

May 22, 2020

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives

The Honorable Kevin McCarthy
House Minority Leader
U.S. House of Representatives

The Honorable Jerry Nadler
Chairman
Committee on the Judiciary
U.S. House of Representatives

The Honorable Jim Jordan
Ranking Member
Committee on the Judiciary
U.S. House of Representatives

Dear Speaker Pelosi, Minority Leader McCarthy, Chairman Nadler, and Ranking Member Jordan:

We urge you to explicitly prohibit the warrantless collection of internet search and browsing history when you consider the USA FREEDOM Reauthorization Act (H.R. 6172) next week. As leading internet businesses and organizations, we believe privacy and security are essential to our economy, our businesses, and the continued growth of the free and open internet. By clearly reaffirming these protections, Congress can help preserve user trust and facilitate the continued use of the internet as a powerful contributing force for our recovery.

As you know, the Senate recently considered an amendment introduced by Senator Ron Wyden (D - OR) and Senator Steve Daines (R - MT) to H.R. 6172 to address these concerns.¹ The amendment would have expressly prohibited the use of Section 215 of the USA PATRIOT Act for the warrantless collection of search and browsing history. This provision attracted the support of a Senate supermajority, and consumer groups and businesses across America. It enjoys broad bipartisan support among members of the House of Representatives, and should be included if the House reauthorizes the USA FREEDOM Act.

Search and browsing history can provide a detailed portrait of our private lives. It may reveal medical conditions, religious beliefs, and personal relationships, and it should be protected by effective legal safeguards. Some of us do not collect this information; some of us have pressed the courts to adopt a higher standard for this data; all of us believe this information should only be produced with a warrant. Congress should take this opportunity to resolve any potential ambiguity and provide strong legal protections for all search and browsing history.

¹ S. Admt. 1583 to H.R. 6172, <https://www.congress.gov/amendment/116th-congress/senate-amendment/1583>. See also Margaret Taylor, *The Senate Proposes Five Amendments to FISA Reform*, Lawfare, May 12, 2020, <https://www.lawfareblog.com/senate-proposes-five-amendments-fisa-reform> (detailing the legal context and background for the Wyden/Daines amendment).

Our users demand that we serve as responsible stewards of their private information, and our industry is predicated on that trust. Americans deserve to have their online searches and browsing kept private, and only available to the government pursuant to a warrant. We respectfully urge you to include the text of the Wyden/Daines amendment as part of the USA FREEDOM Reauthorization Act.

Sincerely,

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