

Congress of the United States

Washington, DC 20515

April 14, 2026

The Honorable Mike Johnson
Speaker of the House
United States House of Representatives
United States Capitol
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
United States Capitol
Washington, D.C. 20515

The Honorable John Thune
Majority Leader
United States Senate
Washington, D.C. 20510

The Honorable Charles E. Schumer
Minority Leader
United States Senate
Washington, D.C. 20510

Dear Speaker Johnson, Leader Thune, Leader Schumer, and Leader Jeffries:

With the upcoming reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (“FISA”), we write to express our strong belief that this authority ought to include meaningful Fourth Amendment protections for Americans in its renewal package. These can and should include closing the data broker loophole and requiring a judicial warrant before the government can access Americans’ sensitive information.

The Trump Administration has demonstrated an unparalleled appetite for collecting and exploiting Americans’ personal data. The Administration has built profiles on American citizens,¹ demanded that artificial intelligence (AI) companies assist in mass domestic surveillance,² and paid hundreds of millions of dollars to build a mega-database of Americans’ personal data.³ Without independent guardrails on Section 702, this Administration has repeatedly shown that it cannot be trusted to police its own use of this sweeping surveillance authority.

The threat is not hypothetical — agencies are already exploiting gaps in our outdated privacy laws. The Federal Bureau of Investigation (FBI),⁴ the Department of Homeland Security (DHS),⁵ the Department of Defense

¹ Wamsley, L. (2025, March 11). The government already knows a lot about you. DOGE is trying to access all of it. NPR. <https://www.npr.org/2025/03/11/nx-s1-5305054/doge-elon-musk-security-data-information-privacy>

² Givens, A.R. (2026, March 16). Your data is at the heart of the Pentagon's battle with Anthropic. Time. <https://time.com/article/2026/03/16/your-data-pentagon-battle-with-anthropic/>

³ Wyden, R. & Ocasio-Cortez, A. (2025, June 17). Wyden, Ocasio-Cortez demand answers from Palantir about plans to build IRS "mega-database" of American citizens. U.S. Senate Committee on Finance. <https://www.finance.senate.gov/ranking-members-news/wyden-ocasio-cortez-demand-answers-from-palantir-about-plans-to-build-irs-mega-database-of-american-citizens>

⁴ Frosch, D. & Hackman, M. (2023, March 7). FBI once bought mobile phone data for warrantless tracking. Other agencies still do. The Wall Street Journal. <https://www.wsj.com/articles/fbi-once-bought-mobile-phone-data-for-warrantless-tracking-other-agencies-still-do-ad65ebe9>

⁵ Cox, J. (2020). ICE is using location data from games and apps to track and arrest immigrants. Vice/Motherboard. <https://www.vice.com/en/article/ice-is-using-location-data-from-games-and-apps-to-track-and-arrest-immigrants-report-says/>

Cox, J. (2020). Secret Service purchased phone location data from Babel Street. Vice/Motherboard. <https://www.vice.com/en/article/secret-service-phone-location-data-babel-street/>

(DoD),⁶ and even the Internal Revenue Service (IRS)⁷ have purchased Fourth Amendment-protected location data from commercial data brokers without a warrant or court order. The National Security Agency (NSA)⁸ purchases Americans' internet metadata. Immigration and Customs Enforcement (ICE)⁹ has bought access to hundreds of millions of people's mobile location records. Recently, we have witnessed the Pentagon aggressively pushing for mass surveillance tactics, including through AI.¹⁰ The truth is that companies barred from selling data directly to the government simply sell it to a data broker first, thereby circumventing protections for constitutionally protected information through a middleman. Congress must close this loophole.

Communities across our districts — Black, Latino, and Asian Americans, immigrant communities, religious minorities, activists, and political dissenters — have historically borne the brunt of surveillance abuses. The convergence of warrantless data purchases with AI technology threatens all Americans, regardless of background or political affiliation.¹¹ There is broad bipartisan, bicameral consensus that our laws must be modernized to meet this moment.

We strongly believe that Congress must reform Section 702 of FISA and protect Americans' Fourth Amendment rights with key provisions, which should include:

- **Closing the Data Broker Loophole.** Prohibit the government from purchasing Americans' location data and other sensitive personal information from commercial data brokers and require a judicial warrant before the government accesses Americans' sensitive information.
- **Ending the Section 702 Backdoor Search Loophole.** Stop the government from using foreign surveillance programs, like Section 702, as a backdoor for warrantless domestic surveillance, like searching Americans' communications through Section 702 data without a warrant.
- **Repealing the Section 702 “Visa Vetting” Provision.** Repeal this provision, which permits completely suspicionless searches of Section 702 data for communications of all immigrants entering the country, including long-standing residents returning from work or travel abroad.

There is strong bipartisan precedent for action. Last Congress, a bipartisan House majority passed the *Fourth Amendment Is Not For Sale Act*, which would have closed the data broker loophole. In 2023, the House also amended the National Defense Authorization Act (NDAA) to close the data broker loophole without opposition. The stakes have only grown since then. This administration is now actively working to fuel AI surveillance systems with our constituents' personal information — purchased from data brokers, without any independent judicial check. Congress cannot hand this administration, or any administration, a blank check for warrantless surveillance.

⁶ Savage, C. (2021, January 22). Military intelligence agency discloses it buys Americans' phone location data. The New York Times. <https://www.nytimes.com/2021/01/22/us/politics/dia-surveillance-data.html>

⁷ Ackerman, S. (2020, June 24). IRS tried to use cellphone location data to try to find suspects. The Wall Street Journal. <https://www.wsj.com/articles/irs-used-cellphone-location-data-to-try-to-find-suspects-11592587815>

⁸ Savage, C. (2024, January 25). N.S.A. buys Americans' internet browsing data without warrants, letter reveals. The New York Times. <https://www.nytimes.com/2024/01/25/us/politics/nsa-internet-privacy-warrant.html>

⁹ Cox, J. (2026, January 9). Inside ICE's tool to monitor phones in entire neighborhoods. 404 Media. <https://www.404media.co/inside-ices-tool-to-monitor-phones-in-entire-neighborhoods/>

¹⁰ Toh, A & Ayoub, E. (2026). The military's use of AI, explained. Brennan Center for Justice. <https://www.brennancenter.org/our-work/research-reports/militarys-use-ai-explained>

¹¹ Brennan Center for Justice. BCJ Two-Pager on Data Broker Loophole. 17 Mar. 2026, <https://www.brennancenter.org/media/15385/download/bcj-two-pager-on-data-broker-loophole-3-17-26.pdf>

We look forward to working collaboratively with you, committees of jurisdiction leadership and staff, and external stakeholders on a FISA package that protects our national security while preserving the Fourth Amendment rights of every person in the United States.

Sincerely,



Adriano Espaillat
Chair
Congressional Hispanic Caucus



Grace Meng
Chair, Congressional Asian Pacific
American Caucus



Greg Casar
Chair
Congressional Progressive Caucus



Pramila Jayapal
Member of Congress




Zoe Lofgren
Member of Congress



James P. McGovern
Member of Congress



Robert Garcia
Member of Congress



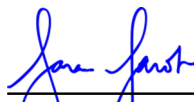
MARK TAKANO
Member of Congress



Nydia M. Velázquez
Member of Congress



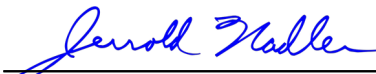
Jared Huffman
Member of Congress



Sara Jacobs
Member of Congress



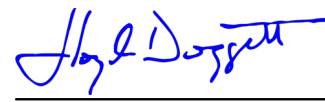
Ro Khanna
Member of Congress



Jerrold Nadler
Member of Congress



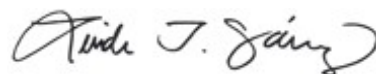
Yvette D. Clarke
Member of Congress



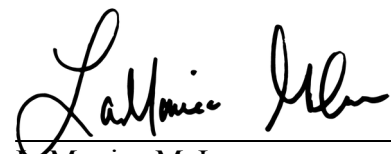
Lloyd Doggett
Member of Congress



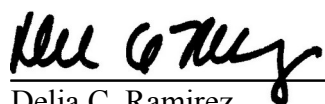
Eleanor Holmes Norton
Member of Congress



Linda T. Sánchez
Member of Congress



LaMonica McIver
Member of Congress



Delia C. Ramirez
Member of Congress



Mary Gay Scanlon
Member of Congress



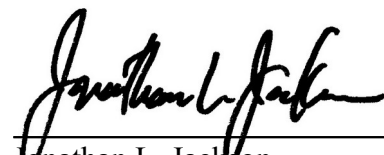
Chellie Pingree
Member of Congress



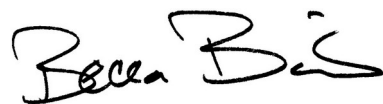
Chris Deluzio
Member of Congress



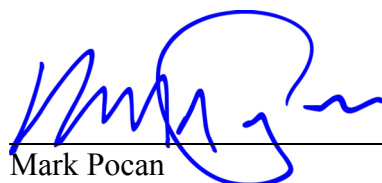
Ilhan Omar
Member of Congress



Jonathan L. Jackson
Member of Congress



Becca Balint
Member of Congress



Mark Pocan
Member of Congress



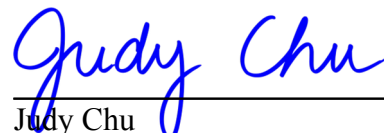
Bonnie Watson Coleman
Member of Congress



Lateefah Simon
Member of Congress



Paul D. Tonko
Member of Congress



Judy Chu
Member of Congress



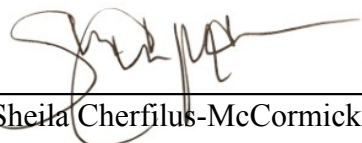
Dan Goldman
Member of Congress



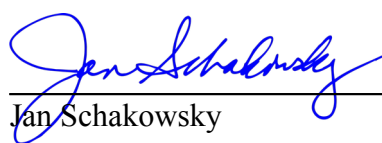
Maxine Dexter
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Sheila Cherfilus-McCormick
Member of Congress



Jan Schakowsky
Member of Congress



Danny K. Davis
Member of Congress



Gwen S. Moore
Member of Congress



Valerie P. Foushee
Member of Congress



Yassamin Ansari
Member of Congress



Al Green
Member of Congress



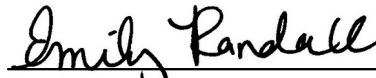
Summer L. Lee
Member of Congress



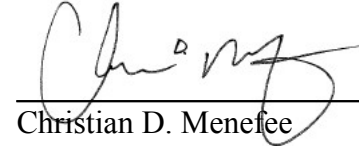
Doris Matsui
Member of Congress



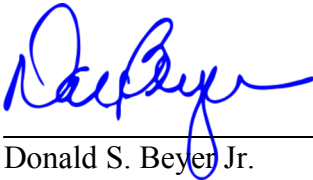
Deborah K. Ross
Member of Congress



Emily Randall
Member of Congress



Christian D. Menefee
Member of Congress



Donald S. Beyer Jr.
Member of Congress



Maxwell Alejandro Frost
Member of Congress



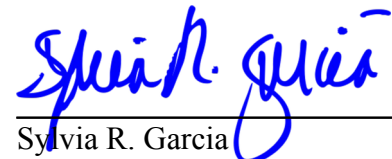
Darren Soto
Member of Congress



Mark DeSaulnier
Member of Congress



Robert C. "Bobby" Scott
Member of Congress



Sylvia R. Garcia
Member of Congress



Val Hoyle
Member of Congress



Shri Thanedar
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