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September 21, 2022

The Honorable Joseph V. Cuffari
Inspector General
Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

The Honorable Michael E. Horowitz
Inspector General
Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

The Honorable Sean O'Donnell
Acting Inspector General
Department of Defense
4800 Mark Center Drive
Alexandria, VA 22350-1500

Dear Messrs. Cuffari, Horowitz, and O'Donnell:

I write to request that you investigate the Departments of Homeland Security (DHS), Defense (DOD) and Justice's (DOJ) warrantless purchase and use of records revealing the websites Americans have accessed online.

For several years, I have been investigating the government's purchase of Americans' data, including location records and web browsing records. This investigation has confirmed that multiple government agencies are purchasing Americans' data without judicial authorization, including the Defense Intelligence Agency and Customs and Border Protection (CBP)--the latter of which is now being investigated for this practice by the DHS Inspector General.

While I have been able to make public important details about government agencies' purchase of location data, my efforts to probe and shed light on the government's purchase of internet browsing records have been frustrated by the Pentagon. On May 31, 2021, I wrote to the Secretary of Defense to request that DOD provide me — without any restrictions on public release — written answers to questions regarding DOD's purchase of Americans' data. DOD had previously provided answers to my questions, which it marked Controlled Unclassified Information (CUI), on March 13, 2021. On August 2, 2021, the Under Secretary of Defense for Intelligence and Security responded to my written request, declining to remove the CUI restrictions on DOD's answers to my question about internet browsing records.

After DOD refused to release this information without restrictions, my staff learned that public contract information had been posted online, showing that multiple DoD agencies purchased data from data brokers that reveal internet browsing history: The Defense Counterintelligence and

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SAC ANNEX BUILDING
105 FIR ST
SUITE 201
LA GRANDE, OR 97850
(541) 962-7691

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310 WEST 6TH ST
ROOM 118
MEDFORD, OR 97501
(541) 858-5122

THE JAMISON BUILDING
131 NW HAWTHORNE AVE
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(503) 589-4555

[HTTPS://WYDEN.SENATE.GOV](https://wyden.senate.gov)

Security Agency spent more than \$2 million purchasing access to netflow data, and the Defense Intelligence Agency purchased Domain Name System data. My office asked DOD to re-review their decision to maintain the CUI restrictions on the written answers DOD had previously provided, in light of these public contracts. DOD yet again refused, on May 25, 2022.

In addition, my office was recently contacted by a whistleblower who described a series of formal complaints they filed up and down their chain of command, as well as to the DOD Inspector General and the Defense Intelligence Agency, regarding the warrantless purchase and use of netflow data by the Naval Criminal Investigative Service (NCIS). According to the whistleblower, NCIS is purchasing access to data, which includes netflow records and some communications content, from Team Cymru, a data broker whose data sales I have previously investigated. Public contracting records also corroborate that NCIS has a contract for Augury, which is the name of a subscription service offered by Team Cymru, which includes access to netflow data.

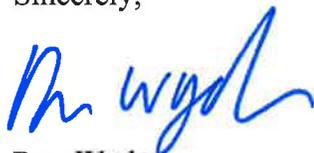
Public contracting records confirm that the Augury tool provides access to “petabytes” of network data “from over 550 collection points worldwide” and “is updated with at least 100 billion new records each day.” The contracting records also confirm that Augury provides access to email data (“IMAP/POP/SMTP pcap data”) and data about web browser activity (“cookie usage,” “UserAgent data” and “URLs accessed”).

Contracting records state that the government contractor, Argonne Ridge Group, is the “only known source” of this data. Public records confirm that Team Cymru and Argonne Ridge Group have the same corporate address and have overlapping corporate officers. Government contracting records also confirm that in addition to NCIS, Argonne Ridge Group has contracts with U.S. Cyber Command, the Army, the Federal Bureau of Investigation and the U.S. Secret Service.

The whistleblower has informed my office that their complaint was forwarded by the DOD Inspector General to the Navy Inspector General. However, it appears from public contracting records that the government’s purchase of internet metadata, from just one data broker, goes far beyond the Navy. To that end, I request that your offices investigate the warrantless purchase and use of Americans’ internet browsing records by the agencies under your jurisdictions. Your independent oversight must ensure that the government’s surveillance activities are consistent with the Supreme Court’s Carpenter decision and safeguard Americans’ Fourth Amendment rights.

Thank you for your attention to this important matter. If you have any questions about this request, please contact Chris Soghoian in my office.

Sincerely,



Ron Wyden
United States Senator