US Congress pushes warrantless wiretapping decision off until April next year

Congress has extended Section 702 of the Foreign Intelligence Surveillance Act (FISA) for a few more months to April 2024. According to *The New York Times*, the program was included in the $886 billion National Defence Authorization Act, which passed the House by a vote of 310 to 118, with support from the majority of both parties, on December 14th. FISA was due to expire on December 31st, 2023.

Senator Ron Wyden wrote in a press release on December 8th that the vote to reauthorize FISA was inserted into the NDAA "without a vote or debate" before the Senate authorized and passed it to the House. Now, the vote has headed to the desk of President Biden, who has called for it to be reauthorized.

Section 702 empowers US intelligence agencies to spy on foreign targets' communications without a warrant and is behind much of the US intelligence community's behind-the-scenes data collection. According to the Center for Strategic & International Studies, although it was introduced in 2008 as a counterterrorism measure, Section 702 is now used for other illicit activity like cyberattacks, foreign espionage, and, as the Biden administration notes in a release last month, drug trafficking.

Privacy advocates say the tools it provides to US spy agencies enable spying on American citizens. Such as revelations earlier this year that the FBI used it inappropriately to

gather details on US citizens 280,000 times in 2020 and 2021.

The Electronic Frontier Foundation and other privacy advocates wrote in a letter urging Congress not to renew Section 702 on November 21st that the FBI has used it to access the communications of “tens of thousands” of American citizens, including protestors, activists, political donors, and Congressional members.

However, the EFF sees some hope, writing yesterday that the stalemate that led to its temporary authorization “means that the pro-surveillance hardliners of the intelligence community were not able to jam through their expansion of the program.” The group has called for several changes to Section 702, like requiring warrants to access Americans’ communications, closing a loophole that lets spy agencies buy Americans’ data on the open market, and placing “reasonable limits on the scope of intelligence surveillance.”

https://www.theverge.com/2023/12/16/24004356/section-207-reauthorized-until-april-fisa-national-defence-cyber-surveillance