020, you allow for consideration of an amendment that mirrors the language of an amendment offered by Senators Wyden and Daines. Since the passage of the Patriot Act, American constitutional rights to privacy have been impaired. Congress has failed to correct the Constitutional defects in the law over concerns that any substantive privacy reform would endanger the reauthorization of the bill. However, recent votes in the Senate show that these fears are unfounded. To that end, we believe that the Wyden-Daines Amendment is a reasonable, privacy-minded reform to our surveillance authorities that can garner support from a majority within both the House of Representatives and the Senate.

When the House considered this legislation, the committees of jurisdiction did not hold markups, nor did the Rule allow Members to offer amendments on the House floor. Given the bipartisan concerns with this legislation, all germane amendments should be considered, debated, and have a recorded vote. The Wyden-Daines amendment is particularly noteworthy because of the strong bipartisan support it has already garnered.

On May 13th, a bipartisan coalition of 59 Senators, including 35 Democrats and 24 Republicans, voted in support of the Wyden-Daines reform; a clear majority of the Senate. While this amendment was shy of just one vote to pass, it has been reported that key senators who would have supported this amendment, were not present for the vote.<sup>[1]</sup> Because the final vote tally is not truly representative of the support for this amendment, the House should take this opportunity to consider the same language.

The Wyden-Daines Amendment would prohibit Section 215 from being used for warrantless collection of Americans' internet search history and website browsing information. All Americans would agree that our internet activity opens a window into the most sensitive areas of our private life. Without this prohibition, intelligence officials would potentially have access to information such as our medical data, religious practices, and political affiliation. Adoption of this amendment would secure a meaningful and bipartisan reform to existing powerful surveillance programs.

Allowing for debate, and likely passage, of the Wyden-Daines Amendment would ensure that Congress has thoughtfully maintained necessary intelligence gathering tools while ensuring that Americans' most sensitive information is not indiscriminately collected without a warrant. We thank you for considering this important request to safeguard Americans' Fourth Amendment rights to privacy.

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<sup>[1]</sup> <https://www.vox.com/recode/2020/5/13/21257481/wyden-freedom-patriot-act-amendment-mcconnell>  
<https://www.brennancenter.org/our-work/analysis-opinion/surprising-senate-vote-signals-new-hope-surveillance-reform>