

RISAA: 56 “Reforms” that Preserve the Status Quo

FISA Section 702 is a foreign intelligence authority that was intended to make it easier for the government to monitor foreign terrorists overseas. Instead, it has been [repeatedly abused](#) to spy on Americans. The law will expire on April 19 unless reauthorized by Congress.

On Thursday, the House will vote on the [Reforming Intelligence and Securing America Act](#). Speaker of the House Mike Johnson claims that RISAA reflects a compromise between the bipartisan Protect Liberty and End Warrantless Surveillance Act ([H.R. 6570](#)), offered by reformers on the House Judiciary Committee, and the FISA Reform and Reauthorization Act of 2023 ([H.R. 6611](#)), offered by those on the House Permanent Select Committee on Intelligence who prefer the status quo. Speaker Johnson says that RISAA includes 56 “reforms” to protect Americans’ rights. **In reality, this bill is not a “compromise,” and its 56 “reforms” codify the unacceptable status quo.**

- Of the 56 “reforms” that supposedly represent a middle ground between the HPSCI and HJC bills:
 - 45 (80%) come directly from HPSCI’s bill;
 - 8 (14%) are not from either HPSCI’s or HJC’s bill;
 - 2 (4%) are from HJC’s bill; and
 - 1 (2%) is consistent with both HPSCI and HJC’s language.
- Of the 56 “reforms” Speaker Johnson highlights, at least 13 (23%) either codify existing practice and procedures (under which abuses are [continuing to occur](#)), or **actively weaken** existing protections.
 - 9 of these changes are waivable by the FISA Court; and
 - **1 “reform” weakens FISA Court oversight by limiting the arguments that can be raised by FISA amici.**
- The remaining 43 “reforms” include:
 - **3 special protections for Members of Congress;**
 - 1 sham “reform” of U.S. person queries—the prohibition on “evidence-of-a-crime only” queries—that would have prevented the FBI from accessing Americans’ communications in only two instances in 2022 (out of a total of 204,090 backdoor searches by the FBI that year);
 - 13 reporting or related requirements that do not rein in surveillance;
 - 10 provisions related to accuracy procedures for traditional FISA applications (i.e., unrelated to Section 702); and
 - 6 changes that enhance criminal and civil penalties for noncompliance, but will have no practical effect because they do nothing to remove existing barriers to enforcement.
- Even in the rare instances where provisions drawn from the HPSCI bill are useful, they are **substantially weaker** than analogous provisions in HJC’s bill.

Making 56 ineffective tweaks to a fundamentally broken law is not reforming it. Absent [significant amendment](#), RISAA will do nothing to prevent the government’s repeated abuses of Section 702 to spy on Americans.