

March 19, 2026

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives

The Honorable Steve Scalise
Majority Leader
U.S. House of Representatives

The Honorable John Thune
Majority Leader
U.S. Senate

The Honorable Chuck Schumer
Democratic Leader
U.S. Senate

Re: Artificial Intelligence, Mass Surveillance, and Reform of Section 702 of FISA

Dear Speaker Johnson, Majority Leaders Scalise and Thune, and Democratic Leaders Jeffries and Schumer:

In less than six weeks, Congress will vote on whether to reauthorize Section 702 of the Foreign Intelligence Surveillance Act (FISA) – with, or without, much-needed privacy protections against government agencies’ warrantless mass surveillance of people in the United States. We urge you not to reauthorize these controversial warrantless spying powers without first closing the data broker loophole, which facilitates mass surveillance and circumvents FISA reforms Congress enacted in 2015 to prohibit domestic bulk data collection. Closing this loophole would ensure government agencies obtain judicial approval before buying information about people in the United States from data brokers if it would otherwise require a court order to seize. This would establish a critical legal process to protect privacy before such warrantlessly acquired information is fed into artificial intelligence surveillance systems, and help avert looming and unprecedented threats to Americans’ civil liberties.

Earlier this month, The New York Times [reported](#) that the Department of Defense is requiring American artificial intelligence companies to enable mass domestic surveillance through the collection and analysis of “commercial bulk data on Americans, such as geolocation and web browsing data.” The Department of Defense appears to have already secured [one such agreement](#) that could permit any use the government deems lawful with one of the largest artificial intelligence companies in the world.

FISA's sunsets were designed to prompt Congress to consider privacy protections for people in the United States, in particular against mass, warrantless surveillance. The question of whether

and how pre-existing and future spying practices interrelate with artificial intelligence is a monumental policy decision with profound consequences for Americans' civil liberties and human rights.

We urge you to ensure any FISA reauthorization closes the so-called data broker loophole and stops the government from using taxpayer dollars to circumvent core Fourth Amendment rights. If government agencies are allowed to use this loophole to supercharge AI-powered surveillance of Americans, this already-serious issue could prove catastrophic to the right to privacy in the United States, as well as other Constitutionally protected liberties that privacy protects.

Data brokers sell private information about all Americans, often surreptitiously obtaining that data from our phones and other internet-connected devices. This information paints a mosaic of each and every American's life, which exposes where we sleep, what we believe, whom we vote for, and a staggering amount more. According to one [YouGov poll](#), **80% of Americans** think the government should "obtain warrants before purchasing location information, internet records, and other sensitive data about people in the U.S. from data brokers." Yet it seems the Department of Defense is a mere contract dispute away from using AI to make government agencies' purchases of such surveillance exponentially more invasive.

The law simply has not kept pace with the rapidly growing capabilities of AI. We should all share the fear that powerful AI makes it possible to conduct invasive surveillance at unprecedented scale, and that these tools pose serious risks to our fundamental liberties. Congress must ensure that legal safeguards to prevent the abuse of AI surveillance technology are in place as soon as possible. Despite Congress' effort to stop bulk collection of Americans' data through FISA reforms enacted in 2015, the government's exploitation of the data broker loophole has allowed dragnet surveillance to continue, now with even more granularity. The upcoming reauthorization of Section 702 of FISA offers the best opportunity yet for this Congress to protect Americans' privacy.¹ Several already introduced pieces of legislation both reauthorize Section 702 and effectively close the data broker loophole.

¹ Although closing the data broker loophole requires amending statutes beyond FISA, namely the Electronic Communications Privacy Act, these statutes are intertwined to the point of sharing technical definitions. Congress considered this same reform during the previous FISA Section 702 reauthorization debate, which concluded in 2024 with the passage of the Reforming Intelligence and Securing America Act (RISAA). Amid that debate, the Senate voted on closing the data broker loophole as an amendment to RISAA, and a bipartisan majority in the House of Representatives contemporaneously passed the Fourth Amendment Is Not For Sale Act as standalone legislation. Before that, the House Judiciary Committee overwhelmingly passed the Protect Liberty and End Warrantless Surveillance Act, which would have closed the data broker loophole and also would have reauthorized Section 702. Before that, the House of Representatives voted without objection to close the data broker loophole in an amendment to the National Defense Authorization Act. Momentum for reform has also gained in states, most notably with Montana unanimously approving SB 282 in 2025 to close the data broker loophole with respect to state government agencies.

We urge members to ensure that any FISA reauthorization requires government agencies to obtain court orders before buying sensitive information about people in the United States from data brokers. Congress must stop the [unprecedented expansion of warrantless mass surveillance](#) that is sweeping up the private information of communities across America. Rapid advances in AI will only supercharge government agencies' ability to wrongfully wield this power against Americans.

Sincerely,

18 Million Rising
AAPI NJ
AAPI Youth Rising
Access Now
ACLU
Advocacy for Principled Action in Government
AFT
AI Now Institute
All Girls Allowed
The Alliance for Secure AI
Amazon Employees for Climate Justice
American Governance Institute
Americans for Financial Reform
Amnesty International USA
Antiwar.com
Asian American Federal Employees for Non-discrimination
Asian Americans Advancing Justice | AAJC
Asian Americans Leadership Coalition
Asian Americans United
Asian American Unity Coalition
Asian Law Alliance
Asian Texans for Justice
AWK Survivor Advocate Attorneys PLLC
Black Voters Matter Fund
Brennan Center for Justice
Center for AI and Digital Policy (CAIDP)
The Center for Biological Diversity
Center for Democracy & Technology
Center for Digital Democracy
Center for Media and Democracy
Charity & Security Network

Church Women United in New York State
Citizens for Responsibility and Ethics in Washington (CREW)
CleanElections Texas
Color of Change
Common Cause
Connecticut Voices for Children
Consumer Action
Consumer Federation of America
Courage California
Dance/USA
Data & Society
Defending Rights & Dissent
Demand Progress
Dignidad/The Right to Immigration Institute
Due Process Institute
East Valley Indivisibles, Sherman Oaks, CA
Eisenhower Media Network
Electronic Privacy Information Center (EPIC)
Encode AI
Fight for the Future
Four Norms
Free Press Action
Freedom of the Press Foundation
Friends of the Earth US
Future of Life Institute
Good Egg Solutions
Government Information Watch
Grassroots Democrats HQ
Hands Off Central TX-Indivisible
Hmong Innovating Politics
Holy Spirit Missionary Sisters, USA-JPIC
Indivisible
Indivisible EMF — Edgewood, Milton, & Fife, WA
Justice Is Global
Kapor Center Advocacy
Lake Research Partners
Law Enforcement Action Partnership
Lawyers for Good Government
Lawyers' Committee for Civil Rights Under Law
Libertas Institute

Long Beach Alliance for Clean Energy
Lucy Parsons Labs
Mass 50501
MoveOn
Muslim Advocates
Muslims for Just Futures
Muslim Justice League
National Association of Criminal Defense Lawyers
National Consumer Law Center (on behalf of its low-income clients)
National Consumers League
National Organization for Women
National Tongan American Society
New America's Open Technology Institute
New Jersey Appleseed Public Interest Law Center
Nikkei Progressives
No Tech for Apartheid
NTEN
Nuclear Watch South
Oakland Privacy
OCA-CVC
OCA-Greater Seattle
OCA Greater Tucson
OCA Silicon Valley
Ohio Nuclear Free Network
Open MIC (Open Media and Information Companies Initiative)
OpenMedia
Oregon Consumer Justice
Oregon Consumer League
P Street
Parabola Center for Law and Policy
Parent Coalition for Student Privacy
Partnership for the Future of Learning
Peace Action
People Power United
Progressive Democrats of America
Progressive Leadership Alliance of Nevada
Project On Government Oversight
Public Knowledge
Reporters Without Borders (RSF)
Restore The Fourth

RootsAction
Snake River Alliance
South Asian Network
Stand.earth
Stop AAPI Hate
Surveillance Technology Oversight Project
Temple University Institute for Law, Innovation & Technology
Thai Community Development Center (Thai CDC)
Tech Justice Law
Tech Workers Coalition
UltraViolet Action
UnidosUS
United Church of Christ Media Justice Ministry
University of Houston-Downtown
Voice for Justice Law PLLC
We2
Welcoming America
Wenatchee for Palestine
Whole Whale
Wikimedia Foundation
Win Without War
X-Lab