

MASSIE-LOFGREN WOULD SHUT DOWN ALL BACK DOOR SEARCHES UNDER SECTION 702

There are two details about the Massie-Lofgren Amendment – which passed the house by a 293-123 vote last night – that are currently being missed. First, the bill would shut down *all* back door searches under Section 702.

Except as provided in subsection (b), none of the funds made available by this Act may be used by an officer or employee of the United States to query a collection of foreign intelligence information acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) using a United States person identifier.

That means it would apply to FBI, in addition to CIA and NSA (which is what some people are reporting).

That's the other detail people are missing. According to the John Bates opinion in which he first authorized back door searches for NSA and CIA in 2011, a third agency, which another document says is the FBI, had had that authority going back to 2008. According to the same language, FBI also had the authority to conduct back door searches on traditional FISA taps, which they would retain under this amendment.