



“Make Everyone A Spy” Provision Fact Sheet

April 15, 2024

Background: On April 12, the House of Representatives passed legislation that would reauthorize and dramatically expand extremely controversial surveillance powers provided by Section 702 of the Foreign Intelligence Surveillance Act (FISA). **The Senate will vote this week** on the bill, ahead of Section 702’s scheduled sunset on April 19. The FISA Court [recently extended](#) current Section 702 surveillance operations into 2025, revealing that the administration’s claimed urgency is actually an effort to undermine reforms to protect Americans’ privacy.

The “Make Everyone A Spy” Provision, also known as “[Patriot Act 2.0](#),” has earned this name. It is “one of the most dramatic and terrifying expansions of government surveillance authority in history,” [per Sen. Wyden](#), and specifically allows the **secret conscription of huge swaths of Americans to facilitate surveillance of other Americans’ communication networks**. The changes it would make to the law [can be seen here](#).

This power is **unprecedented in the United States**. By evading court-review, it is tailor-made to enable the most aggressive possible misuse. [The amendment’s](#) frighteningly broad and poorly drafted changes would, per to [alarming](#) but authoritative analysis by a [FISA Court amicus](#):

- Spread Section 702 surveillance, which currently only applies to “[Electronic Communications Service Providers](#),” to include a vast array of new businesses and industries by adding “**any other service provider who has access to equipment** that is being or may be used to transmit or store wire or electronic communications.” To top it off, the Make Everyone A Spy provision adds “custodian” to the list of individuals who can be secretly forced under a gag order to assist with surveillance (this is currently limited to an “officer, employee, or agent”).
 - Section 702 would no longer apply only to entities like AT&T and Google. **It would further cover:**
 - **Cleaning contractors**
 - **Business landlords**
 - **Delivery personnel**
 - **Utility providers**
 - **Effectively innumerable other businesses and industries**
 - Turner and Himes did not bother to define critical terms, including: “any other service provider,” “access to equipment,” or “custodian.”
- **Obliterate the security of and confidence in US supply chains.**
 - All of these issues were identified for Turner and Himes [in December and since](#).

Example of impact on reporters: The government suspects a journalist communicates with foreign

