

118TH CONGRESS  
2D SESSION

# H. R. 7888

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## AN ACT

To reform the Foreign Intelligence Surveillance Act of 1978.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Reforming Intelligence  
3 and Securing America Act”.

4 **SEC. 2. QUERY PROCEDURE REFORM.**

5 (a) STRICTLY LIMITING FEDERAL BUREAU OF IN-  
6 VESTIGATION PERSONNEL AUTHORIZING UNITED STATES  
7 PERSON QUERIES.—Subsection (f) of section 702 is  
8 amended—

9 (1) by redesignating paragraph (3) as para-  
10 graph (5); and

11 (2) by inserting after paragraph (2) the fol-  
12 lowing new paragraph:

13 “(3) RESTRICTIONS IMPOSED ON FEDERAL BU-  
14 REAU OF INVESTIGATION.—

15 “(A) LIMITS ON AUTHORIZATIONS OF  
16 UNITED STATES PERSON QUERIES.—

17 “(i) IN GENERAL.—Federal Bureau of  
18 Investigation personnel must obtain prior  
19 approval from a Federal Bureau of Inves-  
20 tigation supervisor (or employee of equiva-  
21 lent or greater rank) or attorney who is  
22 authorized to access unminimized contents  
23 or noncontents obtained through acquisi-  
24 tions authorized under subsection (a) for  
25 any query of such unminimized contents or

1 noncontents made using a United States  
2 person query term.

3 “(ii) EXCEPTION.—A United States  
4 person query to be conducted by the Fed-  
5 eral Bureau of Investigation of  
6 unminimized contents or noncontents ob-  
7 tained through acquisitions authorized  
8 under subsection (a) using a United States  
9 person query term may be conducted with-  
10 out obtaining prior approval as specified in  
11 clause (i) only if the person conducting the  
12 United States person query has a reason-  
13 able belief that conducting the query could  
14 assist in mitigating or eliminating a threat  
15 to life or serious bodily harm.”.

16 (b) PROHIBITION ON INVOLVEMENT OF POLITICAL  
17 APPOINTEES IN PROCESS TO APPROVE FEDERAL BU-  
18 REAU OF INVESTIGATION QUERIES.—Subparagraph (D)  
19 of section 702(f)(3), as added by subsection (d) of this  
20 section, is amended by inserting after clause (v) the fol-  
21 lowing:

22 “(vi) PROHIBITION ON POLITICAL  
23 APPOINTEES WITHIN THE PROCESS TO  
24 APPROVE FEDERAL BUREAU OF IN-  
25 VESTIGATION QUERIES.—The proce-

1           dures shall prohibit any political per-  
2           sonnel, such as those classified by the  
3           Office of Personnel Management as  
4           Presidential Appointment with Senate  
5           Confirmation, Presidential Appoint-  
6           ment (without Senate Confirmation),  
7           Noncareer Senior Executive Service  
8           Appointment, or Schedule C Excepted  
9           Appointment, from inclusion in the  
10          Federal Bureau of Investigation's  
11          prior approval process under clause  
12          (ii).”.

13          (c) MANDATORY AUDITS OF UNITED STATES PER-  
14          SON QUERIES CONDUCTED BY FEDERAL BUREAU OF IN-  
15          VESTIGATION.—

16                 (1) AUDITS REQUIRED.—For each query identi-  
17                 fied by the Federal Bureau of Investigation as a  
18                 United States person query against information ac-  
19                 quired pursuant to subsection (a) of section 702 of  
20                 the Foreign Intelligence Surveillance Act of 1978  
21                 (50 U.S.C. 1881a) conducted by the Federal Bureau  
22                 of Investigation, not later than 180 days after the  
23                 conduct of such query, the Department of Justice  
24                 shall conduct an audit of such query.

1           (2) APPLICABILITY.—The requirement under  
2 paragraph (1) shall apply with respect to queries  
3 conducted on or after the date of the enactment of  
4 this Act.

5           (3) SUNSET.—This section shall terminate on  
6 the earlier of the following:

7                 (A) The date that is 2 years after the date  
8 of the enactment of this Act.

9                 (B) The date on which the Attorney Gen-  
10 eral submits to the appropriate congressional  
11 committees a certification that the Federal Bu-  
12 reau of Investigation has implemented a process  
13 for the internal audit of all queries referred to  
14 in paragraph (1).

15           (4) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES DEFINED.—In this section, the term “appro-  
17 priate congressional committees” means—

18                 (A) the congressional intelligence commit-  
19 tees, as such term is defined in subsection (b)  
20 of section 701 of the Foreign Intelligence Sur-  
21 veillance Act of 1978 (50 U.S.C. 1881); and

22                 (B) the Committees on the Judiciary of  
23 the House of Representatives and of the Sen-  
24 ate.

1           (d) RESTRICTIONS RELATING TO CONDUCT OF CER-  
2 TAIN QUERIES BY FEDERAL BUREAU OF INVESTIGA-  
3 TION.—Paragraph (3) of section 702(f), as added by sub-  
4 section (a)(2) of this section, is amended by adding after  
5 subparagraph (C), as added by subsection (f) of this sec-  
6 tion, the following:

7                   “(D) QUERYING PROCEDURES APPLICABLE  
8 TO FEDERAL BUREAU OF INVESTIGATION.—For  
9 any procedures adopted under paragraph (1)  
10 applicable to the Federal Bureau of Investiga-  
11 tion, the Attorney General, in consultation with  
12 the Director of National Intelligence, shall in-  
13 clude the following requirements:

14                   “(i) TRAINING.—A requirement that,  
15 prior to conducting any query, personnel of  
16 the Federal Bureau of Investigation suc-  
17 cessfully complete training on the querying  
18 procedures on an annual basis.

19                   “(ii) ADDITIONAL PRIOR APPROVALS  
20 FOR SENSITIVE QUERIES.—A requirement  
21 that, absent exigent circumstances, prior to  
22 conducting certain queries, personnel of  
23 the Federal Bureau of Investigation receive  
24 approval, at minimum, as follows:

1           “(I) Approval from the Deputy  
2           Director of the Federal Bureau of In-  
3           vestigation if the query uses a query  
4           term reasonably believed to identify a  
5           United States elected official, an ap-  
6           pointee of the President or a State  
7           governor, a United States political  
8           candidate, a United States political  
9           organization or a United States per-  
10          son prominent in such organization,  
11          or a United States media organization  
12          or a United States person who is a  
13          member of such organization.

14           “(II) Approval from an attorney  
15          of the Federal Bureau of Investiga-  
16          tion if the query uses a query term  
17          reasonably believed to identify a  
18          United States religious organization  
19          or a United States person who is  
20          prominent in such organization.

21           “(III) Approval from an attorney  
22          of the Federal Bureau of Investiga-  
23          tion if such conduct involves batch job  
24          technology (or successor tool).

1           “(iii) PRIOR WRITTEN JUSTIFICA-  
2           TION.—A requirement that, prior to con-  
3           ducting a query using a United States per-  
4           son query term, personnel of the Federal  
5           Bureau of Investigation provide a written  
6           statement of the specific factual basis to  
7           support the reasonable belief that such  
8           query meets the standards required by the  
9           procedures adopted under paragraph (1).  
10          For each United States person query, the  
11          Federal Bureau of Investigation shall keep  
12          a record of the query term, the date of the  
13          conduct of the query, the identifier of the  
14          personnel conducting the query, and such  
15          written statement.

16          “(iv) STORAGE OF CERTAIN CON-  
17          TENTS AND NONCONTENTS.—Any system  
18          of the Federal Bureau of Investigation  
19          that stores unminimized contents or non-  
20          contents obtained through acquisitions au-  
21          thorized under subsection (a) together with  
22          contents or noncontents obtained through  
23          other lawful means shall be configured in  
24          a manner that—



1           “(I) requires personnel of the  
2           Federal Bureau of Investigation to af-  
3           firmatively elect to include such  
4           unminimized contents or noncontents  
5           obtained through acquisitions author-  
6           ized under subsection (a) when run-  
7           ning a query; or

8           “(II) includes other controls rea-  
9           sonably expected to prevent inad-  
10          vertent queries of such unminimized  
11          contents or noncontents.

12          “(v) WAIVER AUTHORITY FOR FOR-  
13          EIGN INTELLIGENCE SURVEILLANCE  
14          COURT.—If the Foreign Intelligence Sur-  
15          veillance Court finds that the procedures  
16          adopted under paragraph (1) include meas-  
17          ures that are reasonably expected to result  
18          in similar compliance outcomes as the  
19          measures specified in clauses (i) through  
20          (iv) of this subparagraph, the Foreign In-  
21          telligence Surveillance Court may waive  
22          one or more of the requirements specified  
23          in such clauses.”.

24          (e) NOTIFICATION FOR CERTAIN QUERIES CON-  
25          DUCTED BY FEDERAL BUREAU OF INVESTIGATION.—

1 Paragraph (3) of section 702(f), as added by subsection  
2 (a) of this section, is amended by adding at the end the  
3 following:

4                   “(B) NOTIFICATION REQUIREMENT FOR  
5 CERTAIN FBI QUERIES.—

6                   “(i) REQUIREMENT.—The Director of  
7 the Federal Bureau of Investigation shall  
8 promptly notify appropriate congressional  
9 leadership of any query conducted by the  
10 Federal Bureau of Investigation using a  
11 query term that is reasonably believed to  
12 be the name or other personally identifying  
13 information of a member of Congress, and  
14 shall also notify the member who is the  
15 subject of such query.

16                   “(ii) APPROPRIATE CONGRESSIONAL  
17 LEADERSHIP DEFINED.—In this subpara-  
18 graph, the term ‘appropriate congressional  
19 leadership’ means the following:

20                   “(I) The chairs and ranking mi-  
21 nority members of the congressional  
22 intelligence committees.

23                   “(II) The Speaker and minority  
24 leader of the House of Representa-  
25 tives.

1                   “(III) The majority and minority  
2                   leaders of the Senate.

3                   “(iii) NATIONAL SECURITY CONSIDER-  
4                   ATIONS.—In submitting a notification  
5                   under clause (i), the Director shall give  
6                   due regard to the protection of classified  
7                   information, sources and methods, and na-  
8                   tional security.

9                   “(iv) WAIVER.—

10                   “(I) IN GENERAL.—The Director  
11                   may waive a notification required  
12                   under clause (i) if the Director deter-  
13                   mines such notification would impede  
14                   an ongoing national security or law  
15                   enforcement investigation.

16                   “(II) TERMINATION.—A waiver  
17                   under subclause (I) shall terminate on  
18                   the date the Director determines the  
19                   relevant notification would not impede  
20                   the relevant national security or law  
21                   enforcement investigation or on the  
22                   date that such investigation ends,  
23                   whichever is earlier.”.

24                   (f) REQUIREMENT FOR CONGRESSIONAL CONSENT  
25                   PRIOR TO CERTAIN FEDERAL BUREAU OF INVESTIGA-

1 TION QUERIES FOR PURPOSE OF DEFENSIVE BRIEF-  
2 INGS.—Paragraph (3) of section 702(f), as added by sub-  
3 section (a) of this section, is amended by adding after sub-  
4 paragraph (B), as added by subsection (e) of this section,  
5 the following:

6                   “(C) CONSENT REQUIRED FOR FBI TO  
7                   CONDUCT CERTAIN QUERIES FOR PURPOSE OF  
8                   DEFENSIVE BRIEFING.—

9                   “(i) CONSENT REQUIRED.—The Fed-  
10                   eral Bureau of Investigation may not, for  
11                   the exclusive purpose of supplementing the  
12                   contents of a briefing on the defense  
13                   against a counterintelligence threat to a  
14                   member of Congress, conduct a query  
15                   using a query term that is the name or re-  
16                   stricted personal information (as such term  
17                   is defined in section 119 of title 18, United  
18                   States Code) of that member unless—

19                   “(I) the member provides consent  
20                   to the use of the query term; or

21                   “(II) the Deputy Director of the  
22                   Federal Bureau of Investigation de-  
23                   termines that exigent circumstances  
24                   exist sufficient to justify the conduct  
25                   of such query.

1 “(ii) NOTIFICATION.—

2 “(I) NOTIFICATION OF CONSENT  
3 SOUGHT.—Not later than three busi-  
4 ness days after submitting a request  
5 for consent from a member of Con-  
6 gress under clause (i), the Director of  
7 the Federal Bureau of Investigation  
8 shall notify the appropriate congres-  
9 sional leadership, regardless of wheth-  
10 er the member provided such consent.

11 “(II) NOTIFICATION OF EXCEP-  
12 TION USED.—Not later than three  
13 business days after the conduct of a  
14 query under clause (i) without consent  
15 on the basis of the existence of exi-  
16 gent circumstances determined under  
17 subclause (II) of such clause, the Di-  
18 rector of the Federal Bureau of Inves-  
19 tigation shall notify the appropriate  
20 congressional leadership.

21 “(iii) RULE OF CONSTRUCTION.—

22 Nothing in this subparagraph may be con-  
23 strued as—

24 “(I) applying to matters outside  
25 of the scope of the briefing on the de-

1 fense against a counterintelligence  
2 threat to be provided or supplemented  
3 under clause (i); or

4 “(II) limiting the lawful inves-  
5 tigative activities of the Federal Bu-  
6 reau of Investigation other than  
7 supplementing the contents of a brief-  
8 ing on the defense against a counter-  
9 intelligence threat to a member of  
10 Congress.

11 “(iv) APPROPRIATE CONGRESSIONAL  
12 LEADERSHIP DEFINED.—In this subpara-  
13 graph, the term ‘appropriate congressional  
14 leadership’ means the following:

15 “(I) The chairs and ranking mi-  
16 nority members of the congressional  
17 intelligence committees.

18 “(II) The Speaker and minority  
19 leader of the House of Representa-  
20 tives.

21 “(III) The majority and minority  
22 leaders of the Senate.”.

1 **SEC. 3. LIMITATION ON USE OF INFORMATION OBTAINED**  
2 **UNDER SECTION 702.**

3 (a) REVOKING FEDERAL BUREAU OF INVESTIGATION  
4 AUTHORITY TO CONDUCT QUERIES UNRELATED TO NA-  
5 TIONAL SECURITY.—Subsection (f)(2) of section 702 is  
6 amended to read as follows:

7 “(2) PROHIBITION ON CONDUCT OF QUERIES  
8 THAT ARE SOLELY DESIGNED TO FIND AND EX-  
9 TRACT EVIDENCE OF A CRIME.—

10 “(A) LIMITS ON AUTHORIZATIONS OF  
11 UNITED STATES PERSON QUERIES.—The  
12 querying procedures adopted pursuant to para-  
13 graph (1) for the Federal Bureau of Investiga-  
14 tion shall prohibit queries of information ac-  
15 quired under subsection (a) that are solely de-  
16 signed to find and extract evidence of criminal  
17 activity.

18 “(B) EXCEPTIONS.—The restriction under  
19 subparagraph (A) shall not apply with respect  
20 to a query if—

21 “(i) there is a reasonable belief that  
22 such query may retrieve information that  
23 could assist in mitigating or eliminating a  
24 threat to life or serious bodily harm; or

25 “(ii) such query is necessary to iden-  
26 tify information that must be produced or

1           preserved in connection with a litigation  
2           matter or to fulfill discovery obligations in  
3           criminal matters under the laws of the  
4           United States or any State thereof.”.

5           (b) RESTRICTION ON CERTAIN INFORMATION AVAIL-  
6   ABLE TO FEDERAL BUREAU OF INVESTIGATION.—Section  
7   702 is amended by adding at the end the following new  
8   subsection:

9           “(n) RESTRICTION ON CERTAIN INFORMATION  
10   AVAILABLE TO FEDERAL BUREAU OF INVESTIGATION.—

11           “(1) RESTRICTION.—The Federal Bureau of  
12   Investigation may not ingest unminimized informa-  
13   tion acquired under this section into its analytic re-  
14   positories unless the targeted person is relevant to  
15   an existing, open, predicated full national security  
16   investigation by the Federal Bureau of Investigation.

17           “(2) EXCEPTION FOR EXIGENT CIR-  
18   CUMSTANCES.—Paragraph (1) does not apply if the  
19   Director of the Federal Bureau of Investigation de-  
20   cides it is necessary due to exigent circumstances  
21   and provides notification within three business days  
22   to the congressional intelligence committees, the  
23   Speaker and minority leader of the House of Rep-  
24   resentatives, and the majority and minority leaders  
25   of the Senate.



1           “(3) EXCEPTION FOR ASSISTANCE TO OTHER  
2           AGENCIES.—Paragraph (1) does not apply where the  
3           Federal Bureau of Investigation has agreed to pro-  
4           vide technical, analytical, or linguistic assistance at  
5           the request of another Federal agency.”.

6   **SEC. 4. TARGETING DECISIONS UNDER SECTION 702.**

7           (a) SENSE OF CONGRESS ON THE TARGETED COL-  
8           LECTION OF UNITED STATES PERSON INFORMATION.—  
9           It is the sense of Congress that, as proscribed in section  
10          702(b)(2), section 702 of the Foreign Intelligence Surveil-  
11          lance Act of 1978 has always prohibited, and continues  
12          to prohibit, the intelligence community from targeting a  
13          United States person for collection of foreign intelligence  
14          information. If the intelligence community intends to tar-  
15          get a United States person for collection of foreign intel-  
16          ligence information under the Foreign Intelligence Surveil-  
17          lance Act of 1978, the Government must first obtain an  
18          individualized court order based upon a finding of prob-  
19          able cause that the United States person is a foreign  
20          power, an agent of a foreign power, or an officer or em-  
21          ployee of a foreign power, in order to conduct surveillance  
22          targeting that United States person.

23          (b) ANNUAL AUDIT OF TARGETING DECISIONS  
24          UNDER SECTION 702.—

1           (1) MANDATORY REVIEW.—Not less frequently  
2 than annually, the Department of Justice National  
3 Security Division shall review each person targeted  
4 under section 702 of the Foreign Intelligence Sur-  
5 veillance Act of 1978 in the preceding year to ensure  
6 that the purpose of each targeting decision is not to  
7 target a known United States person. The results of  
8 this review shall be submitted to the Department of  
9 Justice Office of the Inspector General, the congres-  
10 sional intelligence committees, and the Committees  
11 on the Judiciary of the House of Representatives  
12 and of the Senate, subject to a declassification re-  
13 view.

14           (2) INSPECTOR GENERAL AUDIT.—Not less fre-  
15 quently than annually, the Department of Justice  
16 Office of the Inspector General shall audit a sam-  
17 pling of the targeting decisions reviewed by the Na-  
18 tional Security Division under paragraph (1) and  
19 submit a report to the congressional intelligence  
20 committees and the Committees on the Judiciary of  
21 the House of Representatives and of the Senate.

22           (3) CERTIFICATION.—Within 180 days of en-  
23 actment of this Act, and annually thereafter, each  
24 agency authorized to target non-United States per-  
25 sons under section 702 shall certify to Congress that

1 the purpose of each targeting decision made in the  
2 prior year was not to target a known United States  
3 person.

4 (4) APPLICATION.—The requirements under  
5 this subsection apply for any year to the extent that  
6 section 702 of the Foreign Intelligence Surveillance  
7 Act of 1978 was in effect during any portion of the  
8 previous year.

9 **SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT**  
10 **REFORM.**

11 (a) REQUIREMENT FOR SAME JUDGE TO HEAR EX-  
12 TENSION APPLICATIONS.—Subsection (d) of section 105  
13 is amended by adding at the end the following new para-  
14 graph:

15 “(5) An extension of an order issued under this  
16 title for surveillance targeted against a United  
17 States person, to the extent practicable and absent  
18 exigent circumstances, shall be granted or denied by  
19 the same judge who issued the original order unless  
20 the term of such judge has expired or such judge is  
21 otherwise no longer serving on the court.”.

22 (b) USE OF AMICI CURIAE IN FOREIGN INTEL-  
23 LIGENCE SURVEILLANCE COURT PROCEEDINGS.—Sub-  
24 section (i) of section 103 is amended—

25 (1) in paragraph (2)—

1 (A) by redesignating subparagraphs (A)  
2 and (B) as clause (i) and (ii), respectively;

3 (B) by striking “A court established” and  
4 inserting the following subparagraph:

5 “(A) IN GENERAL.—A court established”;

6 (C) in subparagraph (A), as inserted by  
7 subparagraph (B) of this section—

8 (i) in clause (i), as so redesignated—

9 (I) by striking “appoint an indi-  
10 vidual who has” and inserting “ap-  
11 point one or more individuals who  
12 have”; and

13 (II) by striking “; and” and in-  
14 serting a semicolon;

15 (ii) in clause (ii), as so redesignated—

16 (I) by striking “appoint an indi-  
17 vidual or organization” and inserting  
18 “appoint one or more individuals or  
19 organizations”; and

20 (II) by striking the period at the  
21 end and inserting “; and”; and

22 (iii) by adding at the end the fol-  
23 lowing new clause:

24 “(iii) shall appoint one or more indi-  
25 viduals who have been designated under

1 paragraph (1) to serve as amicus curiae to  
2 assist such court in the consideration of  
3 any certification or procedures submitted  
4 for review pursuant to section 702, includ-  
5 ing any amendments to such certifications  
6 or procedures, if the court established  
7 under subsection (a) has not appointed an  
8 individual under clause (i) or (ii), unless  
9 the court issues a finding that such ap-  
10 pointment is not appropriate or is likely to  
11 result in undue delay.”; and

12 (D) by adding at the end the following new  
13 subparagraphs:

14 “(B) EXPERTISE.—In appointing one or  
15 more individuals under subparagraph (A)(iii),  
16 the court shall, to the maximum extent prac-  
17 ticable, appoint an individual who possesses ex-  
18 pertise in both privacy and civil liberties and in-  
19 telligence collection.

20 “(C) TIMING.—In the event that the court  
21 appoints one or more individuals or organiza-  
22 tions pursuant to this paragraph to assist such  
23 court in a proceeding under section 702, not-  
24 withstanding subsection (j)(1)(B) of such sec-  
25 tion, the court shall issue an order pursuant to

1 subsection (j)(3) of such section as expedi-  
2 tiously as possible consistent with subsection  
3 (k)(1) of such section, but in no event later  
4 than 60 days after the date on which such cer-  
5 tification, procedures, or amendments are sub-  
6 mitted for the court’s review, or later than 60  
7 days after the court has issued an order ap-  
8 pointing one or more individuals pursuant to  
9 this paragraph, whichever is earlier, unless a  
10 judge of that court issues an order finding that  
11 extraordinary circumstances necessitate addi-  
12 tional time for review and that such extension  
13 of time is consistent with the national secu-  
14 rity.”; and

15 (2) in paragraph (4)—

16 (A) by striking “paragraph (2)(A)” and in-  
17 serting “paragraph (2)”;

18 (B) by striking “provide to the court, as  
19 appropriate”;

20 (C) by redesignating subparagraphs (A)  
21 through (C) as clauses (i) through (iii), respec-  
22 tively;

23 (D) by inserting before clause (i) the fol-  
24 lowing new subparagraphs:

1           “(A) be limited to addressing the specific  
2 issues identified by the court; and

3           “(B) provide to the court, as appropriate—  
4 ”; and

5           (E) in subparagraph (B)(i), as redesign-  
6 nated, by inserting “of United States persons”  
7 after “civil liberties”.

8           (c) DESIGNATION OF COUNSEL TO SCRUTINIZE AP-  
9 PPLICATIONS FOR UNITED STATES PERSONS.—Section  
10 103 is amended by adding at the end the following new  
11 subsection:

12           “(1) DESIGNATION OF COUNSEL FOR CERTAIN AP-  
13 PPLICATIONS.—To assist the court in the consideration of  
14 any application for an order pursuant to section 104 that  
15 targets a United States person, the presiding judge des-  
16 igned under subsection (a) shall designate one or more  
17 attorneys to review such applications, and provide a writ-  
18 ten analysis to the judge considering the application, of—

19           “(1) the sufficiency of the evidence used to  
20 make the probable cause determination under sec-  
21 tion 105(a)(2);

22           “(2) any material weaknesses, flaws, or other  
23 concerns in the application; and

24           “(3) a recommendation as to the following,  
25 which the judge shall consider during a proceeding

1 on the application in which such attorney is present,  
2 as appropriate—

3 “(A) that the application should be ap-  
4 proved, denied, or modified;

5 “(B) that the Government should supply  
6 additional information in connection with such  
7 application; or

8 “(C) that any requirements or conditions  
9 should be imposed on the Government for the  
10 approval of such application.”.

11 (d) MEMBER ACCESS TO THE FOREIGN INTEL-  
12 LIGENCE SURVEILLANCE COURT AND FOREIGN INTEL-  
13 LIGENCE SURVEILLANCE COURT OF REVIEW.—The chair  
14 and ranking minority member of each of the congressional  
15 intelligence committees, the chairs and ranking members  
16 of the Committees on the Judiciary of the House of Rep-  
17 resentatives and of the Senate, the Majority and Minority  
18 Leaders of the Senate, the Speaker of the House of Rep-  
19 resentatives, and the Minority Leader of the House of  
20 Representatives shall be entitled to attend any proceeding  
21 of the Foreign Intelligence Surveillance Court or any pro-  
22 ceeding of the Foreign Intelligence Surveillance Court of  
23 Review. Each person entitled to attend a proceeding pur-  
24 suant to this paragraph may designate not more than 2  
25 staff members of such committee or office to attend on



1 their behalf, pursuant to such procedures as the Attorney  
2 General, in consultation with the Director of National In-  
3 telligence may establish.

4 **SEC. 6. APPLICATION FOR AN ORDER UNDER THE FOREIGN**  
5 **INTELLIGENCE SURVEILLANCE ACT.**

6 (a) REQUIREMENT FOR SWORN STATEMENTS FOR  
7 FACTUAL ASSERTIONS.—

8 (1) TITLE I.—Subsection (a)(3) of section 104  
9 is amended by striking “a statement of” and insert-  
10 ing “a sworn statement of”.

11 (2) TITLE III.—Subsection (a)(3) of section 303  
12 is amended by striking “a statement of” and insert-  
13 ing “a sworn statement of”.

14 (3) SECTION 703.—Subsection (b)(1)(C) of sec-  
15 tion 703 is amended by striking “a statement of”  
16 and inserting “a sworn statement of”.

17 (4) SECTION 704.—Subsection (b)(3) of section  
18 704 is amended by striking “a statement of” and in-  
19 serting “a sworn statement of”.

20 (5) APPLICABILITY.—The amendments made  
21 by this subsection shall apply with respect to appli-  
22 cations made on or after the date that is 120 days  
23 after the date of enactment of this Act.

24 (b) PROHIBITION ON USE OF POLITICALLY DERIVED  
25 INFORMATION IN APPLICATIONS FOR CERTAIN ORDERS

1 BY THE FOREIGN INTELLIGENCE SURVEILLANCE  
2 COURT.—

3 (1) TITLE I.—Subsection (a)(6) of section 104  
4 is amended—

5 (A) in subparagraph (D), by striking “;  
6 and” and inserting a semicolon;

7 (B) in subparagraph (E)(ii), by striking  
8 the semicolon and inserting “; and”; and

9 (C) by adding after subparagraph (E) the  
10 following new subparagraph:

11 “(F) that none of the information included  
12 in the statement described in paragraph (3)  
13 was solely produced by, derived from informa-  
14 tion produced by, or obtained using the funds  
15 of, a political organization (as such term is de-  
16 fined in section 527 of the Internal Revenue  
17 Code of 1986), unless—

18 “(i) the political organization is clear-  
19 ly identified in the body of the statement  
20 described in paragraph (3);

21 “(ii) the information has been cor-  
22 roborated; and

23 “(iii) the investigative techniques used  
24 to corroborate the information are clearly

1 identified in the body of the statement de-  
2 scribed in paragraph (3); and”.

3 (2) TITLE III.—Subsection (a)(6) of section 303  
4 is amended—

5 (A) in subparagraph (D), by striking “;  
6 and” and inserting a semicolon;

7 (B) in subparagraph (E), by striking the  
8 semicolon and inserting “; and”; and

9 (C) by inserting after subparagraph (E)  
10 the following new subparagraph:

11 “(F) that none of the information included  
12 in the statement described in paragraph (3)  
13 was solely produced by, derived from informa-  
14 tion produced by, or obtained using the funds  
15 of, a political organization (as such term is de-  
16 fined in section 527 of the Internal Revenue  
17 Code of 1986), unless—

18 “(i) the political organization is clear-  
19 ly identified in the body of the statement  
20 described in paragraph (3);

21 “(ii) the information has been cor-  
22 roborated; and

23 “(iii) the investigative techniques used  
24 to corroborate the information are clearly

1 identified in the body of the statement de-  
2 scribed in paragraph (3); and”.

3 (3) APPLICABILITY.—The amendments made  
4 by this subsection shall apply with respect to appli-  
5 cations made on or after the date that is 120 days  
6 after the date of enactment of this Act.

7 (c) PROHIBITION ON USE OF PRESS REPORTS IN AP-  
8 PPLICATIONS FOR CERTAIN ORDERS BY THE FOREIGN IN-  
9 TELLIGENCE SURVEILLANCE COURT.—

10 (1) TITLE I.—Subsection (a)(6) of section 104,  
11 as amended by this Act, is further amended by add-  
12 ing at the end the following new subparagraph:

13 “(G) that none of the information included  
14 in the statement described in paragraph (3) is  
15 attributable to or derived from the content of a  
16 media source unless the statement includes a  
17 clear identification of each author of that con-  
18 tent, and where applicable, the publisher of that  
19 content, information to corroborate that which  
20 was derived from the media source, and an ex-  
21 planation of the investigative techniques used to  
22 corroborate the information;”.

23 (2) TITLE III.—Subsection (a)(6) of section  
24 303, as amended by this Act, is further amended by  
25 adding at the end the following new subparagraph:

1           “(G) that none of the information included  
2           in the statement described in paragraph (3) is  
3           attributable to or derived from the content of a  
4           media source unless the statement includes a  
5           clear identification of each author of that con-  
6           tent, where applicable, the publisher of that  
7           content, information to corroborate that which  
8           was derived from the media source, and an ex-  
9           planation of the investigative techniques used to  
10          corroborate the information;”.

11          (3) APPLICABILITY.—The amendments made  
12          by this subsection shall apply with respect to appli-  
13          cations made on or after the date that is 120 days  
14          after the date of enactment of this Act.

15          (d) DESCRIPTION OF TECHNIQUES CARRIED OUT  
16          BEFORE APPLICATION.—

17                 (1) TITLE I.—Subsection (a) of section 104, as  
18                 amended by this Act, is further amended—

19                         (A) in paragraph (8), by striking “; and”  
20                         and inserting a semicolon;

21                         (B) in paragraph (9), by striking the pe-  
22                         riod at the end and inserting “; and”; and

23                         (C) by adding at the end the following new  
24                         paragraph:

1           “(10) with respect to a target who is a United  
2 States person, a statement summarizing the inves-  
3 tigative techniques carried out before making the ap-  
4 plication;”.

5           (2) APPLICABILITY.—The amendments made  
6 by this subsection shall apply with respect to appli-  
7 cations made on or after the date that is 120 days  
8 after the date of enactment of this Act.

9           (e) REQUIREMENT FOR CERTAIN JUSTIFICATION  
10 PRIOR TO EXTENSION OF ORDERS.—

11           (1) APPLICATIONS FOR EXTENSION OF ORDERS  
12 UNDER TITLE I.—Subsection (a) of section 104, as  
13 amended by this Act, is further amended by adding  
14 at the end the following new paragraph:

15           “(11) in the case of an application for an exten-  
16 sion of an order under this title for a surveillance  
17 targeted against a United States person, a summary  
18 statement of the foreign intelligence information ob-  
19 tained pursuant to the original order (and any pre-  
20 ceding extension thereof) as of the date of the appli-  
21 cation for the extension, or a reasonable explanation  
22 of the failure to obtain such information; and”.

23           (2) APPLICATIONS FOR EXTENSION OF ORDERS  
24 UNDER TITLE III.—Subsection (a) of section 303, as  
25 amended by this Act, is further amended—

1 (A) in paragraph (7), by striking “; and”  
2 and inserting a semicolon;

3 (B) in paragraph (8), by striking the pe-  
4 riod at the end and inserting a semicolon; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(9) in the case of an application for an exten-  
8 sion of an order under this title in which the target  
9 of the physical search is a United States person, a  
10 summary statement of the foreign intelligence infor-  
11 mation obtained pursuant to the original order (and  
12 any preceding extension thereof) as of the date of  
13 the application for the extension, or a reasonable ex-  
14 planation of the failure to obtain such information;  
15 and”.

16 (3) APPLICABILITY.—The amendments made  
17 by this subsection shall apply with respect to appli-  
18 cations made on or after the date that is 120 days  
19 after the date of enactment of this Act.

20 (f) REQUIREMENT FOR JUSTIFICATION OF UNDER-  
21 LYING CRIMINAL OFFENSE IN CERTAIN APPLICATIONS.—

22 (1) TITLE I.—Subsection (a)(3)(A) of section  
23 104 is amended by inserting before the semicolon at  
24 the end the following: “, and, in the case of a target  
25 that is a United States person alleged to be acting

1 as an agent of a foreign power (as described in sec-  
2 tion 101(b)(2)(B)), that a violation of the criminal  
3 statutes of the United States as referred to in sec-  
4 tion 101(b)(2)(B) has occurred or is about to  
5 occur”.

6 (2) TITLE III.—Subsection (a)(3)(A) of section  
7 303 is amended by inserting before the semicolon at  
8 the end the following: “, and, in the case of a target  
9 that is a United States person alleged to be acting  
10 as an agent of a foreign power (as described in sec-  
11 tion 101(b)(2)(B)), that a violation of the criminal  
12 statutes of the United States as referred to in sec-  
13 tion 101(b)(2)(B) has occurred or is about to  
14 occur”.

15 (3) APPLICABILITY.—The amendments made  
16 by this subsection shall apply with respect to appli-  
17 cations made on or after the date that is 120 days  
18 after the date of enactment of this Act.

19 (g) MODIFICATION TO DURATION OF APPROVED PE-  
20 RIOD UNDER CERTAIN ORDERS FOR NON-UNITED  
21 STATES PERSONS.—

22 (1) TITLE I.—Subsection (d) of section 105 is  
23 amended—

24 (A) in paragraph (1)—



1 (i) in subparagraph (A), by striking  
2 “against a foreign power, as defined in sec-  
3 tion 101(a), (1), (2), or (3),” and inserting  
4 “against a foreign power”; and

5 (ii) in subparagraph (B), by striking  
6 “120 days” and inserting “one year”; and  
7 (B) by striking paragraph (2); and

8 (C) by redesignating paragraphs (3) and  
9 (4) as paragraphs (2) and (3), respectively.

10 (2) TITLE III.—Subsection (d) of section 304 is  
11 amended—

12 (A) in paragraph (1)—

13 (i) in subparagraph (A), by striking  
14 “against a foreign power, as defined in  
15 paragraph (1), (2), or (3) of section  
16 101(a),” and inserting “against a foreign  
17 power”; and

18 (ii) in subparagraph (B), by striking  
19 “120 days” and inserting “one year”; and  
20 (B) by striking paragraph (2); and

21 (C) by redesignating paragraph (3) as  
22 paragraph (2).

1 **SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF**  
2 **CERTAIN DOCUMENTS.**

3 Subsection (a) of section 602 is amended by inserting  
4 after “shall conduct a declassification review” the fol-  
5 lowing: “, to be concluded as soon as practicable, but not  
6 later than 180 days after the commencement of such re-  
7 view,”.

8 **SEC. 8. TRANSCRIPTIONS OF PROCEEDINGS.**

9 (a) **REQUIREMENT FOR TRANSCRIPTS OF PRO-**  
10 **CEEDINGS.**—Subsection (c) of section 103 is amended—

11 (1) by inserting “, and hearings shall be tran-  
12 scribed” before the first period;

13 (2) by inserting “, transcriptions of hearings,”  
14 after “applications made”; and

15 (3) by adding at the end the following new sen-  
16 tence: “Transcriptions and any related records, in-  
17 cluding testimony and affidavits, shall be stored in  
18 a file associated with the relevant application or  
19 order.”.

20 (b) **REQUIREMENT FOR NOTIFICATION TO CONGRESS**  
21 **OF CERTAIN TRANSCRIPTS.**—Subsection (c) of section  
22 601 is amended—

23 (1) in paragraph (1), by striking “; and” and  
24 inserting a semicolon;

25 (2) in paragraph (2), by striking the period and  
26 inserting a semicolon; and

1           (3) by adding at the end the following new  
2 paragraphs:

3           “(3) for any hearing, oral argument, or other  
4 proceeding before the Foreign Intelligence Surveil-  
5 lance Court or Foreign Intelligence Surveillance  
6 Court of Review for which a court reporter produces  
7 a transcript, not later than 45 days after the govern-  
8 ment receives the final transcript or the date on  
9 which the matter of the hearing, oral argument, or  
10 other proceeding is resolved, whichever is later, a no-  
11 tice of the existence of such transcript. Not later  
12 than three business days after a committee referred  
13 to in subsection (a) requests to review an existing  
14 transcript, the Attorney General shall facilitate such  
15 request; and

16           “(4) a copy of each declassified document that  
17 has undergone review under section 602.”.

18 **SEC. 9. AUDIT OF FISA COMPLIANCE BY INSPECTOR GEN-**  
19 **ERAL.**

20           (a) INSPECTOR GENERAL REPORT ON FEDERAL BU-  
21 REAU OF INVESTIGATION QUERYING PRACTICES.—

22           (1) REPORT.—Not later than 545 days after  
23 the date of enactment of this Act, the Inspector  
24 General of the Department of Justice shall submit  
25 to the appropriate congressional committees a report

1 on the querying practices of the Federal Bureau of  
2 Investigation under section 702.

3 (2) MATTERS INCLUDED.—The report under  
4 paragraph (1) shall include, at a minimum, the fol-  
5 lowing:

6 (A) An evaluation of compliance by per-  
7 sonnel of the Federal Bureau of Investigation  
8 with the querying procedures adopted under  
9 section 702(f), with a particular focus on com-  
10 pliance by such personnel with the procedures  
11 governing queries using United States person  
12 query terms.

13 (B) An analysis of each specific reform  
14 that, in the view of the Inspector General, is re-  
15 sponsible for any identified improvement in the  
16 Federal Bureau of Investigation’s record of  
17 compliance with the querying procedures, in-  
18 cluding an identification of whether such reform  
19 was—

20 (i) required by this Act or another Act  
21 of Congress;

22 (ii) required by the Foreign Intel-  
23 ligence Surveillance Court or the Attorney  
24 General; or

1 (iii) voluntarily adopted by the Direc-  
2 tor of the Federal Bureau of Investigation.

3 (C) An assessment of the status of the im-  
4 plementation by the Federal Bureau of Inves-  
5 tigation of all reforms related to querying that  
6 are required by this Act.

7 (D) An evaluation of the effectiveness of  
8 the Office of Internal Auditing of the Federal  
9 Bureau of Investigation with respect to moni-  
10 toring and improving query compliance by per-  
11 sonnel of the Federal Bureau of Investigation.

12 (E) Recommendations to further improve  
13 compliance with querying procedures by per-  
14 sonnel of the Federal Bureau of Investigation,  
15 particularly with respect to compliance with the  
16 procedures governing queries using United  
17 States person query terms.

18 (F) Any other relevant matter the Inspec-  
19 tor General determines appropriate.

20 (3) FORM.—The report under paragraph (1)  
21 shall be submitted in unclassified form and may in-  
22 clude a classified annex.

23 (4) DEFINITIONS.—In this subsection:

24 (A) IN GENERAL.—Except as provided in  
25 this subsection, terms used in this subsection

1 have the meanings given such terms in the For-  
2 eign Intelligence Surveillance Act of 1978 (50  
3 U.S.C. 1801 et seq.).

4 (B) APPROPRIATE CONGRESSIONAL COM-  
5 MITTEES.—The term “appropriate congres-  
6 sional committees” means—

7 (i) the congressional intelligence com-  
8 mittees, as such term is defined in sub-  
9 section (b) of section 701 of the Foreign  
10 Intelligence Surveillance Act of 1978 (50  
11 U.S.C. 1881); and

12 (ii) the Committees on the Judiciary  
13 of the House of Representatives and the  
14 Senate.

15 **SEC. 10. ACCURACY AND COMPLETENESS OF APPLICA-**  
16 **TIONS.**

17 (a) REQUIREMENT FOR CERTIFICATIONS REGARDING  
18 ACCURACY OF APPLICATIONS.—

19 (1) TITLE I.—Subsection (a) of section 104, as  
20 amended by this Act, is further amended by adding  
21 at the end the following new paragraph:

22 “(12) a certification by the applicant or declar-  
23 ant that, to the best knowledge of the applicant or  
24 declarant, the Attorney General or a designated at-

1       torney for the Government has been apprised of all  
2       information that might reasonably—

3               “(A) call into question the accuracy of the  
4               application or the reasonableness of any assess-  
5               ment in the application conducted by the de-  
6               partment or agency on whose behalf the appli-  
7               cation is made; or

8               “(B) otherwise raise doubts with respect to  
9               the findings required under section 105(a).”.

10       (2) TITLE III.—Subsection (a) of section 303 is  
11       amended by adding at the end the following:

12               “(10) a certification by the applicant that, to  
13               the best knowledge of the applicant, the Attorney  
14               General or a designated attorney for the Govern-  
15               ment has been apprised of all information that  
16               might reasonably—

17               “(A) call into question the accuracy of the  
18               application or the reasonableness of any assess-  
19               ment in the application conducted by the de-  
20               partment or agency on whose behalf the appli-  
21               cation is made; or

22               “(B) otherwise raise doubts with respect to  
23               the findings required under section 304(a).”.

24       (3) TITLE IV.—Subsection (c) of section 402 is  
25       amended—

1 (A) in paragraph (2), by striking “; and”  
2 and inserting a semicolon;

3 (B) in paragraph (3), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(4) a certification by the Federal Officer seek-  
8 ing to use the pen register or trap and trace device  
9 covered by the application that, to the best knowl-  
10 edge of the Federal Officer, the Attorney General or  
11 a designated attorney for the Government has been  
12 apprised of all information that might reasonably—

13 “(A) call into question the accuracy of the  
14 application or the reasonableness of any assess-  
15 ment in the application conducted by the de-  
16 partment or agency on whose behalf the appli-  
17 cation is made; or

18 “(B) otherwise raise doubts with respect to  
19 the findings required under subsection (d).”.

20 (4) TITLE V.—Subsection (b)(2) of section 502  
21 is amended—

22 (A) in subparagraph (A), by striking “;  
23 and” and inserting a semicolon;

24 (B) in subparagraph (B), by striking the  
25 period at the end and inserting “; and”; and



1 (C) by adding at the end the following new  
2 subparagraph:

3 “(E) a statement by the applicant that, to  
4 the best knowledge of the applicant, the appli-  
5 cation fairly reflects all information that might  
6 reasonably—

7 “(i) call into question the accuracy of  
8 the application or the reasonableness of  
9 any assessment in the application con-  
10 ducted by the department or agency on  
11 whose behalf the application is made; or

12 “(ii) otherwise raise doubts with re-  
13 spect to the findings required under sub-  
14 section (c).”.

15 (5) TITLE VII.—

16 (A) SECTION 703.—Subsection (b)(1) of  
17 section 703 is amended—

18 (i) in subparagraph (I), by striking “;  
19 and” and inserting a semicolon;

20 (ii) in subparagraph (J), by striking  
21 the period at the end and inserting “;  
22 and”; and

23 (iii) by adding at the end the fol-  
24 lowing new subparagraph:

1           “(K) a certification by the applicant that,  
2 to the best knowledge of the applicant, the At-  
3 torney General or a designated attorney for the  
4 Government has been apprised of all informa-  
5 tion that might reasonably—

6           “(i) call into question the accuracy of  
7 the application or the reasonableness of  
8 any assessment in the application con-  
9 ducted by the department or agency on  
10 whose behalf the application is made; or

11           “(ii) otherwise raise doubts with re-  
12 spect to the findings required under sub-  
13 section (c).”.

14           (B) SECTION 704.—Subsection (b) of sec-  
15 tion 704 is amended—

16           (i) in paragraph (6), by striking “;  
17 and” and inserting a semicolon;

18           (ii) in paragraph (7), by striking the  
19 period at the end and inserting “; and”;  
20 and

21           (iii) by adding at the end the fol-  
22 lowing new paragraph:

23           “(8) a certification by the applicant that, to the  
24 best knowledge of the applicant, the Attorney Gen-  
25 eral or a designated attorney for the Government

1 has been apprised of all information that might rea-  
2 sonably—

3 “(A) call into question the accuracy of the  
4 application or the reasonableness of any assess-  
5 ment in the application conducted by the de-  
6 partment or agency on whose behalf the appli-  
7 cation is made; or

8 “(B) otherwise raise doubts with respect to  
9 the findings required under subsection (c).”.

10 (6) APPLICABILITY.—The amendments made  
11 by this subsection shall apply with respect to appli-  
12 cations made on or after the date that is 120 days  
13 after the date of enactment of this Act.

14 (7) ACCURACY PROCEDURES.—Not later than  
15 180 days after the date of the enactment of this Act,  
16 the Attorney General, in consultation with the Direc-  
17 tor of the Federal Bureau of Investigation, shall  
18 issue procedures governing the review of case files,  
19 as appropriate, to ensure that applications to the  
20 Foreign Intelligence Surveillance Court under title I  
21 or III of the Foreign Intelligence Surveillance Act of  
22 1978 (50 U.S.C. 1801 et seq.) that target United  
23 States persons are accurate and complete.

24 (b) DISCLOSURE OF EXCULPATORY INFORMATION.—

1           (1) TITLE I.—Subsection (a) of section 104, as  
2 amended by this Act, is further amended by adding  
3 at the end the following new paragraph:

4           “(13) non-cumulative information known to the  
5 applicant or declarant that is potentially exculpatory  
6 regarding the requested legal findings or any assess-  
7 ment in the application.”.

8           (2) TITLE III.—Subsection (a) of section 303,  
9 as amended by this Act, is further amended by add-  
10 ing at the end the following:

11           “(11) non-cumulative information known to the  
12 applicant or declarant that is potentially exculpatory  
13 regarding the requested legal findings or any assess-  
14 ment in the application.”.

15           (3) TITLE IV.—Subsection (c) of section 402,  
16 as amended by this Act, is further amended—

17           (A) in paragraph (3), by striking “; and”  
18 and inserting a semicolon;

19           (B) in paragraph (4), by striking the pe-  
20 riod at the end and inserting “; and”; and

21           (C) by adding at the end the following new  
22 paragraph:

23           “(5) non-cumulative information known to the  
24 Federal officer seeking to use the pen register or  
25 trap and trace device covered by the application,

1 that is potentially exculpatory regarding the re-  
2 quested legal findings or any assessment in the ap-  
3 plication.”.

4 (4) TITLE V.—Subsection (b)(2) of section 502,  
5 as amended by this Act, is further amended—

6 (A) in subparagraph (B), by striking “;  
7 and” and inserting a semicolon;

8 (B) in subparagraph (E)(ii), by striking  
9 the period at the end and inserting “; and”;  
10 and

11 (C) by adding at the end the following new  
12 subparagraph:

13 “(F) non-cumulative information known to  
14 the applicant that is potentially exculpatory re-  
15 garding the requested legal findings or any as-  
16 sessment in the application.”.

17 (5) TITLE VII.—

18 (A) SECTION 703.—Subsection (b)(1) of  
19 section 703, as amended by this Act, is further  
20 amended—

21 (i) in subparagraph (J), by striking “;  
22 and” and inserting a semicolon;

23 (ii) in subparagraph (K), by striking  
24 the period at the end and inserting “;  
25 and”; and

1 (iii) by adding at the end the fol-  
2 lowing new subparagraph:

3 “(L) non-cumulative information known to  
4 the applicant or declarant that is potentially ex-  
5 culpatory regarding the requested legal findings  
6 or any assessment in the application.”.

7 (B) SECTION 704.—Subsection (b) of sec-  
8 tion 704, as amended by this Act, is further  
9 amended—

10 (i) in paragraph (7), by striking “;  
11 and” and inserting a semicolon;

12 (ii) in paragraph (8), by striking the  
13 period at the end and inserting “; and”;  
14 and

15 (iii) by adding at the end the fol-  
16 lowing new paragraph:

17 “(9) non-cumulative information known to the  
18 applicant or declarant that is potentially exculpatory  
19 regarding the requested legal findings or any assess-  
20 ment in the application.”.

21 (6) APPLICABILITY.—The amendments made  
22 by this subsection shall apply with respect to appli-  
23 cations made on or after the date that is 120 days  
24 after the date of enactment of this Act.

1 **SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF IN-**  
2 **VESTIGATION AND QUARTERLY REPORT TO**  
3 **CONGRESS.**

4 (a) REVOCATION OF STATUTORY REPORTING EX-  
5 EMPTION AND ADDITIONAL REPORTING REQUIREMENT  
6 FOR FEDERAL BUREAU OF INVESTIGATION.—

7 (1) IN GENERAL.—Section 603, as amended by  
8 this Act, is further amended—

9 (A) in subsection (b)(2)(B) by inserting  
10 “(or combined unminimized contents and non-  
11 contents information)” after “unminimized con-  
12 tents”;

13 (B) in subsection (d), by amending para-  
14 graph (2) to read as follows:

15 “(2) NONAPPLICABILITY TO ELECTRONIC MAIL  
16 ADDRESS AND TELEPHONE NUMBERS.—Paragraph  
17 (3)(B) of subsection (b) shall not apply to orders re-  
18 sulting in the acquisition of information by the Fed-  
19 eral Bureau of Investigation that does not include  
20 electronic mail addresses or telephone numbers.”;  
21 and

22 (C) by inserting the following new sub-  
23 section:

24 “(f) MANDATORY REPORTING ON SECTION 702 BY  
25 DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—

1           “(1) ANNUAL REPORT.—The Director of the  
2           Federal Bureau of Investigation shall annually sub-  
3           mit to the Permanent Select Committee on Intel-  
4           ligence and the Committee on the Judiciary of the  
5           House of Representatives and the Select Committee  
6           on Intelligence and the Committee on the Judiciary  
7           of the Senate a report that includes—

8                   “(A) the number of United States person  
9                   queries by the Federal Bureau of Investigation  
10                  of unminimized contents or noncontents ac-  
11                  quired pursuant to section 702(a);

12                  “(B) the number of approved queries using  
13                  the Federal Bureau of Investigation’s batch job  
14                  technology, or successor tool;

15                  “(C) the number of queries using the Fed-  
16                  eral Bureau of Investigation’s batch job tech-  
17                  nology, or successor tool, conducted by the Fed-  
18                  eral Bureau of Investigation against informa-  
19                  tion acquired pursuant to section 702(a) for  
20                  which pre-approval was not obtained due to  
21                  emergency circumstances;

22                  “(D) the number of United States person  
23                  queries conducted by the Federal Bureau of In-  
24                  vestigation of unminimized contents or noncon-



1           tents acquired pursuant to section 702(a) solely  
2           to retrieve evidence of a crime;

3           “(E) a good faith estimate of the number  
4           of United States person query terms used by  
5           the Federal Bureau of Investigation to conduct  
6           queries of unminimized contents or noncontents  
7           acquired pursuant to section 702(a) primarily  
8           to protect the United States person who is the  
9           subject of the query; and

10           “(F) a good faith estimate of the number  
11           of United States person query terms used by  
12           the Federal Bureau of Investigation to conduct  
13           queries of unminimized contents or noncontents  
14           acquired pursuant to section 702(a) where the  
15           United States person who is the subject of the  
16           query is a target or subject of an investigation  
17           by the Federal Bureau of Investigation.

18           “(2) PUBLIC AVAILABILITY.—Subject to declas-  
19           sification review by the Attorney General and the  
20           Director of National Intelligence, each annual report  
21           submitted pursuant to paragraph (1) shall be avail-  
22           able to the public during the first April following the  
23           calendar year covered by the report.

24           “(3) QUARTERLY REPORT.—Beginning on the  
25           date that is not later than 1 year after the effective

1 date of this paragraph, the Director of the Federal  
2 Bureau of Investigation shall submit a quarterly re-  
3 port to the congressional intelligence committees and  
4 to the Committees on the Judiciary of the House of  
5 Representatives and of the Senate that includes the  
6 number of U.S. person queries conducted during  
7 that quarter.”.

8 (2) EFFECTIVE DATE.—The amendments made  
9 by this subsection shall take effect on January 1,  
10 2025.

11 **SEC. 12. ADVERSE PERSONNEL ACTIONS FOR FEDERAL BU-**  
12 **REAU OF INVESTIGATION.**

13 (a) ANNUAL REPORTING ON DISCIPLINARY ACTIONS  
14 BY FEDERAL BUREAU OF INVESTIGATION.—Section 603  
15 is amended—

16 (1) by redesignating subsection (e) as sub-  
17 section (g); and

18 (2) by inserting the following new subsection:

19 “(e) MANDATORY REPORTING BY DIRECTOR OF  
20 FEDERAL BUREAU OF INVESTIGATION.—The Director of  
21 the Federal Bureau of Investigation shall annually submit  
22 to the Permanent Select Committee on Intelligence and  
23 the Committee on Judiciary of the House of Representa-  
24 tives and the Select Committee on Intelligence and the  
25 Committee on the Judiciary of the Senate, a report de-

1 scribing the accountability actions taken by the Federal  
2 Bureau of Investigation in the preceding 12-month period  
3 for noncompliant querying of information acquired under  
4 section 702 and any such actions taken pursuant to sec-  
5 tion 103(m), to include the number of ongoing personnel  
6 investigations, the outcome of any completed personnel in-  
7 vestigations and any related adverse personnel actions  
8 taken.”.

9 (b) ACCOUNTABILITY MEASURES FOR EXECUTIVE  
10 LEADERSHIP OF FEDERAL BUREAU OF INVESTIGA-  
11 TION.—

12 (1) MEASURES REQUIRED.—The Director of  
13 the Federal Bureau of Investigation shall ensure  
14 that, as soon as practicable following the date of en-  
15 actment of this Act, there are in effect measures for  
16 holding the executive leadership of each covered  
17 component appropriately accountable for ensuring  
18 compliance with covered procedures by the personnel  
19 of the Federal Bureau of Investigation assigned to  
20 that covered component. Such measures shall in-  
21 clude a requirement for an annual evaluation of the  
22 executive leadership of each such covered component  
23 with respect to ensuring such compliance during the  
24 preceding year.

25 (2) BRIEFINGS REQUIRED.—

1 (A) BRIEFINGS.—Not later than December  
2 31 of each calendar year, the Federal Bureau  
3 of Investigation shall provide to the appropriate  
4 congressional committees a briefing on the im-  
5 plementation of paragraph (1).

6 (B) MATTERS.—Each briefing under sub-  
7 paragraph (A) shall include, with respect to the  
8 period covered by the briefing, the following:

9 (i) A description of specific measures  
10 under paragraph (1) that the Federal Bu-  
11 reau of Investigation has implemented.

12 (ii) A description of specific measures  
13 under such subsection that the Federal  
14 Bureau of Investigation has proposed to be  
15 implemented or modified, and the timeline  
16 for such proposed implementation or modi-  
17 fication.

18 (iii) A summary of compliance with  
19 covered procedures by the personnel of the  
20 Federal Bureau of Investigation,  
21 disaggregated by covered component, and a  
22 description of any adverse personnel ac-  
23 tions taken against, or other actions taken  
24 to ensure the appropriate accountability of,  
25 the executive leadership of covered compo-

1           nents that underperformed with respect to  
2           ensuring such compliance.

3           (3) DEFINITIONS.—In this subsection:

4           (A) APPROPRIATE CONGRESSIONAL COM-  
5           MITTEES.—The term “appropriate congress-  
6           sional committees” means—

7                   (i) the congressional intelligence com-  
8                   mittees, as such term is defined in sub-  
9                   section (b) of section 701 of the Foreign  
10                  Intelligence Surveillance Act of 1978 (50  
11                  U.S.C. 1881) on the date of enactment of  
12                  this Act; and

13                   (ii) the Committees on the Judiciary  
14                   of the House of Representatives and the  
15                   Senate.

16           (B) COVERED COMPONENT.—The term  
17           “covered component” means a field office,  
18           Headquarters division, or other element of the  
19           Federal Bureau of Investigation with personnel  
20           who, for any period during which section 702 is  
21           in effect, have access to the unminimized con-  
22           tents of communications obtained through ac-  
23           quisitions authorized under section 702(a).

24           (C) COVERED PROCEDURE.—The term  
25           “covered procedure”—

1 (i) means any procedure governing the  
2 use of authorities under the Foreign Intel-  
3 ligence Surveillance Act of 1978 (50  
4 U.S.C. 1801 et seq.); and

5 (ii) includes querying procedures and  
6 minimization procedures adopted pursuant  
7 to such Act.

8 (D) EXECUTIVE LEADERSHIP.—The term  
9 “executive leadership” includes—

10 (i) with respect to a field office of the  
11 Federal Bureau of Investigation, an Assist-  
12 ant Director in Charge or Special Agent in  
13 Charge of the field office; and

14 (ii) with respect to a division of the  
15 Federal Bureau of Investigation Head-  
16 quarters, an Assistant Director of the divi-  
17 sion.

18 **SEC. 13. CRIMINAL PENALTIES FOR VIOLATIONS OF FISA.**

19 (a) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF  
20 APPLICATION FOR ELECTRONIC SURVEILLANCE.—

21 (1) IN GENERAL.—Subsection (a) of section  
22 109 is amended—

23 (A) in the matter preceding paragraph (1),  
24 by striking “intentionally”;

25 (B) in paragraph (1)—

1 (i) by inserting “intentionally” before  
2 “engages in”; and

3 (ii) by striking “; or” and inserting a  
4 semicolon;

5 (C) in paragraph (2)—

6 (i) by striking “disclose” and insert-  
7 ing “intentionally discloses”; and

8 (ii) by striking the period at the end  
9 and inserting “; or”; and

10 (D) by adding at the end the following new  
11 paragraph:

12 “(3) knowingly and willfully communicates, fur-  
13 nishes, transmits, or otherwise makes available to an  
14 unauthorized person, or publishes, or uses in any  
15 manner prejudicial to the safety or interest of the  
16 United States or for the benefit of any foreign gov-  
17 ernment to the detriment of the United States an  
18 application, in whole or in part, for an order for  
19 electronic surveillance under this Act.”.

20 (2) CONFORMING AMENDMENT.—Subsection (b)  
21 of such section is amended by striking “under sub-  
22 section (a)” and inserting “under paragraph (1) or  
23 (2) of subsection (a)”.

1 (b) INCREASED CRIMINAL PENALTIES FOR OFFENSE  
2 UNDER FISA.—Subsection (c) of section 109 is amended  
3 to read as follows:

4 “(c) PENALTY.—A person guilty of an offense in this  
5 section shall be fined under title 18, imprisoned for not  
6 more than 10 years, or both.”.

7 (c) CRIMINAL PENALTIES FOR UNAUTHORIZED DIS-  
8 CLOSURE OF CERTAIN INCIDENTALLY COLLECTED  
9 UNITED STATES PERSON INFORMATION.—Title VII is  
10 amended by inserting the following new section:

11 **“SEC. 709. PENALTIES FOR UNAUTHORIZED DISCLOSURE.**

12 “(a) OFFENSE.—A person is guilty of an offense  
13 under this section if that person knowingly and willfully  
14 communicates, furnishes, transmits, or otherwise makes  
15 available to an unauthorized person, or publishes, or uses  
16 in any manner prejudicial to the safety or interest of the  
17 United States or for the benefit of any foreign government  
18 to the detriment of the United States any classified infor-  
19 mation that contains the contents of any communication  
20 acquired under this title to which a known United States  
21 person is a party.

22 “(b) PENALTY.—A person guilty of an offense in this  
23 section shall be fined under title 18, imprisoned for not  
24 more than 8 years, or both.



1           “(c) JURISDICTION.—There is Federal jurisdiction  
2 over an offense under this section if the person committing  
3 the offense was an officer or employee of the United States  
4 at the time the offense was committed.”.

5           (d) SENTENCING ENHANCEMENT FOR FALSE DEC-  
6 LARATIONS BEFORE FOREIGN INTELLIGENCE SURVEIL-  
7 LANCE COURT.—Subsection (a) of section 1623 of title  
8 18, United States Code, is amended by inserting before  
9 “, or both” the following: “or, if such proceedings are be-  
10 fore or ancillary to the Foreign Intelligence Surveillance  
11 Court or the Foreign Intelligence Surveillance Court of  
12 Review established by section 103 of the Foreign Intel-  
13 ligence Surveillance Act of 1978 (50 U.S.C. 1803), impris-  
14 oned not more than ten years”.

15 **SEC. 14. CONTEMPT POWER OF FISC AND FISC-R.**

16           (a) CONTEMPTS CONSTITUTING CRIMES.—Section  
17 402 of title 18, United States Code, is amended by insert-  
18 ing after “any district court of the United States” the fol-  
19 lowing: “, including the Foreign Intelligence Surveillance  
20 Court or the Foreign Intelligence Surveillance Court of  
21 Review established by section 103 of the Foreign Intel-  
22 ligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

23           (b) ANNUAL REPORTING ON CONTEMPT.—Sub-  
24 section (a)(1) of section 603 is amended—

1 (1) in subparagraph (E), by striking “; and”  
2 and inserting a semicolon;

3 (2) in subparagraph (F), by striking the period  
4 and inserting “; and”; and

5 (3) by adding at the end the following:

6 “(G) the number of times the Foreign In-  
7 telligence Surveillance Court and the Foreign  
8 Intelligence Surveillance Court of Review exer-  
9 cised authority under chapter 21 of title 18,  
10 United States Code and a description of each  
11 use of such authority.”.

12 **SEC. 15. INCREASED PENALTIES FOR CIVIL ACTIONS.**

13 (a) INCREASED PENALTIES.—Subsection (a) of sec-  
14 tion 110 is amended to read as follows:

15 “(a) actual damages, but not less than liquidated  
16 damages equal to the greater of—

17 “(1) if the aggrieved person is a United States  
18 person, \$10,000 or \$1,000 per day for each day of  
19 violation; or

20 “(2) for any other aggrieved person, \$1,000 or  
21 \$100 per day for each day of violation;”.

22 (b) REPORTING REQUIREMENT.—Title I of the For-  
23 eign Intelligence Surveillance Act of 1978 is amended by  
24 inserting after section 110 the following:

1 **“SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL AC-**  
2 **TIONS.**

3 “(a) REPORT TO CONGRESS.—If a court finds that  
4 a person has violated this Act in a civil action under sec-  
5 tion 110, the head of the agency that employs that person  
6 shall report to Congress on the administrative action  
7 taken against that person pursuant to section 103(m) or  
8 any other provision of law.

9 “(b) REPORT TO FOREIGN INTELLIGENCE SURVEIL-  
10 LANCE COURT.—If a court finds that a person has vio-  
11 lated this Act in a civil action under section 110, the head  
12 of the agency that employs that person shall report the  
13 name of such person to the Foreign Intelligence Surveil-  
14 lance Court. The Foreign Intelligence Surveillance Court  
15 shall maintain a list of each person about whom it received  
16 a report under this subsection.”.

17 **SEC. 16. ACCOUNTABILITY STANDARDS FOR INCIDENTS RE-**  
18 **LATING TO QUERIES CONDUCTED BY THE**  
19 **FEDERAL BUREAU OF INVESTIGATION.**

20 (a) REQUIREMENT FOR ADOPTION OF CERTAIN MIN-  
21 IMUM ACCOUNTABILITY STANDARDS.—

22 (1) MINIMUM ACCOUNTABILITY STANDARDS.—

23 Subsection (f) of section 702, as amended by this  
24 Act, is further amended by inserting after paragraph

25 (3) the following new paragraph:

1           “(4) MINIMUM ACCOUNTABILITY STANDARDS.—  
2           The Director of the Federal Bureau of Investigation  
3           shall issue minimum accountability standards that  
4           set forth escalating consequences for noncompliant  
5           querying of United States person terms within the  
6           contents of communications that were acquired  
7           under this section. Such standards shall include, at  
8           minimum, the following:

9                   “(A) Zero tolerance for willful misconduct.

10                   “(B) Escalating consequences for uninten-  
11                   tional noncompliance, including the threshold  
12                   for mandatory revocation of access to query in-  
13                   formation acquired under this section.

14                   “(C) Consequences for supervisors who  
15                   oversee users that engage in noncompliant que-  
16                   ries.”.

17           (2) DEADLINES.—Not later than 90 days after  
18           the date of the enactment of this Act, the Director  
19           of the Federal Bureau of Investigation shall issue  
20           the minimum accountability standards required  
21           under subsection (f)(4) of section 702 of the Foreign  
22           Intelligence Surveillance Act of 1978 (50 U.S.C.  
23           1881a).

24           (3) REPORTS.—

1 (A) SUBMISSION OF STANDARDS.—Not  
2 later than 90 days after the date of the enact-  
3 ment of this Act, the Director of the Federal  
4 Bureau of Investigation shall submit to the ap-  
5 propriate congressional committees the min-  
6 imum accountability standards issued under  
7 paragraph (1).

8 (B) ANNUAL REPORT ON IMPLEMENTA-  
9 TION.—Not later than December 1, 2024, and  
10 annually thereafter for 3 years, the Director of  
11 the Federal Bureau of Investigation shall sub-  
12 mit to the appropriate congressional committees  
13 a report detailing each adverse personnel action  
14 taken pursuant to the minimum accountability  
15 standards and a description of the conduct that  
16 led to each such action.

17 (4) DEFINITION OF APPROPRIATE CONGRES-  
18 SIONAL COMMITTEES.—In this section, the term  
19 “appropriate congressional committees” means—

20 (A) the congressional intelligence commit-  
21 tees, as such term is defined in subsection (b)  
22 of section 701 of the Foreign Intelligence Sur-  
23 veillance Act of 1978 (50 U.S.C. 1881); and

1 (B) the Committees on the Judiciary of  
2 the House of Representatives and of the Sen-  
3 ate.

4 **SEC. 17. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS**  
5 **FOR MISCONDUCT BEFORE FOREIGN INTEL-**  
6 **LIGENCE SURVEILLANCE COURT.**

7 (a) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
8 CERS FOR MISCONDUCT BEFORE FOREIGN INTEL-  
9 LIGENCE SURVEILLANCE COURT.—Section 103, as  
10 amended by this Act, is further amended by adding at the  
11 end the following new subsection:

12 “(m) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
13 CERS FOR MISCONDUCT BEFORE COURTS.—An officer or  
14 employee of the United States Government who engages  
15 in intentional misconduct with respect to proceedings be-  
16 fore the Foreign Intelligence Surveillance Court or the  
17 Foreign Intelligence Surveillance Court of Review shall be  
18 subject to appropriate adverse actions, including, at min-  
19 imum, suspension without pay or removal, up to and in-  
20 cluding termination.”.

21 **SEC. 18. REPORTS AND OTHER MATTERS.**

22 (a) NOTIFICATION TO CONGRESS OF CERTAIN UNAU-  
23 THORIZED DISCLOSURES.—If the Director of National In-  
24 telligence becomes aware of an actual or potential signifi-  
25 cant unauthorized disclosure or compromise of informa-

1 tion acquired under section 702 of the Foreign Intelligence  
2 Surveillance Act of 1978 (50 U.S.C. 1881a), as soon as  
3 practicable, but not later than 7 days after the date on  
4 which the Director becomes so aware, the Director shall  
5 notify the congressional intelligence committees of such  
6 actual or potential disclosure or compromise.

7 (b) REPORT ON TECHNOLOGY NEEDED FOR NEAR-  
8 REAL TIME MONITORING OF FEDERAL BUREAU OF IN-  
9 VESTIGATION COMPLIANCE.—

10 (1) STUDY REQUIRED.—The Director of Na-  
11 tional Intelligence, in coordination with the National  
12 Security Agency and in consultation with the Fed-  
13 eral Bureau of Investigation, shall conduct a study  
14 on technological enhancements that would enable the  
15 Federal Bureau of Investigation to conduct near-real  
16 time monitoring of compliance in any system of the  
17 Federal Bureau of Investigation that stores informa-  
18 tion acquired under section 702. Such study shall  
19 consider the potential cost and assess the feasibility  
20 of implementation within a period of one year of  
21 each technological enhancement under consideration.

22 (2) SUBMISSION.—Not later than one year after  
23 the date of enactment of this Act, the Director of  
24 National Intelligence shall submit the results of the  
25 study to the appropriate congressional committees.

1           (3) DEFINITIONS.—In this section the term  
2 “appropriate congressional committees” means—

3           (A) the congressional intelligence commit-  
4 tees, as such term is defined in subsection (b)  
5 of section 701 of the Foreign Intelligence Sur-  
6 veillance Act of 1978 (50 U.S.C. 1881); and

7           (B) the Committees on the Judiciary of  
8 the House of Representatives and the Senate.

9 (c) FISA REFORM COMMISSION.—

10           (1) ESTABLISHMENT.—

11           (A) IN GENERAL.—There is established a  
12 commission to consider ongoing reforms to the  
13 Foreign Intelligence Surveillance Act of 1978  
14 (50 U.S.C. 1801 et seq.).

15           (B) DESIGNATION.—The commission es-  
16 tablished under subparagraph (A) shall be  
17 known as the “FISA Reform Commission” (in  
18 this section the “Commission”).

19           (2) MEMBERSHIP.—

20           (A) COMPOSITION.—

21           (i) IN GENERAL.—Subject to clause  
22 (ii), the Commission shall be composed of  
23 the following members:

24           (I) The Principal Deputy Direc-  
25 tor of National Intelligence.



1 (II) The Deputy Attorney Gen-  
2 eral.

3 (III) The Deputy Secretary of  
4 Defense.

5 (IV) The Deputy Secretary of  
6 State.

7 (V) The Chair of the Privacy and  
8 Civil Liberties Oversight Board.

9 (VI) Three members appointed  
10 by the majority leader of the Senate,  
11 in consultation with the Chairman of  
12 the Select Committee on Intelligence  
13 of the Senate and the Chairman of  
14 the Committee on the Judiciary of the  
15 Senate, 1 of whom shall be a member  
16 of the Senate and 2 of whom shall not  
17 be.

18 (VII) Three members appointed  
19 by the minority leader of the Senate,  
20 in consultation with the Vice Chair-  
21 man of the Select Committee on Intel-  
22 ligence of the Senate and the Ranking  
23 Member of the Committee on the Ju-  
24 diciary of the Senate, 1 of whom shall

1 be a member of the Senate and 2 of  
2 whom shall not be.

3 (VIII) Three members appointed  
4 by the Speaker of the House of Rep-  
5 resentatives, in consultation with the  
6 Chairman of the Permanent Select  
7 Committee on Intelligence of the  
8 House of Representatives and the  
9 Chairman of the Committee on the  
10 Judiciary of the House of Representa-  
11 tives, 1 of whom shall be a member of  
12 the House of Representatives and 2 of  
13 whom shall not be.

14 (IX) Three members appointed  
15 by the minority leader of the House of  
16 Representatives, in consultation with  
17 the Ranking Member of the Perma-  
18 nent Select Committee on Intelligence  
19 of the House of Representatives and  
20 the Ranking Member of the Com-  
21 mittee on the Judiciary of the House  
22 of Representatives, 1 of whom shall be  
23 a member of the House of Represent-  
24 atives and 2 of whom shall not be.

25 (ii) NONMEMBERS OF CONGRESS.—

1 (I) QUALIFICATIONS.—The mem-  
2 bers of the Commission who are not  
3 members of Congress and who are ap-  
4 pointed under subclauses (VI) through  
5 (IX) of clause (i) shall be individuals  
6 who are nationally recognized for ex-  
7 pertise, knowledge, or experience in—

8 (aa) use of intelligence infor-  
9 mation by the intelligence com-  
10 munity (as defined in section 3 of  
11 the National Security Act of  
12 1947 (50 U.S.C. 3003)), national  
13 policymakers, and military lead-  
14 ers;

15 (bb) the implementation,  
16 funding, or oversight of the na-  
17 tional security laws of the United  
18 States;

19 (cc) privacy, civil liberties,  
20 and transparency; or

21 (dd) laws and policies gov-  
22 erning methods of electronic sur-  
23 veillance.

24 (II) CONFLICTS OF INTEREST.—  
25 An official who appoints members of

1 the Commission may not appoint an  
2 individual as a member of the Com-  
3 mission if such individual possesses  
4 any personal or financial interest in  
5 the discharge of any of the duties of  
6 the Commission.

7 (III) SECURITY CLEARANCES.—

8 All members of the Commission de-  
9 scribed in subclause (I) shall possess  
10 an appropriate security clearance in  
11 accordance with applicable provisions  
12 of law concerning the handling of  
13 classified information.

14 (B) CO-CHAIRS.—

15 (i) IN GENERAL.—The Commission  
16 shall have 2 co-chairs, selected from among  
17 the members of the Commission.

18 (ii) AGREEMENT.—The individuals  
19 who serve as the co-chairs of the Commis-  
20 sion shall be agreed upon by the members  
21 of the Commission.

22 (3) APPOINTMENT; INITIAL MEETING.—

23 (A) APPOINTMENT.—Members of the Com-  
24 mission shall be appointed not later than 90

1 days after the date of the enactment of this  
2 Act.

3 (B) INITIAL MEETING.—The Commission  
4 shall hold its initial meeting on or before the  
5 date that is 180 days after the date of the en-  
6 actment of this Act.

7 (4) MEETINGS; QUORUM; VACANCIES.—

8 (A) IN GENERAL.—After its initial meet-  
9 ing, the Commission shall meet upon the call of  
10 the co-chairs of the Commission.

11 (B) QUORUM.—Nine members of the Com-  
12 mission shall constitute a quorum for purposes  
13 of conducting business, except that 2 members  
14 of the Commission shall constitute a quorum  
15 for purposes of receiving testimony.

16 (C) VACANCIES.—Any vacancy in the Com-  
17 mission shall not affect its powers, but shall be  
18 filled in the same manner in which the original  
19 appointment was made.

20 (D) QUORUM WITH VACANCIES.—If vacan-  
21 cies in the Commission occur on any day after  
22 90 days after the date of the enactment of this  
23 Act, a quorum shall consist of a majority of the  
24 members of the Commission as of such day.

1           (5) DUTIES.—The duties of the Commission  
2 are as follows:

3           (A) To review the effectiveness of the cur-  
4 rent implementation of the Foreign Intelligence  
5 Surveillance Act of 1978 (50 U.S.C. 1801 et  
6 seq.).

7           (B) To develop recommendations for legis-  
8 lative action to reform the Foreign Intelligence  
9 Surveillance Act of 1978 (50 U.S.C. 1801 et  
10 seq.) that provide for the effective conduct of  
11 United States intelligence activities and the  
12 protection of privacy and civil liberties.

13       (6) POWERS OF COMMISSION.—

14           (A) IN GENERAL.—

15           (i) HEARINGS.—The Commission or,  
16 on the authorization of the Commission,  
17 any subcommittee or member thereof, may,  
18 for the purpose of carrying out this sec-  
19 tion—

20                   (I) hold such hearings and sit  
21 and act at such times and places, take  
22 such testimony, receive such evidence,  
23 and administer such oaths; and

24                   (II) require, by subpoena or oth-  
25 erwise, the attendance and testimony

1 of such witnesses and the production  
2 of such books, records, correspond-  
3 ence, memoranda, papers, and docu-  
4 ments, as the Commission or such  
5 designated subcommittee or des-  
6 ignated member considers necessary.

7 (ii) ISSUANCE AND ENFORCEMENT OF  
8 SUBPOENAS.—

9 (I) ISSUANCE.—A subpoena  
10 issued under clause (i)(II) shall—

11 (aa) bear the signature of  
12 the co-chairs of the Commission;  
13 and

14 (bb) be served by a person  
15 or class of persons designated by  
16 the co-chairs for that purpose.

17 (II) ENFORCEMENT.—The provi-  
18 sions of sections 102 through 104 of  
19 the Revised Statutes of the United  
20 States (2 U.S.C. 192–194) shall apply  
21 in the case of any failure of a witness  
22 to comply with any subpoena or to  
23 testify when summoned under author-  
24 ity of this paragraph.

1 (B) INFORMATION FROM FEDERAL AGEN-  
2 CIES.—

3 (i) IN GENERAL.—The Commission  
4 may secure directly from any executive de-  
5 partment, agency, bureau, board, commis-  
6 sion, office, independent establishment, or  
7 instrumentality of the Federal Government  
8 information, suggestions, estimates, and  
9 statistics for the purposes of this section.

10 (ii) FURNISHING INFORMATION.—  
11 Each such department, agency, bureau,  
12 board, commission, office, establishment,  
13 or instrumentality described in clause (i)  
14 shall, to the extent authorized by law, fur-  
15 nish such information, suggestions, esti-  
16 mates, and statistics directly to the Com-  
17 mission, upon request of the co-chairs of  
18 the Commission.

19 (iii) PROTECTION OF CLASSIFIED IN-  
20 FORMATION.—The Commission shall han-  
21 dle and protect all classified information  
22 provided to it under this section in accord-  
23 ance with applicable provisions of law.

24 (C) ASSISTANCE FROM FEDERAL AGEN-  
25 CIES.—



1 (i) DIRECTOR OF NATIONAL INTEL-  
2 LIGENCE.—The Director of National Intel-  
3 ligence shall provide to the Commission, on  
4 a nonreimbursable basis, such administra-  
5 tive services, funds, staff, facilities, and  
6 other support services as are necessary for  
7 the performance of the duties of the Com-  
8 mission under this section.

9 (ii) ATTORNEY GENERAL.—The Attor-  
10 ney General may provide the Commission,  
11 on a nonreimbursable basis, with such ad-  
12 ministrative services, staff, and other sup-  
13 port services as the Commission may re-  
14 quest.

15 (iii) OTHER DEPARTMENTS AND  
16 AGENCIES.—In addition to the assistance  
17 set forth in clauses (i) and (ii), other de-  
18 partments and agencies of the United  
19 States may provide the Commission such  
20 services, funds, facilities, staff, and other  
21 support as such departments and agencies  
22 consider advisable and as may be author-  
23 ized by law.

24 (iv) COOPERATION.—The Commission  
25 shall receive the full and timely cooperation

1 of any official, department, or agency of  
2 the Federal Government whose assistance  
3 is necessary, as jointly determined by the  
4 co-chairs selected under paragraph (2)(B),  
5 for the fulfillment of the duties of the  
6 Commission, including the provision of full  
7 and current briefings and analyses.

8 (D) POSTAL SERVICES.—The Commission  
9 may use the United States postal services in the  
10 same manner and under the same conditions as  
11 the departments and agencies of the Federal  
12 Governments.

13 (E) GIFTS.—No member or staff of the  
14 Commission may receive a gift or benefit by  
15 reason of the service of such member or staff  
16 to the Commission.

17 (7) STAFF OF COMMISSION.—

18 (A) APPOINTMENT AND COMPENSATION OF  
19 STAFF.—The co-chairs of the Commission, in  
20 accordance with rules agreed upon by the Com-  
21 mission, shall appoint and fix the compensation  
22 of a staff director and such other personnel as  
23 may be necessary to enable the Commission to  
24 carry out its duties, without regard to the pro-  
25 visions of title 5, United States Code, governing

1 appointments in the competitive service, and  
2 without regard to the provisions of chapter 51  
3 and subchapter III of chapter 53 of such title  
4 relating to classification and General Schedule  
5 pay rates, except that no rate of pay fixed  
6 under this subsection may exceed the equivalent  
7 of that payable to a person occupying a position  
8 at level V of the Executive Schedule under sec-  
9 tion 5316 of such title.

10 (B) DETAIL OF GOVERNMENT EMPLOY-  
11 EES.—Any Federal Government employee may  
12 be detailed to the Commission without reim-  
13 bursement from the Commission, and such  
14 detailee shall retain the rights, status, and  
15 privileges of his or her regular employment  
16 without interruption.

17 (C) SECURITY CLEARANCES.—All staff of  
18 the Commission and all experts and consultants  
19 employed by the Commission shall possess a se-  
20 curity clearance in accordance with applicable  
21 provisions of law concerning the handling of  
22 classified information.

23 (8) COMPENSATION AND TRAVEL EXPENSES.—

24 (A) COMPENSATION OF MEMBERS.—

1 (i) IN GENERAL.—Except as provided  
2 in subparagraph (B), each member of the  
3 Commission may be compensated at not to  
4 exceed the daily equivalent of the annual  
5 rate of basic pay in effect for a position at  
6 level IV of the Executive Schedule under  
7 section 5315 of title 5, United States  
8 Code, for each day during which that  
9 member is engaged in the actual perform-  
10 ance of the duties of the Commission  
11 under this title.

12 (ii) EXCEPTION.—Members of the  
13 Commission who are officers or employees  
14 of the United States or Members of Con-  
15 gress shall receive no additional pay by  
16 reason of their service on the Commission.

17 (B) TRAVEL EXPENSES.—While away from  
18 their homes or regular places of business in the  
19 performance of services for the Commission, a  
20 member of the Commission may be allowed  
21 travel expenses, including per diem in lieu of  
22 subsistence, in the same manner as persons em-  
23 ployed intermittently in the Government service  
24 are allowed expenses under section 5703 of title  
25 5, United States Code.

1           (9) TREATMENT OF INFORMATION RELATING  
2 TO NATIONAL SECURITY.—

3           (A) IN GENERAL.—The Director of Na-  
4 tional Intelligence shall assume responsibility  
5 for the handling and disposition of any informa-  
6 tion related to the national security of the  
7 United States that is received, considered, or  
8 used by the Commission under this title.

9           (B) INFORMATION PROVIDED BY CONGRES-  
10 SIONAL INTELLIGENCE COMMITTEES.—Any in-  
11 formation related to the national security of the  
12 United States that is provided to the Commis-  
13 sion by a congressional intelligence committee  
14 may not be further provided or released without  
15 the approval of the chairman of such com-  
16 mittee.

17           (C) ACCESS AFTER TERMINATION OF COM-  
18 MISSION.—Notwithstanding any other provision  
19 of law, after the termination of the Commission  
20 under paragraph (10)(B), only the members  
21 and designated staff of the congressional intel-  
22 ligence committees, the Director of National In-  
23 telligence (and the designees of the Director),  
24 and such other officials of the executive branch  
25 of the Federal Government as the President

1           may designate shall have access to information  
2           related to the national security of the United  
3           States that is received, considered, or used by  
4           the Commission.

5           (10) FINAL REPORT; TERMINATION.—

6                   (A) FINAL REPORT.—

7                           (i) DEFINITIONS.—In this subpara-  
8                           graph:

9                                   (I) APPROPRIATE COMMITTEES  
10                                   OF CONGRESS.—The term “appro-  
11                                   priate committees of Congress”  
12                                   means—

13   (aa) the congressional intel-  
14   ligence committees;

15   (bb) the Committee on the  
16   Judiciary of the Senate; and

17   (cc) the Committee on the  
18   Judiciary of the House of Rep-  
19   resentatives.

20                                   (II) CONGRESSIONAL LEADER-  
21                                   SHIP.—The term “congressional lead-  
22                                   ership” means—

23   (aa) the majority leader of  
24   the Senate;

1 (bb) the minority leader of  
2 the Senate;

3 (cc) the Speaker of the  
4 House of Representatives; and

5 (dd) the minority leader of  
6 the House of Representatives.

7 (ii) FINAL REPORT REQUIRED.—Not  
8 later than 5 years from the date of enact-  
9 ment of this Act, the Commission shall  
10 submit to the appropriate committees of  
11 Congress, congressional leadership, the Di-  
12 rector of National Intelligence, and the At-  
13 torney General a final report on the find-  
14 ings of the Commission.

15 (iii) FORM OF FINAL REPORT.—The  
16 final report submitted pursuant to clause  
17 (ii) shall be in unclassified form but may  
18 include a classified annex.

19 (iv) ASSESSMENTS OF FINAL RE-  
20 PORT.—Not later than 1 year after receipt  
21 of the final report under clause (ii), the  
22 Director of National Intelligence and the  
23 Attorney General shall each submit to the  
24 appropriate committees of Congress and

1 congressional leadership an assessment of  
2 such report.

3 (B) TERMINATION.—

4 (i) IN GENERAL.—The Commission,  
5 and all the authorities of this section, shall  
6 terminate on the date that is 2 years after  
7 the date on which the final report is sub-  
8 mitted under subparagraph (A)(ii).

9 (ii) WIND-DOWN PERIOD.—The Com-  
10 mission may use the 2-year period referred  
11 to in clause (i) for the purposes of con-  
12 cluding its activities, including providing  
13 testimony to Congress concerning the final  
14 report referred to in that paragraph and  
15 disseminating the report.

16 (11) INAPPLICABILITY OF CERTAIN ADMINIS-  
17 TRATIVE PROVISIONS.—

18 (A) FEDERAL ADVISORY COMMITTEE  
19 ACT.—The provisions of the Federal Advisory  
20 Committee Act (5 U.S.C. App.) shall not apply  
21 to the activities of the Commission under this  
22 section.

23 (B) FREEDOM OF INFORMATION ACT.—  
24 The provisions of section 552 of title 5, United  
25 States Code (commonly referred to as the



1 “Freedom of Information Act”), shall not apply  
2 to the activities, records, and proceedings of the  
3 Commission under this section.

4 (12) FUNDING.—

5 (A) AUTHORIZATION OF APPROPRIA-  
6 TIONS.—There is authorized to be appropriated  
7 funds to the extent and in such amounts as spe-  
8 cifically provided in advance in appropriations  
9 acts for the purposes detailed in this subsection.

10 (B) AVAILABILITY IN GENERAL.—Subject  
11 to subparagraph (A), the Director of National  
12 Intelligence shall make available to the Commis-  
13 sion such amounts as the Commission may re-  
14 quire for purposes of the activities of the Com-  
15 mission under this section.

16 (C) DURATION OF AVAILABILITY.—  
17 Amounts made available to the Commission  
18 under subparagraph (B) shall remain available  
19 until expended or upon termination under para-  
20 graph (10)(B), whichever occurs first.

21 (13) CONGRESSIONAL INTELLIGENCE COMMIT-  
22 TEES DEFINED.—In this subsection, the term “con-  
23 gressional intelligence committees” means—

24 (A) the Select Committee on Intelligence of  
25 the Senate; and

1 (B) the Permanent Select Committee on  
2 Intelligence of the House of Representatives.

3 (d) SEVERABILITY; APPLICABILITY DATE.—

4 (1) SEVERABILITY.—If any provision of this  
5 Act, any amendment made by this Act, or the appli-  
6 cation thereof to any person or circumstances is held  
7 invalid, the validity of the remainder of the Act, of  
8 any such amendments, and of the application of  
9 such provisions to other persons and circumstances  
10 shall not be affected thereby.

11 (2) APPLICABILITY DATE.—Subsection (f) of  
12 section 702 of the Foreign Intelligence Surveillance  
13 Act of 1978 (50 U.S.C. 1881a), as amended by this  
14 Act, shall apply with respect to certifications sub-  
15 mitted under subsection (h) of such section to the  
16 Foreign Intelligence Surveillance Court after Janu-  
17 ary 1, 2024.

18 **SEC. 19. EXTENSION OF CERTAIN AUTHORITIES.**

19 (a) FISA AMENDMENTS ACT OF 2008.—Section  
20 403(b) of the FISA Amendments Act of 2008 (Public Law  
21 110–261; 122 Stat. 2474) is amended—

22 (1) in paragraph (1)—

23 (A) by striking “April 19, 2024” and in-  
24 serting “two years after the date of enactment

1 of the Reforming Intelligence and Securing  
2 America Act”; and

3 (B) by inserting “and the Reforming Intel-  
4 ligence and Securing America Act” after “the  
5 FISA Amendments Reauthorization Act of  
6 2017”; and

7 (2) in paragraph (2) in the matter preceding  
8 subparagraph (A), by striking “April 19, 2024” and  
9 inserting “two years after the date of enactment of  
10 the Reforming Intelligence and Securing America  
11 Act”.

12 (b) CONFORMING AMENDMENTS.—Section 404(b) of  
13 the FISA Amendments Act of 2008 (Public Law 110–261;  
14 122 Stat. 2476), is amended—

15 (1) in paragraph (1)—

16 (A) in the heading, by striking “APRIL 19,  
17 2024” and inserting “TWO YEARS AFTER THE  
18 DATE OF ENACTMENT OF THE REFORMING IN-  
19 TELLIGENCE AND SECURING AMERICA ACT”;  
20 and

21 (B) by inserting “and the Reforming Intel-  
22 ligence and Securing America Act” after “the  
23 FISA Amendments Reauthorization Act of  
24 2017”;

1           (2) in paragraph (2), by inserting “and the Re-  
2           forming Intelligence and Securing America Act”  
3           after “the FISA Amendments Reauthorization Act  
4           of 2017”; and

5           (3) in paragraph (4), by inserting “and the Re-  
6           forming Intelligence and Securing America Act”  
7           after “the FISA Amendments Reauthorization Act  
8           of 2017” in each place it appears.

9   **SEC. 20. AMENDMENTS TO THE FOREIGN INTELLIGENCE**  
10                                   **SURVEILLANCE ACT OF 1978.**

11           (a) REFERENCES TO FOREIGN INTELLIGENCE SUR-  
12           VEILLANCE ACT OF 1978.—Except as otherwise expressly  
13           provided, whenever in this Act an amendment or repeal  
14           is expressed in terms of an amendment to, or a repeal  
15           of, a section or other provision, the reference shall be con-  
16           sidered to be made to a section or other provision of the  
17           Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
18           1801 et seq.).

19           (b) EFFECT OF CERTAIN AMENDMENTS ON CON-  
20           FORMING CHANGES TO TABLES OF CONTENTS.—When an  
21           amendment made by this Act adds a section or larger or-  
22           ganizational unit to the Foreign Intelligence Surveillance  
23           Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers  
24           a section or larger organizational unit in such Act, or  
25           amends the designation or heading of a section or larger

1 organizational unit in such Act, that amendment also shall  
2 have the effect of amending the table of contents in such  
3 Act to alter the table to conform to the changes made by  
4 the amendment.

5 **SEC. 21. REQUIREMENT FOR RECERTIFICATION.**

6 Notwithstanding any orders or authorizations issued  
7 or made under section 702 of the Foreign Intelligence  
8 Surveillance Act of 1978 (50 U.S.C. 1881a) during the  
9 period beginning on January 1, 2024 and ending on April  
10 30, 2024, no later than 90 days after the date of enact-  
11 ment of this Act, the Attorney General and the Director  
12 of National Intelligence shall be required to seek new or-  
13 ders consistent with the provisions of the Foreign Intel-  
14 ligence Surveillance Act of 1978, as amended by this Act,  
15 and thereafter to issue new authorizations consistent with  
16 such new orders.

17 **SEC. 22. REPEAL OF AUTHORITY FOR THE RESUMPTION OF**  
18 **ABOUTS COLLECTION.**

19 (a) IN GENERAL.—Section 702(b)(5) of the Foreign  
20 Intelligence Surveillance Act of 1978 (50 U.S.C.  
21 1881a(b)(5)) is amended by striking “, except as provided  
22 under section 103(b) of the FISA Amendments Reauthor-  
23 ization Act of 2017”.

24 (b) CONFORMING AMENDMENTS.—

1           (1) FOREIGN INTELLIGENCE SURVEILLANCE  
2 ACT OF 1978.—Section 702(m) of the Foreign Intel-  
3 ligence Surveillance Act of 1978 (50 U.S.C.  
4 1881a(m)) is amended—

5           (A) in the subsection heading, by striking  
6 “REVIEWS, AND REPORTING” and inserting  
7 “AND REVIEWS”; and

8           (B) by striking paragraph (4).

9           (2) FISA AMENDMENTS REAUTHORIZATION ACT  
10 OF 2017.—Section 103 of the FISA Amendments Re-  
11 authorization Act of 2017 (Public Law 115–118; 50  
12 U.S.C. 1881a note) is amended—

13           (A) by striking subsection (b); and

14           (B) by striking “(a) IN GENERAL.—”.

15 **SEC. 23. INCLUSION OF COUNTERNARCOTICS IN DEFINI-**  
16 **TION OF FOREIGN INTELLIGENCE.**

17 Section 101(e)(1) is amended—

18           (1) in subparagraph (B), by striking “; or” and  
19 inserting a semicolon; and

20           (2) by adding at the end the following new sub-  
21 paragraph:

22           “(D) international production, distribution,  
23 or financing of illicit synthetic drugs, opioids,  
24 cocaine, or other drugs driving overdose deaths,  
25 or precursors of any aforementioned; or”.

1 **SEC. 24. VETTING OF NON-UNITED STATES PERSONS.**

2 Subsection (f) of section 702, as amended by this Act,  
3 is further amended by adding at the end the following new  
4 paragraph:

5 “(6) VETTING OF NON-UNITED STATES PER-  
6 SONS.—For any procedures for one or more agencies  
7 adopted under paragraph (1)(A), the Attorney Gen-  
8 eral, in consultation with the Director of National  
9 Intelligence, shall ensure that the procedures enable  
10 the vetting of all non-United States persons who are  
11 being processed for travel to the United States using  
12 terms that do not qualify as United States person  
13 query terms under this Act.”.

14 **SEC. 25. DEFINITION OF ELECTRONIC COMMUNICATION**  
15 **SERVICE PROVIDER.**

16 (a) Section 701(b)(4) is amended—

17 (1) by redesignating subparagraph (E) as sub-  
18 paragraph (F);

19 (2) in subparagraph (D), by striking “; or” and  
20 inserting a semicolon;

21 (3) by inserting after subparagraph (D) the fol-  
22 lowing new subparagraph:

23 “(E) any other service provider who has  
24 access to equipment that is being or may be  
25 used to transmit or store wire or electronic

1           communications, but not including any entity  
2           that serves primarily as—

3                   “(i) a public accommodation facility,  
4                   as that term is defined in section 501(4);

5                   “(ii) a dwelling, as that term is de-  
6                   fined in section 802 of the Fair Housing  
7                   Act (42 U.S.C. 3602);

8                   “(iii) a community facility, as that  
9                   term is defined in section 315 of the De-  
10                  fense Housing and Community Facilities  
11                  and Services Act of 1951 (42 U.S.C.  
12                  1592n); or

13                  “(iv) a food service establishment, as  
14                  that term is defined in section 281 of the  
15                  Agricultural Marketing Act of 1946 (7  
16                  U.S.C. 1638); or”;

17           (4) in subparagraph (F), as redesignated—

18                   (A) by inserting “custodian,” after “em-  
19                   ployee,”;

20                   (B) by striking “or” before “(D)”;

21                   (C) by inserting “, or (E)” after “(D)”.

22           (b) Paragraph (6) of section 801 of the Foreign Intel-  
23           ligence Surveillance Act of 1978 is amended—

24                   (1) by redesignating subparagraphs (E) and

25                   (F) as subparagraphs (F) and (G), respectively;



1           (2) in subparagraph (F), as redesignated, by  
2 striking “; or” and inserting a semicolon;

3           (3) by inserting after subparagraph (D) the fol-  
4 lowing new subparagraph:

5           “(E) any other service provider who has  
6 access to equipment that is being or may be  
7 used to transmit or store wire or electronic  
8 communications, but not including any entity  
9 that serves primarily as—

10           “(i) a public accommodation facility,  
11 as that term is defined in section 501(4);

12           “(ii) a dwelling, as that term is de-  
13 fined in section 802 of the Fair Housing  
14 Act (42 U.S.C. 3602);

15           “(iii) a community facility, as that  
16 term is defined in section 315 of the De-  
17 fense Housing and Community Facilities  
18 and Services Act of 1951 (42 U.S.C.  
19 1592n); or

20           “(iv) a food service establishment, as  
21 that term is defined in section 281 of the  
22 Agricultural Marketing Act of 1946 (7  
23 U.S.C. 1638);” and

24           (4) in subparagraph (G), as redesignated—

- 1 (A) by inserting “custodian,” after “em-
- 2 ployee,”;
- 3 (B) by striking “or” before “(E)”; and
- 4 (C) by inserting “, or (F)” after “(E)”.

Passed the House of Representatives April 12, 2024.

Attest:

*Clerk.*



118<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 7888**

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**AN ACT**

To reform the Foreign Intelligence Surveillance Act  
of 1978.