

November 13, 2023

The Honorable Charles Schumer
Majority Leader
United States Senate
Washington, DC 20510

Dear Majority Leader Schumer:

We are writing in response to reporting in [Wired](#) and [CQ-Roll Call](#) that the Senate version of the continuing resolution will contain a reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA). **The undersigned groups strongly oppose even a short-term reauthorization of Section 702 and urge you to keep any such provision out of the continuing resolution and any other must-pass legislation.**

Section 702 has been routinely abused in ways that violate Americans' fundamental civil liberties and civil rights. FBI agents have used this surveillance authority, which is supposed to be limited to non-U.S. citizens located outside the United States, to gain warrantless access to the communications of *tens of thousands* of [protesters](#), [racial justice activists](#), [19,000 donors to a congressional campaign](#), [journalists](#), and [members of the U.S. Congress](#). Even after the FBI's recent changes to its internal procedures, the abuses have continued, with agents conducting warrantless searches for the communications of a [U.S. senator](#), a [state senator](#), and a [state court judge](#) who contacted the FBI to report civil rights violations by a local police chief. NSA agents, for their part, have abused the authority to search for the communications of [online dating prospects](#) and [potential tenants](#).

In its current form, this authority is dangerous to our liberties and our democracy, and it should not be renewed for any length of time without robust debate, an opportunity for amendment, and — ultimately — far-reaching reforms. **Allowing a short-term reauthorization of Section 702 to be slipped into a must-pass bill would demonstrate a blatant disregard for the civil liberties and civil rights of the American people.**

We also note that a short-term reauthorization of Section 702 is completely unnecessary. The government is currently conducting Section 702 surveillance pursuant to a one-year FISA Court authorization that expires in April 2024. The FISA Amendments Act of 2008 [provides](#) that a FISA Court authorization “shall continue in effect” until its expiration, notwithstanding any other provision of law. Accordingly, the government will continue to conduct surveillance under Section 702 until April 2024, even if Section 702 itself expires. This gives Congress ample time to consider whether and how to reauthorize this deeply flawed authority.

In short, there is simply no excuse for ramming through a reauthorization of Section 702 on must-pass legislation. **We urge you not to betray the trust of the American people by following such a course of action.**

Sincerely,

Access Now

Advocacy for Principled Action in Government

American Civil Liberties Union

Americans for Prosperity

Asian American Scholar Forum

Asian Americans Advancing Justice | AAJC

Brennan Center for Justice at NYU School of Law

Center for Democracy & Technology

Defending Rights & Dissent

Demand Progress

Due Process Institute

Electronic Privacy Information Center (EPIC)

Electronic Frontier Foundation

Fight for the Future

Free Press Action

Freedom of the Press Foundation

FreedomWorks

Government Information Watch

New America's Open Technology Institute

National Association of Criminal Defense Lawyers

Organization for Identity and Cultural Development (OICD.net)

PEN America

Project for Privacy and Surveillance Accountability

Restore The Fourth

S.T.O.P. - The Surveillance Technology Oversight Project

X-Lab