

115TH CONGRESS
2D SESSION

H. R. 5120

To require Presidential appointment and Senate confirmation of Foreign Intelligence Surveillance Court judges.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. GAETZ (for himself and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To require Presidential appointment and Senate confirmation of Foreign Intelligence Surveillance Court judges.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Appoint-
5 ment of FISA Court Judges Act”.

1 **SEC. 2. PRESIDENTIAL APPOINTMENT AND SENATE CON-**
2 **FIRMATION OF FOREIGN INTELLIGENCE SUR-**
3 **VEILLANCE COURT JUDGES.**

4 (a) PRESIDENTIAL APPOINTMENT AND SENATE CON-
5 FIRMATION REQUIRED.—Section 103 of the Foreign Intel-
6 ligence Surveillance Act of 1978 (50 U.S.C. 1803) is
7 amended—

8 (1) in subsection (a)(1)—

9 (A) in the first sentence, by striking “The
10 Chief Justice of the United States” and insert-
11 ing “(A) The President, by and with the advice
12 and consent of the Senate,”; and

13 (B) by adding at the end the following new
14 subparagraph:

15 “(B) The President, by and with the advice and con-
16 sent of the Senate, shall publicly designate a judge des-
17 ignated under subparagraph (A) to serve as the presiding
18 judge of the court established under such subparagraph.”;

19 (2) in subsection (b), by striking “The Chief
20 Justice” and inserting “The President, by and with
21 the advice and consent of the Senate,”; and

22 (3) in subsection (c), by striking “the Chief
23 Justice in consultation with”.

24 (b) COMPLETION OF TERMS BY EXISTING DES-
25 IGNEES.—Notwithstanding the amendments by subsection
26 (a), each judge serving on a court established under sub-

1 section (a) or subsection (b) of section 103 of the Foreign
2 Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) on
3 the date of the enactment of this Act may complete the
4 term of such judge on such court.

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