



Written by [Peter Rykowski](#) on December 12, 2023

Rand Paul Introduces Bill to Rein in Federal Surveillance State

As Congress debates whether to reauthorize the unconstitutional FISA program, U.S. Senator Rand Paul (R-Ky.) has introduced legislation to rein in the federal surveillance state and restore Americans' Fourth Amendment-protected rights.

Congress is debating the fate of Section 702 of the Foreign Intelligence Surveillance Act (FISA), which is scheduled to expire at the end of the month. That section, originally enacted in 2008, [legalized](#) a covert federal warrantless-surveillance program begun by the Bush administration, and has been criticized by constitutionalists for violating the [Fourth Amendment](#) of the U.S. Constitution.



AP Images
Rand Paul

The U.S. House was poised to vote on two competing measures to amend Section 702, but Speaker Mike Johnson (R-La.) [canceled](#) the votes amid Republican disagreement. A three-and-a-half-month [extension](#) of Section 702 has already been attached to the [fiscal 2024 National Defense Authorization Act](#), which Congress has yet to pass.

Section 702 is strongly supported by Deep State intelligence agencies — including the Federal Bureau of Investigation (FBI), which [opposes](#) even modest reforms — which regularly use it for surveillance, including against American citizens.

Amid these debates, Senator Paul has introduced legislation that would rein in the unconstitutional and unaccountable FISA program while restoring Americans' Fourth Amendment-protected rights.

Paul's bill is [S. 3372](#), titled the "Fourth Amendment Restoration and Protection Act." If enacted, it would prohibit the federal government from conducting surveillance of American citizens, including under FISA.

According to [Senator Paul's office](#), S. 3372 would:

- Preserve the ability of the Foreign Intelligence Surveillance Court to order surveillance of foreigners and terrorists;
- Require the government to obtain an order from traditional Article III federal courts to surveil U.S. persons by prohibiting the government from requesting an order from the FISC for surveillance, searches, and seizures relating to U.S. persons;
- Prohibit the government from conducting information queries of a U.S. person pursuant to section 702 of FISA or Executive Order 12333;
- Prohibit the government from introducing in evidence any information concerning a United States person acquired or derived from an acquisition under FISA or Executive Order 12333 but preserve the right of the defense to introduce such information as exculpatory evidence; and



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- Ensure that the executive branch cannot violate constitutional rights through executive orders by mandating that statutory authorities and the Federal Rules of Criminal Procedure are the exclusive means by which searches or acquisitions shall take place if the target is a U.S. person.

S. 3372 would be a major step toward restoring Fourth Amendment protections, especially with the federal government's rampant warrantless surveillance of Americans under FISA Section 702.

FISA was purportedly enacted to help protect against terrorist attacks, but it is [rampantly](#) being used by the government — including the FBI and NSA — to spy on American citizens in [direct violation](#) of the Fourth Amendment. As *The New American* [reported](#) earlier this year, in 2021 alone, the FBI ran about three million “U.S. person queries” using Section 702.

Furthermore, the Foreign Intelligence Surveillance Court (FISC), which oversees requests for warrants, is well known to lack transparency and constitutional due-process protections. It also fails to hold government agencies accountable, rarely ([if ever](#)) denying surveillance requests and even [colluding](#) with the agencies it purportedly oversees.

S. 3372 would be a good first step toward restoring enforcement of the Fourth Amendment and protecting Americans from lawless government surveillance. Congress would be wise to avoid another FISA extension, and instead enact S. 3372 and other legislation restoring constitutional adherence.

To urge your U.S. representative and senators to support the “Fourth Amendment Restoration and Protection Act” (S. 3372), visit The John Birch Society’s legislative alert [here](#).



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