

the FBI had previously implemented and that had already proven to be insufficient to stop abuse.

As unambitious as RISAA's requirements were, it emerged within months that the FBI was systematically violating them. In August 2024, Department of Justice overseers discovered that the FBI had been quietly using a querying tool that allowed users to access Americans' communications without adhering to the procedures in RISAA designed to prevent abuse, such as obtaining attorney or supervisory approval for backdoor searches, recording the reasons for conducting them, and subjecting them to internal audits. It took months for the DOJ to shut down this tool.

In March 2026, however, the FISA Court found that the problem the DOJ claimed to have fixed in early 2025 is in fact ongoing—and extends beyond the FBI. Although the opinion is classified, the New York Times reported that the use of "filtering" tools to perform queries of Americans' information is an issue "across the intelligence community," and while the particular querying tool used by the FBI in 2024 had been discontinued, the bureau is using "another tool" with the same functionality.

This systemic violation of multiple provisions of RISAA, on its own, makes clear that RISAA did not solve the FBI's compliance problems. It also undermines the claim that RISAA produced a steep decline in the number of backdoor searches the FBI conducts. Those making this claim have pointed to the government's reported statistics for 2024 and 2025. But because the FBI did not track or count the number of queries performed using these "filtering" tools, the reported data for 2024 and 2025 is incomplete, and the total number of queries performed during those years remains unknown. And because the Department of Justice did not audit these queries, we simply do not know the extent or nature of any violations that might have occurred during this period.

How do the current administration's actions impact concerns about backdoor searches?

The current system of Section 702 oversight relies almost entirely on executive branch self-policing to prevent, detect, and report abuses. Although Congress and the FISA Court also oversee surveillance activities under Section 702, they do not conduct their own audits. They are thus wholly dependent on the DOJ and other agencies that receive Section 702 data to conduct rigorous audits of their own backdoor searches and to report the results promptly, fully, and accurately.

Yet this administration has gutted the main internal oversight mechanisms for Section 702. It dismantled the FBI's Office of Internal Auditing, established in 2020 to improve compliance with Section 702. It fired all three Democratic appointees on the five-member Privacy and Civil Liberties Oversight Board, thus undermining both its effectiveness and its independence. And it has apparently cowed the DOJ's Office of the Inspector General into inactivity. Moreover, dozens of courts across the country have admonished the DOJ for providing inaccurate, incomplete, or misleading information. In short, there is little reason to expect the robust internal oversight and faithful reporting that are necessary to deter abuse of Section 702.

What can be done to protect Americans from warrantless government spying?

Bipartisan sponsors have introduced bills in both the Senate and the House of Representatives that would reauthorize Section 702 with reforms to protect Americans' privacy, including a requirement that the government obtain a warrant or FISA Title I

order to access the content of Americans' communications collected under Section 702. The warrant requirement proposals all include reasonable exceptions designed to accommodate legitimate security needs. For example, no court order would be required in an emergency, if the subject of the search provided consent (e.g., where the purpose of the search is to identify potential victims), or where the search is designed to identify the targets of a cyberattack.

Under current reform proposals, the court order requirement kicks in only when the government seeks to access the contents of a communication. In other words, the government may check first to see whether a particular American's information actually appears within the Section 702-collected data before applying for a court order. This would ensure that any additional burden on the courts is manageable, and it would allow the government to use U.S. person queries without a court order to rule out particular Americans' involvement in the activities under investigation.

This commonsense solution has had broad bipartisan support for years. It has been passed twice in the House, and in 2024, it was defeated in the House by a single vote. Polling shows that 76 percent of Americans support a court order requirement for backdoor searches.

Would a warrant requirement harm national security?

The national security value of backdoor searches is modest at best and would not be undermined by a warrant requirement. The government has provided multiple examples in which surveillance of foreign targets under Section 702 provided key information about cyberattacks, espionage, and fentanyl trafficking. By contrast, it has cited very few examples in which backdoor searches have been useful.

After a thorough review of all the relevant classified and unclassified information, the Privacy and Civil Liberties Oversight Board found in its 2023 report that "there was little justification provided to the Board on the relative value of the close to 5 million [U.S. person queries] conducted by the FBI from 2019 to 2022." in the handful of instances in which backdoor searches did add value, it appeared that the government could have obtained a warrant, gotten the consent of the subject of the search, or invoked the emergency exception—a point confirmed by the chair of the Board. A warrant requirement with reasonable exceptions would protect Americans' rights while preserving the core national security value of Section 702: surveillance of foreign targets.

What happens if Congress doesn't reauthorize Section 702 by April 20?

Although the statute will expire on April 20, Section 702 surveillance operates under year-long certifications approved by the FISA Court. The law makes clear that these certifications remain valid until their expiration date, even if the underlying statute expires. Based on the date of the last publicly available certification, the government was scheduled to renew its certifications in March of this year, which would lock in Section 702 surveillance authority until March 2027. (Those renewal proceedings have not yet been declassified.)

Some supporters of a straight reauthorization have nonetheless expressed concerns that companies that provide communications services might refuse to turn over targets' communications to the government if the underlying law has expired. However, companies do not choose whether to assist the government with Section 702 surveillance. They are served with directives, and if they fail to comply with a valid directive, they face fines of \$250,000 per day. The FISA

Court can compel compliance, as it did in 2008 when a company refused to cooperate during a brief lapse in the statutory authority.

Congress has ample time to consider and pass reforms. Failure to do so would deny Americans long-overdue protections and facilitate continued warrantless domestic spying by the executive branch.

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SHEEHY). Without objection, it is so ordered.

UNANIMOUS CONSENT
AGREEMENT—S. 4344

Mr. THUNE. Mr. President, I ask unanimous consent that the cloture vote on the motion to proceed to Calendar No. 373, S. 4344, occur at a time to be determined by the majority leader in consultation with the Democratic leader, no later than Friday, May 1.

The PRESIDING OFFICER. Is there objection?

Mr. WYDEN. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, the Senate is now delaying a vote on FISA because Members are waking up to the fact that this surveillance authority is too dangerous to hand to any President without new reforms. And here is the bottom line. If there were the votes today to advance this bill right now, we would be voting. But when it comes to reauthorizing section 702, I am here to offer the judgment that the only path forward is reform.

Here is how we got here. Two weeks ago, the leadership in the House executed the oldest play in the book when it comes to surveillance: They waited until a week before the bill was set to expire, there was no time to debate, and they tried to pass a straight reauthorization without reforms.

What happened? A bipartisan coalition said: No way.

Then they came back with a new bill that week, but it turned out that these so-called reforms made FISA 702 less accountable. That bill failed.

Then the House voted on a straight extension of the law—again with no reforms. A bipartisan coalition voted that down.

And now, this week, the House Republican leadership tried to sell a fake reform to their Members a third time. Once again, the body is in disarray.

It is clear that Senators who voted to support the current FISA surveillance law in the past are now rethinking their positions. Every day, this administration demonstrates its contempt for the rule of law and its thirst for absolute power. They have destroyed

oversight and guardrails and trampled on the rights of the American people. They have attacked and killed protesters and observers, seized the records of journalists, and gone after political enemies, including Members of Congress.

There are many ways in which 702 can be abused by the administration, including warrantless searches of Americans' communications in 702 data. The fact is, there are alarm bells pointing to administration abuses. What kind of abuses? Month after month, Trump administration officials have been trotting out conspiracy theories about elections and voting. These theories include accusations of foreign involvement. The Director of National Intelligence even showed up at the FBI's ballot-seizing raid in Fulton, GA. And one of her excuses: She was there to protect against foreign interference. These conspiracy theories open the door for more warrantless 702 searches, all to try to discredit American elections.

The Trump administration has also been abusing its authorities to go after journalists whose stories they don't like. All it takes is an accusation of a foreign connection and they can be subjected to 702 searches. Then there are protesters who the administration could accuse of being connected to antifa groups.

When the guardrails are gone and the abuses are clear, there is only one solution: Congress must require court-ordered warrants to conduct searches on Americans. There ought to be exceptions, but only for emergencies.

I am going to close with one last important issue that colleagues are approaching all of us to ask about, and that is the role of AI in supercharging surveillance abuses. The Trump administration is going full speed ahead on AI, and Americans are rightly concerned about how artificial intelligence is going to affect their privacy rights.

In the case of section 702, the government could use artificial intelligence to process huge amounts of data to identify Americans for warrantless searches. These technological advances are happening so fast, and Congress needs to step up and protect Americans. New tools require new rules, and it really applies to artificial intelligence.

So when the Senate returns to vote on government surveillance, I am here to say another effort to jam this bill through without reforms is also going to be dead as a doornail.

I urge all Members to come forward and work in a bipartisan way because security and liberty are not mutually exclusive. Smart policies get you both; not so smart policies get you neither.

I urge my colleagues to recognize that at this moment it is right for the Senate to postpone the vote. It is the second time we have postponed a vote because the country doesn't buy this argument that we should sacrifice our liberty in order to have security. We can find both.

I urge my colleagues to use this interim period to make sure that actually happens, and I intend to be on the floor objecting at every opportunity if it doesn't.

I yield the floor.
The PRESIDING OFFICER. Is there further objection?

The majority leader.
Mr. THUNE. Mr. President, let me just say to my colleague from Oregon that, obviously, there are, I think, constructive conversations going on right now about how to address some of the concerns that he has raised on this. But I would also say that, by midnight on Thursday, this authority goes dark. It is authority that our military leadership and intelligence leadership rely on heavily to keep the United States safe, and so I hope we can find a way to proceed with this in a fashion that doesn't allow this authority to go dark at midnight on Thursday.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, just so we are clear, there is authority to continue the protections for the American people already. We will have that debate. I am eager to work with colleagues on both sides of the aisle.

We have to recognize that the only path forward for the American people is actual reform and not just cliché's.

I yield the floor.
The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR—Motion to Proceed

Mr. THUNE. Mr. President, I move to proceed to executive session to consider Executive Calendar No. 5, S. Res. 690.

VOTE ON MOTION

The PRESIDING OFFICER. The question is on agreeing to the motion to proceed.

Mr. WYDEN. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.
The legislative clerk called the roll.

Mr. BARRASSO. The following Senator is necessarily absent: the Senator from Alabama (Mr. TUBERVILLE).

The result was announced—yeas 52, nays 47, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—52

Armstrong	Cotton	Hawley
Banks	Cramer	Hoeven
Barrasso	Crapo	Husted
Blackburn	Cruz	Hyde-Smith
Boozman	Curtis	Johnson
Britt	Daines	Justice
Budd	Ernst	Kennedy
Capito	Fischer	Lankford
Cassidy	Graham	Lee
Collins	Grassley	Lummis
Cornyn	Hagerty	Marshall

McConnell	Ricketts	Sullivan
McCormick	Risch	Thune
Moody	Rounds	Tillis
Moran	Schmitt	Wicker
Moreno	Scott (FL)	Young
Murkowski	Scott (SC)	
Paul	Sheehy	

NAYS—47

Alsobrooks	Hickenlooper	Rosen
Baldwin	Hirono	Sanders
Bennet	Kaine	Schatz
Blumenthal	Kelly	Schiff
Blunt Rochester	Kim	Schumer
Booker	King	Shaheen
Cantwell	Klobuchar	Slotkin
Coons	Lujan	Smith
Cortez Masto	Markey	Van Hollen
Duckworth	Merkley	Warner
Durbin	Murphy	Warnock
Fetterman	Murray	Warren
Gallego	Ossoff	Welch
Gillibrand	Padilla	Whitehouse
Hassan	Peters	Wyden
Heinrich	Reed	

NOT VOTING—1

Tuberville

The motion was agreed to.

EXECUTIVE SESSION

EN BLOC NOMINATIONS

The PRESIDING OFFICER (Mr. ARMSTRONG). The clerk will report the executive resolution.

The senior assistant bill clerk read as follows:

An executive resolution (S. Res. 690) authorizing the en bloc consideration in Executive Session of certain nominations on the Executive Calendar.

The PRESIDING OFFICER. The majority leader.

CLOTURE MOTION

Mr. THUNE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The senior assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 5, S. Res. 690, an executive resolution authorizing the en bloc consideration in Executive Session of certain nominations on the Executive Calendar.

John Thune, Ted Budd, Mike Crapo, Mike Rounds, Kevin Cramer, Bill Cassidy, Katie Boyd Britt, Ashley B. Moody, John Boozman, Jon Husted, Roger F. Wicker, Tom Cotton, John Barrasso, James E. Risch, James Lankford, Steve Daines, John Hoeven.

LEGISLATIVE SESSION

Mr. THUNE. Mr. President, I ask unanimous consent that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY HIS MAJESTY KING CHARLES III

The PRESIDING OFFICER. Under the previous order, the Senate will proceed as a body to the Hall of the House