

Congress of the United States
Washington, DC 20515

August 2, 2021

The Honorable Christopher Wray
Director
Federal Bureau of Investigation
935 Pennsylvania Avenue NW, Room 7240
Washington, D.C. 20535

Dear Director Wray,

We appreciate you appearing before the House Judiciary Committee on June 10th as well as your willingness to provide us with a briefing on the Federal Bureau of Investigation's (FBI) efforts to prevent further misuse of Section 702 data, including by establishing the Office of Internal Auditing (OIA).

We each share an obligation to protect Americans' civil liberties. However, the FBI has repeatedly violated the civil liberties of Americans through widespread misuse of Section 702 data. This statute was enacted in 2008. Thirteen years later, the FBI has yet to show consistent compliance with Section 702's restrictions or its own regulations. For example, in a recently declassified opinion, the Foreign Intelligence Surveillance Court noted that "a number of compliance incidents that were discovered during oversight reviews . . . suggest that the FBI's failure to properly apply its querying standard when searching Section 702-acquired information was more pervasive than previously believed,"¹ and expressed serious concern about "the apparent widespread violations."² These failures signal to our constituents that the nation's top law enforcement agency is not committed to the privacy and due process protections guaranteed to them by the U.S. Constitution.

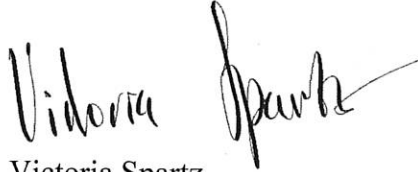
The FBI's misuse of raw Section 702 data is troubling to many Members on the Judiciary Committee, who are charged with safeguarding these civil liberties. Yet again, the FBI has promised to implement greater internal controls, including the establishment of the OIA, over access to Section 702 data by FBI personnel.

¹ Memorandum Opinion and Order, Section 702 2020 Certification at 39 (U.S. Foreign Intelligence Surveillance Court, Nov. 18, 2020) (available at https://www.intel.gov/assets/documents/702%20Documents/declassified/20/2020_FISC%20Cert%20Opinion_10.19.2020.pdf).

² *Id.* at 44.

Please advise us as to when your team is available to provide the Member-level briefing agreed to during the June 10th hearing. We would welcome the participation of the OIA's Assistant Director. Your response before September 17, 2021, would be greatly appreciated.

Sincerely,



Victoria Spartz
Member of Congress



Steve Chabot
Member of Congress



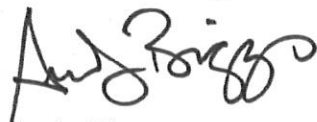
Louie Gohmert
Member of Congress



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Matt Gaetz
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Andy Biggs
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W. Gregory Steube
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Zoe Lofgren
Member of Congress



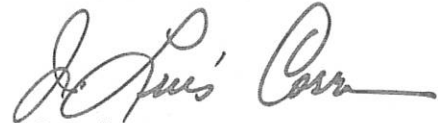
Ted W. Lieu
Member of Congress



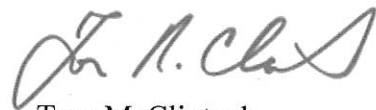
Pramila Jayapal
Member of Congress



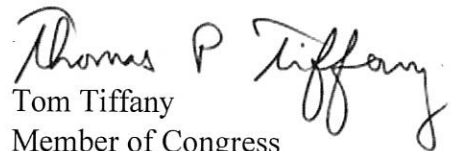
Mondaire Jones
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J. Luis Correa
Member of Congress



Tom McClintock
Member of Congress



Tom Tiffany
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Chip Roy
Member of Congress



Dan Bishop
Member of Congress



Burgess Owens
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