



Written by [Michael Tennant](#) on February 14, 2022

CIA Has Secret Program Collecting Data on Americans, Senators Say

The Central Intelligence Agency (CIA) maintains a secret bulk surveillance program that vacuums up data on Americans in violation of federal law, two senators revealed Thursday.

Senators Ron Wyden (D-Ore.) and Martin Heinrich (D-N.M.), members of the Senate Intelligence Committee, sent a letter to Director of National Intelligence (DNI) Avril Haines and CIA Director William Burns last April after the CIA's Privacy and Civil Liberties Oversight Board (PCLOB) issued a classified report on the theretofore undisclosed program. In the letter, a [heavily redacted version](#) of which was released Thursday, the senators requested that the report be declassified.



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Wyden and Heinrich reminded the intelligence officials of “Congress’s clear intent, expressed over many years and through multiple pieces of legislation, to limit and, in some cases, prohibit the warrantless collection of Americans’ records.”

“And yet, throughout this period, the CIA has secretly conducted its own bulk program [redacted]. It has done so entirely outside the statutory framework that Congress and the public believe govern this collection, and without any of the judicial, congressional or even executive branch oversight that comes with FISA [Foreign Intelligence Surveillance Act] collection,” they charged, noting that the CIA claimed authority to conduct the program under a 1981 executive order. They further alleged that the program had been kept secret even from their committee.

The senators called on the CIA to declassify the report so that the public could learn exactly what it entails and Congress could exercise appropriate oversight. “It is critical,” they asserted, “that Congress not legislate without awareness of a [redacted] CIA program, and that the American public not be misled into believing that the reforms in any reauthorization legislation fully cover the [intelligence community’s] collection of their records.”

In response, the CIA did declassify some documents related to the program, albeit with significant redactions and few details on its inner workings. According to the [Associated Press](#):

The CIA on Friday said the program highlighted by the senators and another disclosed this week are “repositories of information about the activities of foreign governments and foreign nationals.” In a statement, the agency said the programs were classified to stop adversaries from compromising them.

The agency also said it kept members of congressional oversight committees “fully and



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currently informed of its classified activities related to these two programs.”

“In the course of any lawful collection, CIA may incidentally acquire information about Americans who are in contact with foreign nationals,” the agency statement said. “When the CIA acquires information about Americans, it safeguards that information in accordance with procedures approved by the Attorney General, which restrict the CIA’s ability to collect, retain, use, and disseminate the information.”

Those procedures, however, appear to be less than foolproof. The PCLOB report noted that when CIA analysts are querying data collected under the program, they are warned that they must have a “foreign intelligence purpose” to seek information on U.S. citizens. “However, analysts are not required to memorialize the justification for their queries.”

“FISA gets all the attention because of the periodic congressional reauthorizations and the release of DOJ [Department of Justice], ODNI [Office of the Director of National Intelligence] and FISA Court documents,” Wyden and Heinrich said in a [statement](#). “But what these documents demonstrate is that many of the same concerns that Americans have about their privacy and civil liberties also apply to how the CIA collects and handles information under executive order and outside the FISA law. In particular, these documents reveal serious problems associated with warrantless backdoor searches of Americans, the same issue that has generated bipartisan concern in the FISA context.”

The senators urged the CIA to continue to declassify documents about the program, including those indicating “what kind of records were collected and the legal framework for the collection.”

Whether the CIA will do so remains to be seen. But one thing is for certain: The intelligence community’s assurances that everything they do is on the up-and-up are not to be trusted, as Wyden discovered in 2013, when he asked then-DNI James Clapper if the National Security Agency was collecting data on Americans. Clapper denied it. Months later, though, thanks to the efforts of Edward Snowden, Clapper’s denial of such a program was shown for the lie it was.



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