



## Congress of the United States

House of Representatives

Washington, DC 20515-0603

November 29, 2023

The Honorable Mike Johnson  
Speaker of the House  
H-232, The Capitol  
Washington, D.C.

The Honorable Hakeem Jeffries  
House Minority Leader  
The Capitol  
Washington, DC 20515

The Honorable Mitch McConnell  
The Republican Leader U.S. Senate  
S-230 U.S. Capitol  
Washington, D.C.

The Honorable Chuck Schumer  
Senate Majority Leader  
S-211, United States Capitol  
Washington D.C.

We write to express our opposition to attaching any short-term reauthorization of Section 702 of the Foreign Intelligence Surveillance Act in the National Defense Reauthorization Act (NDAA) or other “must-pass” vehicle. A temporary extension would be entirely unnecessary, and it would be an inexcusable violation of the public’s trust to quietly greenlight an authority that has been flagrantly abused.

There is simply no need for a short-term extension. Since January, Congress has thoroughly examined the question of whether and how to reauthorize Section 702 through multiple hearings and briefings. Indeed, no previous reauthorization of this law has undergone such an extensive and active review over such a long period.

Moreover, even though Section 702 expires on December 31, 2023, the FISA Court’s current order authorizing Section 702 surveillance will remain valid into April 2024. The FISA Amendments Act of 2008, which created Section 702, contains “Transition Procedures” clearly stating that, “[n]otwithstanding any other provision of this Act . . . any order, authorization, or directive issued under [Section 702] shall continue in effect until the date of the expiration of such order, authorization, or directive.” Therefore, Congress has time to act before the government loses its ability to conduct surveillance under Section 702. As reported by Reuters during the 2017 reauthorization cycle, “U.S. officials . . . acknowledged the end-year deadline may not matter much because of a belief the program can lawfully continue through April due to the way it is annually certified.” If Congress prematurely passes a short-term authorization, the American people will not be any safer. However, they will forfeit the opportunity to enact common-sense privacy safeguards and hold the government accountable for abusing these programs.

If Section 702 is to be reauthorized for even a single day, it must be through standalone legislation subject to robust, open debate and amendment. This controversial law has a history of abuse, including spying on Americans, including tens of thousands of protesters as well as journalists, campaign supporters, members of the U.S. Congress, and Presidential campaigns.

Furthermore, many members of Congress, including the chairs of the committees of jurisdiction in both chambers, have stated their firm opposition to reauthorizing the law in its current form.

Under these circumstances, slipping a short-term reauthorization into a larger bill would rightly be seen as circumventing the democratic process, ignoring the will of Congress, and disregarding the concerns of the American people. Taking such an action would undermine the credibility of any legislation employed for this reauthorization.

We appreciate your consideration of these serious concerns and reiterate our request that you unequivocally reject any short-term reauthorization of Section 702.

Sincerely,



Warren Davidson  
Member of Congress



Zoe Lofgren  
Member of Congress



Andy Biggs  
Member of Congress



Pramila Jayapal  
Member of Congress



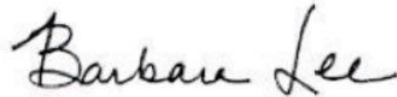
John Rose  
Member of Congress



Sara Jacobs  
Member of Congress



Matt Gaetz  
Member of Congress



Barbara Lee  
Member of Congress



Andy Ogles  
Member of Congress



Val Hoyle  
Member of Congress



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Kelly Armstrong  
Member of Congress



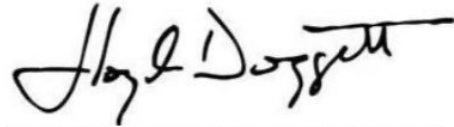
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Glenn Ivey  
Member of Congress



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Paul A. Gosar, D.D.S.  
Member of Congress



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Lloyd Doggett  
Member of Congress



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Chip Roy  
Member of Congress



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Greg Casar  
Member of Congress



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Ben Cline  
Member of Congress



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Judy Chu  
Member of Congress



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Eric Burlison  
Member of Congress



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Rashida Tlaib  
Member of Congress



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Anna Paulina Luna  
Member of Congress



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Eleanor Holmes Norton  
Member of Congress



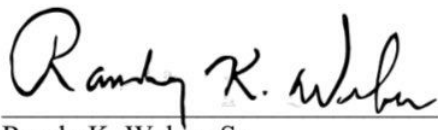
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Marjorie Taylor Greene  
Member of Congress



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Chris Deluzio  
Member of Congress



Randy K. Weber, Sr.  
Member of Congress



H. Morgan Griffith  
Member of Congress



Harriet M. Hageman  
Member of Congress



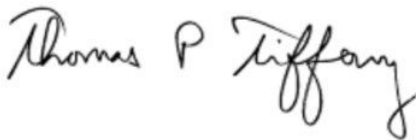
Michael Cloud  
Member of Congress



Ralph Norman  
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Andrew Clyde  
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Tom Tiffany  
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Jan Schakowsky  
Member of Congress



Valerie Foushee  
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Ayanna Pressley  
Member of Congress



J. Luis Correa  
Member of Congress



Jamie Raskin  
Member of Congress



Danny K. Davis  
Member of Congress



James P. McGovern  
Member of Congress



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Bill Posey  
Member of Congress



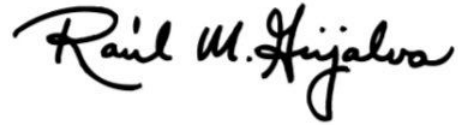
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Chellie Pingree  
Member of Congress



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Dan Bishop  
Member of Congress



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Raúl M. Grijalva  
Member of Congress



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Matthew Rosendale, Sr.  
Member of Congress



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Ilhan Omar  
Member of Congress



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W. Gregory Steube  
Member of Congress



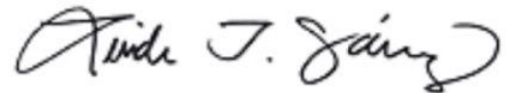
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Mark Pocan  
Member of Congress



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Bob Good  
Member of Congress



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Linda T. Sánchez  
Member of Congress



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Adriano Espaillat  
Member of Congress



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Robert C. "Bobby" Scott  
Member of Congress



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Jill Tokuda  
Member of Congress



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Ro Khanna  
Member of Congress

*Maxwell Alejandro Frost*

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Maxwell Alejandro Frost  
Member of Congress

*Jesús G. García*

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Jesús G. "Chuy" García  
Member of Congress