



Representatives Should Vote “YES” on Massie-Lofgren and Grayson Amendments to Prohibit Backdoor Searches and to Protect Encryption

[Today or tomorrow](#), the House of Representatives is expected to vote on two amendments to the Department of Defense Appropriations Act ([H.R. 5293](#)), both of which New America’s Open Technology Institute (OTI) strongly support. The amendments are as follows:

Representatives Massie (R, KY-4) and Lofgren (D, CA-19) Amendment: [This amendment](#), which the House passed with overwhelming support in [2014](#) and [2015](#), would do two things:

- 1. Protect Americans from Warrantless Backdoor Searches:** [In 2015](#), the National Security Agency (NSA) and other intelligence agencies, excluding the FBI, conducted 4,672 warrantless searches of the contents of Americans’ communications and 23,8000 searches for Americans’ communications metadata in databases of information collected under Section 702 of the FISA Amendments Act. Intelligence agencies were not required to obtain a warrant before searching for the contents of Americans’ communications. This amendment would bar the use of any funds appropriated under the Act from conducting these warrantless searches.
- 2. Protect Encryption:** For over two years, a [debate](#) has been waged over whether companies should deliberately insert vulnerabilities into their encryption and other security products in order to facilitate surveillance of their users’ communications. Though [security experts](#), [civil society](#), [technology companies](#), and [current](#) and [former leaders](#) of the [intelligence community](#) strongly oppose any such proposal, the debate continues. This amendment would help to ensure the security of our devices and services by prohibiting the NSA and the Central Intelligence Agency from using any funds appropriated under the Act to request or require that a company weaken the security of their products or services to enable surveillance, unless that product or service is already required to provide wiretapping capability under the Communications Assistance for Law Enforcement Act (CALEA).

Representative Grayson (D, FL-9) Amendment: [This amendment](#) would prohibit the National Security Agency and the Central Intelligence Agency from using any funds appropriated under the Act to coordinate or consult with the National Institute of Standards and Technology in order to intentionally set weak cryptographic standards for any reason, including to enable surveillance. This amendment responds to revelations in 2013 that the [NSA deliberately weakened](#) at least one of NIST’s encryption standards during a mandatory consultation.

OTI strongly supports these two amendments as it has [supported similar proposals](#) in the past. OTI has long opposed warrantless searches of Americans’ communications, and the insertion of security vulnerabilities into computer products and communications services for surveillance purposes, because such “backdoors” are harmful to cybersecurity, innovation, the competitiveness of the American tech industry, and privacy rights.

OTI urges members of the House of Representatives to vote “Yes” on these two amendments.

For more information, please contact Robyn Greene, Policy Counsel at New America’s Open Technology Institute, at greeneg@opentechinstitute.org.