



## REP. JIM HIMES IS MISLEADING HIS COLLEAGUES THAT THEY HAVE TO REAUTHORIZE FISA IN ORDER TO AVOID “PLACING OUR NATIONAL SECURITY IN PERIL.”

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On April 20, 2026, the Foreign Intelligence Surveillance Act statute's most controversial provisions are due to lapse once again. Every time there's a pending sunset (in 2012, 2015, 2019, 2024 and now 2026), the administration and surveillance hawks rush to Congress, insisting that Congress must reauthorize the statute without reforms before it lapses, so that America will not be left dangerously exposed. The result? Congress has often gotten stampeded into reauthorizing FISA and kicking the question of reforms down the road.

This time, House Intelligence Committee Chair Rep. Jim Himes (D-CT-04) [has revived](#) the allegation that failing to do a "short-term reauthorization" of the statute, meaning in his mind a full 18 months, will "place our national security in peril by allowing the program to expire." **Is that true?**

**The short answer is "No." Congress can take all the time it needs.**

This is why: A lapse in the *authorizing statute*, Title VII of FISA, on April 20, doesn't mean that *collection* shuts down at midnight on April 21. The FISC certification that is already scheduled to issue this month will extend through to March 2027, and the government can continue collection as long as the certification lasts. The New York Times [confirms](#),

*"The Section 702 program would not immediately shut down if the statute expired. It operates under certifications that the Foreign Intelligence Surveillance Court issues each year authorizing the government to direct communications companies to participate. The key provision says these directives "shall continue in effect" until their expiration dates."*

During the lapse debate in 2024, one provider had a **mistaken belief** that collection would no longer be mandatory if the statute had lapsed. But NSA promptly corrected that before there was a lapse, sending the provider the information about the certification continuing, and as a consequence of that communication, told the Biden administration that ["the threat of cutting off ... is off the table."](#) So, if this administration is worried, all they need to do is inform the providers again, not stampede Congress into an unnecessarily hurried renewal.

The appropriate action for the administration here is not to scaremonger to Members about whether collection will continue in the context of a lapse, but to reassure them that data collection will continue, as a matter of both law and fact. Congress in fact has plenty of time to thoroughly debate the pros and cons of these suggested reforms, and can do so after a statutory lapse if need be.

**House Members and Senators should also not rely on any promises by leadership to bring FISA reform legislation to the floor later, in exchange for supporting a clean reauthorization now.** Trusting those promises in 2024 did not lead to any problems with RISAA getting fixed, or any new reforms becoming law.