



March 6, 2024



The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, DC 20515

The Honorable Hakeem S. Jeffries
Minority Leader
U.S. House of Representatives
Washington, DC 20515

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

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

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

We are grateful that Congress acted on a bipartisan basis to extend Title VII of the Foreign Intelligence Surveillance Act (FISA), including Section 702, until April 19, 2024. Section 702 provides critical and unique foreign intelligence at a speed and reliability that the Intelligence Community cannot replicate with any other authority. The Intelligence Community relies on Section 702 in almost every aspect of its work and, as a result, the authority is essential to our national security.

We recognize this extraordinary authority carries significant responsibility and the need for accountability for those entrusted with using Section 702 to defend the nation. We continue to support responsible reforms to enhance privacy and civil liberties and strengthen accountability while fully preserving the efficacy of this vital tool.

We urge Congress to pass a long-term reauthorization prior to April 19 to extend the authority with appropriate reforms. Doing so will prevent Title VII from lapsing and enable the executive branch to promptly incorporate statutory reforms, including additional privacy and civil liberties protections.

As you are aware, to avoid a lapse that would create a dangerous gap in foreign intelligence collection, the executive branch must renew the current Section 702 certifications and legal procedures before they expire on April 12, 2024.

Each year, the Department of Justice and Office of the Director of National Intelligence submit to the Foreign Intelligence Surveillance Court (FISC) certifications specifying the categories of foreign intelligence authorized for Section 702 collection as well as legal procedures to safeguard the constitutional rights and privacy of U.S. persons. The FISC reviews the certifications and legal procedures to ensure compliance with the statute and the Fourth Amendment.

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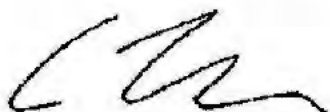
By law, if the executive branch is seeking to reauthorize the Section 702 certifications, the executive branch is required, to the extent practicable, to submit final certifications and legal procedures at least 30 days prior to the expiration of the current authorizations,¹ and the FISC must issue an opinion no later than 30 days after the final submission.²

Consistent with the plan the Administration relayed previously to congressional leadership, as well as the timeline specified by statute, yesterday the executive branch submitted final certifications as well as legal procedures to the FISC. The executive branch incorporated reforms implemented by the Federal Bureau of Investigation since 2021 in the proposed query procedures submitted as part of this process, underscoring our commitment to reforms of Section 702.

The matter remains pending before the FISC. In the ordinary course, we would expect new certifications, if approved by the FISC, to be operative until April 2025. However, the executive branch is committed to immediately begin the process necessary to implement any statutory reforms Congress enacts in reauthorizing Section 702 and to seeking early recertification in order to incorporate all relevant reforms into the certifications and procedures as soon as practicable.

Importantly, new certifications, if approved by the FISC, are not a substitute for the timely reauthorization of the statute. Any expiration of Section 702, no matter how short, would inject tremendous uncertainty and risk, endangering the Intelligence Community's ability to gain valuable intelligence. April 19 remains a critical deadline. If Title VII of FISA were allowed to lapse, the government's ability to acquire foreign intelligence information, even under current Section 702 directives, may be challenged.

We look forward to continuing to work with Congress to reauthorize this critical national security tool to protect our national security while safeguarding privacy and civil liberties.



Carlos Felipe Uriarte
Assistant Attorney General



Matthew Rhoades
Assistant Director of National Intelligence

¹ 50 U.S.C. § 1881a (j)(5)(A).

² 50 U.S.C. § 1881a (j)(1)(B); *see also* Letter from the Hon. Reggie B. Walton, Presiding Judge, Foreign Intelligence Surveillance Court, to U.S. Sen. Patrick Leahy, Chairman, S. Comm. on the Judiciary 4–5 (July 29, 2013), <https://www.fisc.uscourts.gov/sites/default/files/Correspondence%20Grassley-1.pdf>.

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cc: The Honorable Kamala Harris, President, U.S. Senate

The Honorable Patty Murray, President Pro Tempore, U.S. Senate

The Honorable Richard J. Durbin, Chair, Committee on the Judiciary,
U.S. Senate

The Honorable Lindsey O. Graham, Ranking Member, Committee on the
Judiciary, U.S. Senate

The Honorable Jim Jordan, Chairman, Committee on the Judiciary,
U.S. House of Representatives

The Honorable Jerrold L. Nadler, Ranking Member, Committee on the Judiciary,
U.S. House of Representatives

The Honorable Mark R. Warner, Chairman, Select Committee on Intelligence,
U.S. Senate

The Honorable Marco Rubio, Vice Chairman, Select Committee on Intelligence,
U.S. Senate

The Honorable Michael Turner, Chairman, Permanent Select Committee on
Intelligence, U.S. House of Representatives

The Honorable Jim Himes, Ranking Member, Permanent Select Committee on
Intelligence, U.S. House of Representatives