

## One-Page Fact Sheet: Section 702 of the Foreign Intelligence Surveillance Act

### Background

- Section 702 is America’s most important, and most overseen, foreign intelligence collection tool, contributing to over 60 percent of the articles in the President’s Daily Brief. Section 702 expires on April 20<sup>th</sup> unless reauthorized. **Its loss would severely damage national security.**
- Under Section 702, the intelligence community collects the electronic communications of about 300,000 foreign nationals who are located outside the United States and who possess foreign intelligence information—spies, terrorists, weapons proliferators, cartel leaders, and hackers.
- The only way information on a U.S. person (American citizen, legal permanent resident, or company) is captured is if one of the 300,000 foreign intelligence targets is talking to, or about, that U.S. person. **There are strict rules governing the intelligence community’s handling of U.S. person information that is incidentally collected.**

### 2024 Reforming Intelligence and Securing America Act (RISAA)

- Congress last reauthorized Section 702 two years ago in RISAA, which obtained the votes of 147 House Democrats (71% of the caucus). RISAA made 50-plus reforms to FISA to strengthen protections for Americans’ privacy rights and civil liberties and to improve FBI’s poor record of compliance.
- The RISAA reforms are working. **FBI compliance exceeded 99 percent in both 2024 and 2025.**

### The Legislative Path Forward

- House Republicans are expected to bring to the floor a bill to reauthorize Section 702 in its current form for a short period (18 months or less). **Whether the bill is brought up under a rule or under suspension, I respectfully recommend a “yes” vote** for the following reasons:
  - Section 702 is simply too important to be allowed to expire. This issue must transcend politics.
  - While I am open to making further reforms to Section 702, building on the many successful reforms we made in RISAA, there are good-faith differences of opinion about the necessity and wisdom of specific reforms that have been proposed. **A short-term reauthorization of Section 702 will enable Congress to thoroughly debate the pros and cons of these suggested reforms—and to determine if compromise is possible—without placing our national security in peril by allowing the program to expire.**
  - **If I saw any evidence that Trump administration officials were directing the intelligence community to use Section 702 for illegal or improper purposes, such as to persecute, surveil, or harass Americans, I would urge a “no” vote on reauthorization.** I have not seen such evidence, but will remain hyper-vigilant.
  - Because of how Section 702 is structured, it is not a particularly suitable vehicle for abuse. And **because of how heavily it is overseen by all three branches of government, any effort to misuse the program would almost certainly become known to the FISA Court and Congress**—which could and would respond appropriately.
  - NOTE: There is a separate bill in Congress that would limit the intelligence community’s use of commercially acquired information. Whatever your view on the merits of that bill, it is unrelated to Section 702.