

February 28, 2024

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

The Honorable Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

The Honorable Mike Johnson
Speaker
United States House of Representatives
Washington, DC 20515

The Honorable Hakeem Jeffries
Minority Leader
United States House of Representatives
Washington, DC 20515

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson, and Minority Leader Jeffries:

We are writing in response to [reports](#) that a reauthorization of Section 702 of the Foreign Intelligence Surveillance Act (FISA) could be included in one of the funding bills that Congress will be considering over the next two weeks. **The undersigned groups strongly oppose including a Section 702 reauthorization in a must-pass funding bill and urge you to categorically reject any such approach.**

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. **Bypassing this process by slipping an extension of the law into a must-pass funding bill would demonstrate a blatant disregard for the civil liberties and civil rights of the American people.**

There is absolutely no justification for such a move. Section 702 is not scheduled to expire until April 19. That gives Congress ample time to consider and vote on stand-alone legislation. There are multiple Section 702 reauthorization bills pending in both chambers. Indeed, pursuant to an agreement between members of the House Judiciary and Intelligence Committees, the House was poised to vote on a reauthorization bill and several amendments earlier this month. The vote was abruptly cancelled after Intelligence Committee members reneged on the deal, [reportedly](#) to prevent members from voting on amendments that would have strengthened privacy protections for Americans.

Against this backdrop, it is clear that the only reason for including Section 702 in the continuing resolution would be to deny members a vote on critically-needed reforms. 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 Americans Advancing Justice | AAJC

Asian American Scholar Forum

Brennan Center for Justice at NYU School of Law

Center on Race, Inequality, & the Law at NYU School of Law

Center for Democracy & Technology

Chinese for Affirmative Action (CAA)

Color Of Change

Common Cause

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

Muslim Advocates

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

Stop AAPI Hate

X-Lab

United We Dream