

*Administration of Donald J. Trump, 2018*

**Statement on Signing the FISA Amendments Reauthorization Act of 2017**  
*January 19, 2018*

Today, I signed into law S. 139, "FISA Amendments Reauthorization Act of 2017" (the "Act"). The Act reauthorizes Title VII of the Foreign Intelligence Surveillance Act until December 31, 2023, and makes a number of amendments to current law. Section 702 of Title VII allows the Intelligence Community, under a robust regime of oversight by all three branches of Government, to collect critical intelligence on international terrorists, weapons proliferators, and other important foreign intelligence targets located outside the United States.

This intelligence is vital to keeping the Nation safe. As shown by the recent attacks in New York City and elsewhere around the globe, we face a constant threat from foreign terrorist networks and other foreign actors who would do us harm. In order to detect and prevent attacks before they happen, we must be able to intercept the communications of foreign targets who are reasonably believed to possess foreign intelligence information. Section 702 provides the necessary authority, and it has proven to be among the Nation's most effective foreign intelligence tools. It has enabled our Intelligence Community to disrupt numerous plots against our citizens at home and our warfighters abroad, and it has unquestionably saved American lives. The Act I have signed today preserves and extends this critically important national security tool.

Section 702 provides robust privacy protections for American citizens, and most importantly prohibits the Government from using it to target Americans and persons located in the United States. Only foreigners located abroad may be targeted for surveillance under section 702. While every court to have considered section 702 has found it to be legal and consistent with the Fourth Amendment to the Constitution, the Act establishes additional procedures to further protect the privacy of Americans whose communications are incidentally collected under section 702. Among these is a new requirement that in a predicated criminal investigation—an investigation with an elevated factual foundation—the Federal Bureau of Investigation (FBI) apply for and obtain an order from the Foreign Intelligence Surveillance Court before accessing the contents of section 702—acquired communications that were retrieved using certain United States person "query" terms. By applying this provision only to certain queries in investigations unrelated to national security, the Act preserves the FBI's ability to "connect the dots" and look for national security-related threats, especially during the critical pre-investigation phase when it often does not yet have enough information to know whether a suspected threat relates to national security. Although the Fourth Amendment does not require a court order to query information lawfully collected under section 702—information already lawfully in the Government's possession—this new procedure, along with the Act's other oversight and transparency requirements, provides further privacy safeguards, while preserving the operational effectiveness of our foreign intelligence collection efforts.

I would have preferred a permanent reauthorization of Title VII to protect the safety and security of the Nation. By signing this Act today, however, I am ensuring that this lawful and essential intelligence program will continue to protect Americans for at least the next 6 years. We cannot let our guard down in the face of foreign threats to our safety, our freedom, and our way of life.

DONALD J. TRUMP

The White House,  
January 19, 2018.

NOTE: S. 139, approved January 19, was assigned Public Law No. 115–118.

*Categories:* Bill Signings and Vetoes : FISA Amendments Reauthorization Act of 2017, signing statement.

*Subjects:* Defense and national security : Electronic surveillance program; Defense and national security : Intelligence; Justice, Department of : Bureau of Investigation, Federal; Legislation, enacted : FISA Amendments Reauthorization Act of 2017; Terrorism : Counterterrorism efforts; Terrorism : Global threat.

*DCPD Number:* DCPD201800040.