

March 12, 2026

The Honorable Chuck Schumer
Democratic Leader
U.S. Senate

The Honorable Hakeem Jeffries
Democratic Leader
U.S. House of Representatives

The Honorable Dick Durbin
Ranking Member
Senate Judiciary Committee

The Honorable Jamie Raskin
Ranking Member
House Judiciary Committee

The Honorable Mark Warner
Ranking Member
Senate Select Committee on Intelligence

The Honorable Jim Himes
Ranking Member
House Permanent Select Committee on Intelligence

Re: Reauthorization of Section 702 of the Foreign Intelligence Surveillance Act

Dear Democratic Leaders Schumer and Jeffries and Ranking Members Durbin, Warner, Raskin, and Himes:

In just over a month, Congress will vote on whether to reauthorize Section 702 of the Foreign Intelligence Surveillance Act (FISA) – with, or without, much-needed reforms to curtail well-documented abuses of this government surveillance authority.

Congress is approaching this deadline with even less insight compared to past reauthorizations for what is an already-opaque program. Within days of his second inauguration, President Trump [fired](#) the three Democratic members of the Privacy and Civil Liberties Oversight Board (PCLOB) – an entity that for nearly two decades had provided critical oversight of government surveillance authorities, including Section 702. PCLOB currently has only one active member, meaning the agency lacks a quorum and the bipartisan membership required by statute – and has for [over a year](#). And with less than two months to go until the expiration of Section 702, PCLOB is unable to provide the public and policymakers with any new independent oversight of the program.

The Privacy and Civil Liberties Oversight Board provided a critical oversight function regarding Section 702 use – and abuse. Section 702 has been used to conduct millions of warrantless “backdoor” searches for the phone calls, text messages, and emails of people in the United States. The FBI has conducted hundreds of thousands of searches that violated court-ordered rules, including searches targeted at multiple members of Congress and 19,000 donors to a congressional campaign. In October 2023, the Board released a [report](#) revealing that the FBI had used Section 702 to conduct warrantless searches for the communications of 141 racial justice protesters, among others.

This is compounded by FBI Director Kash Patel's decision to [shut down](#) the agency's office of internal auditing, which was established in 2020 to monitor potential abuses of Section 702.

But [new reporting](#) by Politico has only deepened concerns, as within the White House, Stephen Miller is now a "leading advocate" for extending Section 702 without any reforms, and President Trump is [reportedly](#) supporting this approach. Members of the Trump administration have relentlessly referred to their political opponents as the "enemy within" and argued [that opposition to their agenda](#) – from unfavorable judicial decisions to citizens exercising the First Amendment right to document government agents' activities in public – amounts to [domestic terrorism, or support for it](#). The White House has [previously suggested](#) these allegations of domestic terrorism may be subject to investigation under statutory authorities relating to foreign influence.

The case for reforming Section 702 has never been more urgent. We urge congressional Democratic leadership to refuse to reauthorize Title VII of FISA absent key reforms that have [broad bipartisan support](#). These reforms include:

- (1) **Closing the Backdoor Search Loophole:** The most serious threat posed by Section 702 is the government's warrantless querying of communications of people in the United States. These queries allow government officials to conduct "backdoor searches," deliberately accessing the communications of people in the United States without court approval; and they have repeatedly been abused, targeting peaceful protesters, journalists, elected officials and their staff, campaign donors, and others. Internal agency safeguards have proven insufficient in protecting privacy. Self-policing by agencies has failed to stop these harms in the past, and cannot be trusted to prevent them in the future. The only way to reliably protect people in the United States is to establish a warrant rule, and require U.S. person queries to be approved by a judge based on a probable cause standard.

[When polled](#), **76% of Americans agreed** that agencies should be "required to obtain warrants" before knowingly conducting backdoor searches of billions of international communications looking for people in the United States.

- (2) **Closing the Data Broker Loophole:** Intelligence agencies and law enforcement should not be able to bypass constitutional and statutory privacy protections by purchasing data on people across the U.S. — including location information, browsing history, metadata and transaction records — from commercial data brokers. This practice undermines Congress's 2015 ban on domestic bulk collection and allows the government to stockpile sensitive information on people in the U.S. while circumventing court approval. Closing this loophole is vital to ensuring prior FISA reforms are upheld, and that our data is safe from unfettered collection. The Fourth Amendment Is Not For Sale Act (H.R.4639);

S.2576, 2024) would effectively address this issue and protect the privacy of everyone in the U.S.

[When polled](#), **80% of Americans** think the government should “obtain warrants before purchasing location information, internet records, and other sensitive data about people in the U.S. from data brokers.”

(3) Fixing the Overbroad Expansion of Electronic Communication Service Providers:

Prior to the 2024 reauthorization, the FISA Court ruled that a certain (still not publicly disclosed) type of entity to which the government sought to issue directives did not fall within the definition of “electronic communication service provider” (ECSP), prompting Congress to broaden that definition. The new definition was deliberately written in vague, sweeping terms, in order to conceal the type of entity at issue. As written, the now dangerously overbroad definition could be abused to compel almost any business or organization in the United States, including the commercial real estate entities that lease space to media outlets, advocacy groups, campaigns, and law firms, to facilitate warrantless surveillance of their buildings’ internet systems. Congress should restore reasonable limits on the ECSP definition to prevent this.

(4) Remove Barriers to Amici Access and Participation at the FISA Court:

The establishment of amici to represent privacy and civil liberties views has been a valuable improvement to the FISA Court, providing much-needed oversight and ensuring the court considers different legal perspectives in deliberations that affect the rights of people in the U.S. yet occur without public participation. However, amici are still left out of important proceedings, and they remain overly restricted in their ability to access materials. Congress should remove these barriers by ensuring amici have access to necessary information, can communicate with one another to effectively analyze legal issues, and are involved in cases affecting our civil rights and civil liberties.

As Congress weighs the future of Section 702, we urge Democratic Members to stand firm against any extension that does not include these critical reforms. Supporting Stephen Miller’s warrantless surveillance agenda would be a massive detriment to the privacy and civil rights and liberties of people in the United States. These surveillance authorities have long jeopardized privacy, and efforts by Miller to continue them without meaningful reforms and sufficient oversight are deeply troubling.

Sincerely,

AAPI NJ

AAPI Youth Rising

Access Now

Advocacy for Principled Action In Government

American-Arab Anti-Discrimination Committee (ADC)

American Civil Liberties Union

American Friends Service Committee

APA Justice Task Force

Arab American Institute

Asian Americans Advancing Justice | AAJC

Asian American Federal Employees for Non-Discrimination

Asian Americans Leadership Council

Asian American Scholar Forum

Asian American Unity Coalition

Asian Law Alliance

Asian Texans for Justice

Autistic Women & Nonbinary Network

Brennan Center for Justice

Center for Biological Diversity

Center for Media and Democracy

Center for Security, Race and Rights

Church Women United in New York State

Citizens for Responsibility and Ethics in Washington (CREW)

Color of Change

Concerned Citizens for Nuclear Safety

Council on American-Islamic Relations (CAIR)

Courage California

Common Cause

Defending Rights & Dissent

Demand Progress

Due Process Institute

Earth Ethics, Inc.

Electronic Privacy Information Center (EPIC)

Electronic Frontier Foundation (EFF)

Fayetteville Police Accountability Community Taskforce

Fight for the Future

Fix Democracy First

Free Press Action

Freedom of the Press Foundation

Food & Water Watch

Government Information Watch

Grassroots Asians Rising

Historians for Peace and Democracy
Hmong Innovating Politics
Holy Spirit Missionary Sisters, USA-JPIC
Human Rights First
Indivisible
Indivisible Auburn WA
Indivisible EMF — Edgewood, Milton, & Fife, WA
Indivisible Skagit
Kapor Center Advocacy
The Leadership Conference on Civil and Human Rights
Local Progress
Long Beach Alliance for Clean Energy
Lower Cape Indivisible
Muslim Advocates
Muslims for Just Futures
National Action Network
National Association of Social Workers
National Immigrant Justice Center
National Religious Coalition on Creation Care & its Interfaith Oceans Program
NETWORK Lobby for Catholic Social Justice
Nikkei Progressives
Nonviolence International
North American Climate, Conservation and Environment (NACCE)
Oakland Privacy
OCA-CVC
OCA Greater Tucson
OCA Silicon Valley Chapter
Olympia Indivisible
OpenMedia
People Power United
Project On Government Oversight
Project South
Public Citizen
Reporters Without Borders (RSF)
Secure Elections Network
Sikh American Legal Defense and Education Fund
Spin Film
Stop AAPI Hate
Surveillance Technology Oversight Project
Thai Community Development Center (Thai CDC)

The 1990 Institute
The Nexus of Privacy
The United Methodist Church - General Board of Church and Society
UltraViolet Action
United Church of Christ Media Justice Ministry
United for Peace and Justice
United for Respect
X-Lab

cc: Democratic Members of the House and Senate