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Congress of the United States
House of Representatives
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December 18, 2019

Director Christopher Wray
Federal Bureau of Investigation
935 Pennsylvania Ave NW
Washington, DC 20535

Presiding Judge Rosemary M. Collyer
United States Foreign Intelligence Surveillance Court
333 Constitution Ave NW
Washington, DC 20001

Judge Collyer and Director Wray:

As the Federal Bureau of Investigation (FBI) works on its recommendations for reform to present to the Foreign Intelligence Surveillance Court (FISC) in the wake of Inspector General Michael Horowitz's report, I am forwarding to you a copy of my draft legislation to prevent politically funded opposition research from being used as evidence in this court. I strongly urge you to adopt the concepts in this legislation as a rule before the court.

My bill, initially introduced in March 2018 and which I am re-introducing this week, would amend the Foreign Intelligence Surveillance Act of 1978 to ensure that raw political opposition research is not used in an application to the FISC. The facts and circumstances provided to the FISC in an application to surveil or search an American citizen should never be solely produced by or collected using funds of a political organization for the purpose of gaining an advantage against or otherwise conducting research on an opposing political opponent.

In Inspector General Horowitz's report, it was clear that raw political opposition research was utilized by the FBI as proof of facts alleged in their FISA application. This should never happen again. Understandably, if the FBI should become aware of criminal activity as a result of politically motivated opposition research, this rule would require that the FBI independently verify its allegations prior to transmitting them to the FISC.

I strongly agree with Judge Collyer's statement in yesterday's [order](#): "The FISC expects the government to provide complete and accurate information in every filing with the Court. Without it, the FISC cannot properly ensure that the government conducts electronic surveillance for foreign intelligence purposes only when there is a sufficient factual basis."

As Horowitz [testified](#) last week, his investigation "concluded that the Steele reporting played a central and essential role in the [FBI's] decision to seek a FISA order" in this case. Furthermore, he found that "FBI leadership supported relying on Steele's reporting to seek a FISA order...after being advised of, and giving consideration to, concerns expressed by a Department attorney that Steele may have been hired by someone associated with a rival candidate or campaign."

We entrust the government with incredibly powerful and often times extremely necessary tools of surveillance to keep our country safe. However, with such power requires significant oversight.

When the FBI chose to disregard its counsel and move forward with the application for a warrant to surveil an American citizen reliant upon politically funded opposition research without informing the FISC of the origin of the information and presenting it as verified evidence, the FBI abused its power and misled the FISC.

It is apparent from the Judge's order that she does not find what happened to be acceptable. The Judge stated: "The frequency with which representations made by FBI personnel turned out to be unsupported or contradicted by information in their possession, and with which they withheld information detrimental to their case, calls into question whether information contained in other FBI applications is reliable." I agree, and I believe the American public agrees.

What happened in this case should not be allowed to happen again. Politically funded opposition research is not evidence, and to present it as such is unacceptable. I strongly urge the FBI to adopt my bill's premise as one of its reforms.

Sincerely,



Michael R. Turner
Member of Congress