

APRIL 11, 2024

**RULES COMMITTEE PRINT 118–27**  
**TEXT OF H.R. 7888, REFORMING INTELLIGENCE**  
**AND SECURING AMERICA ACT**

[Showing the text of H.R. 7888, with modifications]

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

1 approval from a Federal Bureau of Inves-  
2 tigation supervisor (or employee of equiva-  
3 lent or greater rank) or attorney who is  
4 authorized to access unminimized contents  
5 or noncontents obtained through acquisi-  
6 tions authorized under subsection (a) for  
7 any query of such unminimized contents or  
8 noncontents made using a United States  
9 person query term.

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

23 (b) PROHIBITION ON INVOLVEMENT OF POLITICAL  
24 APPOINTEES IN PROCESS TO APPROVE FEDERAL BU-  
25 REAU OF INVESTIGATION QUERIES.—Subparagraph (D)

1 of section 702(f)(3), as added by subsection (d) of this  
2 section, is amended by inserting after clause (v) the fol-  
3 lowing:

4                                   “(vi) PROHIBITION ON POLITICAL  
5                                   APPOINTEES WITHIN THE PROCESS TO  
6                                   APPROVE FEDERAL BUREAU OF IN-  
7                                   VESTIGATION QUERIES.—The proce-  
8                                   dures shall prohibit any political per-  
9                                   sonnel, such as those classified by the  
10                                  Office of Personnel Management as  
11                                  Presidential Appointment with Senate  
12                                  Confirmation, Presidential Appoint-  
13                                  ment (without Senate Confirmation),  
14                                  Noncareer Senior Executive Service  
15                                  Appointment, or Schedule C Excepted  
16                                  Appointment, from inclusion in the  
17                                  Federal Bureau of Investigation’s  
18                                  prior approval process under clause  
19                                  (ii).”.

20                   (c) MANDATORY AUDITS OF UNITED STATES PER-  
21                   SON QUERIES CONDUCTED BY FEDERAL BUREAU OF IN-  
22                   VESTIGATION.—

23                           (1) AUDITS REQUIRED.—For each query identi-  
24                           fied by the Federal Bureau of Investigation as a  
25                           United States person query against information ac-

1       quired pursuant to subsection (a) of section 702 of  
2       the Foreign Intelligence Surveillance Act of 1978  
3       (50 U.S.C. 1881a) conducted by the Federal Bureau  
4       of Investigation, not later than 180 days after the  
5       conduct of such query, the Department of Justice  
6       shall conduct an audit of such query.

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

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

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

15           (B) The date on which the Attorney Gen-  
16      eral submits to the appropriate congressional  
17      committees a certification that the Federal Bu-  
18      reau of Investigation has implemented a process  
19      for the internal audit of all queries referred to  
20      in paragraph (1).

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

24           (A) the congressional intelligence commit-  
25      tees, as such term is defined in subsection (b)

1 of section 701 of the Foreign Intelligence Sur-  
2 veillance Act of 1978 (50 U.S.C. 1881); and

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

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

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

19 “(i) TRAINING.—A requirement that,  
20 prior to conducting any query, personnel of  
21 the Federal Bureau of Investigation suc-  
22 cessfully complete training on the querying  
23 procedures on an annual basis.

24 “(ii) ADDITIONAL PRIOR APPROVALS  
25 FOR SENSITIVE QUERIES.—A requirement

1 that, absent exigent circumstances, prior to  
2 conducting certain queries, personnel of  
3 the Federal Bureau of Investigation receive  
4 approval, at minimum, as follows:

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

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

1                   “(III) Approval from an attorney  
2                   of the Federal Bureau of Investiga-  
3                   tion if such conduct involves batch job  
4                   technology (or successor tool).

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

20                  “(iv) STORAGE OF CERTAIN CON-  
21                  TENTS AND NONCONTENTS.—Any system  
22                  of the Federal Bureau of Investigation  
23                  that stores unminimized contents or non-  
24                  contents obtained through acquisitions au-  
25                  thorized under subsection (a) together with

1 contents or noncontents obtained through  
2 other lawful means shall be configured in  
3 a manner that—

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

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

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

1                   one or more of the requirements specified  
2                   in such clauses.”.

3           (e) NOTIFICATION FOR CERTAIN QUERIES CON-  
4 DUCTED BY FEDERAL BUREAU OF INVESTIGATION.—  
5 Paragraph (3) of section 702(f), as added by subsection  
6 (a) of this section, is amended by adding at the end the  
7 following:

8                   “(B) NOTIFICATION REQUIREMENT FOR  
9                   CERTAIN FBI QUERIES.—

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

20                   “(ii) APPROPRIATE CONGRESSIONAL  
21                   LEADERSHIP DEFINED.—In this subpara-  
22                   graph, the term ‘appropriate congressional  
23                   leadership’ means the following:

1           “(I) The chairs and ranking mi-  
2           nority members of the congressional  
3           intelligence committees.

4           “(II) The Speaker and minority  
5           leader of the House of Representa-  
6           tives.

7           “(III) The majority and minority  
8           leaders of the Senate.

9           “(iii) NATIONAL SECURITY CONSIDER-  
10          ATIONS.—In submitting a notification  
11          under clause (i), the Director shall give  
12          due regard to the protection of classified  
13          information, sources and methods, and na-  
14          tional security.

15          “(iv) WAIVER.—

16               “(I) IN GENERAL.—The Director  
17               may waive a notification required  
18               under clause (i) if the Director deter-  
19               mines such notification would impede  
20               an ongoing national security or law  
21               enforcement investigation.

22               “(II) TERMINATION.—A waiver  
23               under subclause (I) shall terminate on  
24               the date the Director determines the  
25               relevant notification would not impede

1 the relevant national security or law  
2 enforcement investigation or on the  
3 date that such investigation ends,  
4 whichever is earlier.”.

5 (f) REQUIREMENT FOR CONGRESSIONAL CONSENT  
6 PRIOR TO CERTAIN FEDERAL BUREAU OF INVESTIGA-  
7 TION QUERIES FOR PURPOSE OF DEFENSIVE BRIEF-  
8 INGS.—Paragraph (3) of section 702(f), as added by sub-  
9 section (a) of this section, is amended by adding after sub-  
10 paragraph (B), as added by subsection (e) of this section,  
11 the following:

12 “(C) CONSENT REQUIRED FOR FBI TO  
13 CONDUCT CERTAIN QUERIES FOR PURPOSE OF  
14 DEFENSIVE BRIEFING.—

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

1 “(I) the member provides consent  
2 to the use of the query term; or

3 “(II) the Deputy Director of the  
4 Federal Bureau of Investigation de-  
5 termines that exigent circumstances  
6 exist sufficient to justify the conduct  
7 of such query.

8 “(ii) NOTIFICATION.—

9 “(I) NOTIFICATION OF CONSENT  
10 SOUGHT.—Not later than three busi-  
11 ness days after submitting a request  
12 for consent from a member of Con-  
13 gress under clause (i), the Director of  
14 the Federal Bureau of Investigation  
15 shall notify the appropriate congres-  
16 sional leadership, regardless of wheth-  
17 er the member provided such consent.

18 “(II) NOTIFICATION OF EXCEP-  
19 TION USED.—Not later than three  
20 business days after the conduct of a  
21 query under clause (i) without consent  
22 on the basis of the existence of exi-  
23 gent circumstances determined under  
24 subclause (II) of such clause, the Di-  
25 rector of the Federal Bureau of Inves-

1                   tigation shall notify the appropriate  
2                   congressional leadership.

3                   “(iii) RULE OF CONSTRUCTION.—  
4                   Nothing in this subparagraph may be con-  
5                   strued as—

6                   “(I) applying to matters outside  
7                   of the scope of the briefing on the de-  
8                   fense against a counterintelligence  
9                   threat to be provided or supplemented  
10                  under clause (i); or

11                  “(II) limiting the lawful inves-  
12                  tigative activities of the Federal Bu-  
13                  reau of Investigation other than  
14                  supplementing the contents of a brief-  
15                  ing on the defense against a counter-  
16                  intelligence threat to a member of  
17                  Congress.

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

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

1                   “(II) The Speaker and minority  
2                   leader of the House of Representa-  
3                   tives.

4                   “(III) The majority and minority  
5                   leaders of the Senate.”.

6 **SEC. 3. LIMITATION ON USE OF INFORMATION OBTAINED**  
7                   **UNDER SECTION 702.**

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

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

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

23                   “(B) EXCEPTIONS.—The restriction under  
24                   subparagraph (A) shall not apply with respect  
25                   to a query if—

1           “(i) there is a reasonable belief that  
2           such query may retrieve information that  
3           could assist in mitigating or eliminating a  
4           threat to life or serious bodily harm; or

5           “(ii) such query is necessary to iden-  
6           tify information that must be produced or  
7           preserved in connection with a litigation  
8           matter or to fulfill discovery obligations in  
9           criminal matters under the laws of the  
10          United States or any State thereof.”.

11          (b) RESTRICTION ON CERTAIN INFORMATION AVAIL-  
12          ABLE TO FEDERAL BUREAU OF INVESTIGATION.—Section  
13          702 is amended by adding at the end the following new  
14          subsection:

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

17                 “(1) RESTRICTION.—The Federal Bureau of  
18          Investigation may not ingest unminimized informa-  
19          tion acquired under this section into its analytic re-  
20          positories unless the targeted person is relevant to  
21          an existing, open, predicated full national security  
22          investigation by the Federal Bureau of Investigation.

23                 “(2) EXCEPTION FOR EXIGENT CIR-  
24          CUMSTANCES.—Paragraph (1) does not apply if the  
25          Director of the Federal Bureau of Investigation de-

1 cides it is necessary due to exigent circumstances  
2 and provides notification within three business days  
3 to the congressional intelligence committees, the  
4 Speaker and minority leader of the House of Rep-  
5 resentatives, and the majority and minority leaders  
6 of the Senate.

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

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

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

1 power, an agent of a foreign power, or an officer or em-  
2 ployee of a foreign power, in order to conduct surveillance  
3 targeting that United States person.

4 (b) ANNUAL AUDIT OF TARGETING DECISIONS  
5 UNDER SECTION 702.—

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

19 (2) INSPECTOR GENERAL AUDIT.—Not less fre-  
20 quently than annually, the Department of Justice  
21 Office of the Inspector General shall audit a sam-  
22 pling of the targeting decisions reviewed by the Na-  
23 tional Security Division under paragraph (1) and  
24 submit a report to the congressional intelligence

1 committees and the Committees on the Judiciary of  
2 the House of Representatives and of the Senate.

3 (3) CERTIFICATION.—Within 180 days of en-  
4 actment of this Act, and annually thereafter, each  
5 agency authorized to target non-United States per-  
6 sons under section 702 shall certify to Congress that  
7 the purpose of each targeting decision made in the  
8 prior year was not to target a known United States  
9 person.

10 (4) APPLICATION.—The requirements under  
11 this subsection apply for any year to the extent that  
12 section 702 of the Foreign Intelligence Surveillance  
13 Act of 1978 was in effect during any portion of the  
14 previous year.

15 **SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT**  
16 **REFORM.**

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

21 “(5) An extension of an order issued under this  
22 title for surveillance targeted against a United  
23 States person, to the extent practicable and absent  
24 exigent circumstances, shall be granted or denied by  
25 the same judge who issued the original order unless

1 the term of such judge has expired or such judge is  
2 otherwise no longer serving on the court.”.

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

6 (1) in paragraph (2)—

7 (A) by redesignating subparagraphs (A)  
8 and (B) as clause (i) and (ii), respectively;

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

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

12 (C) in subparagraph (A), as inserted by  
13 subparagraph (B) of this section—

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

15 (I) by striking “appoint an indi-  
16 vidual who has” and inserting “ap-  
17 point one or more individuals who  
18 have”; and

19 (II) by striking “; and” and in-  
20 serting a semicolon;

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

22 (I) by striking “appoint an indi-  
23 vidual or organization” and inserting  
24 “appoint one or more individuals or  
25 organizations”; and

1 (II) by striking the period at the  
2 end and inserting “; and”; and

3 (iii) by adding at the end the fol-  
4 lowing new clause:

5 “(iii) shall appoint one or more indi-  
6 viduals who have been designated under  
7 paragraph (1) to serve as amicus curiae to  
8 assist such court in the consideration of  
9 any certification or procedures submitted  
10 for review pursuant to section 702, includ-  
11 ing any amendments to such certifications  
12 or procedures, if the court established  
13 under subsection (a) has not appointed an  
14 individual under clause (i) or (ii), unless  
15 the court issues a finding that such ap-  
16 pointment is not appropriate or is likely to  
17 result in undue delay.”; and

18 (D) by adding at the end the following new  
19 subparagraphs:

20 “(B) EXPERTISE.—In appointing one or  
21 more individuals under subparagraph (A)(iii),  
22 the court shall, to the maximum extent prac-  
23 ticable, appoint an individual who possesses ex-  
24 pertise in both privacy and civil liberties and in-  
25 telligence collection.

1           “(C) TIMING.—In the event that the court  
2           appoints one or more individuals or organiza-  
3           tions pursuant to this paragraph to assist such  
4           court in a proceeding under section 702, not-  
5           withstanding subsection (j)(1)(B) of such sec-  
6           tion, the court shall issue an order pursuant to  
7           subsection (j)(3) of such section as expedi-  
8           tiously as possible consistent with subsection  
9           (k)(1) of such section, but in no event later  
10          than 60 days after the date on which such cer-  
11          tification, procedures, or amendments are sub-  
12          mitted for the court’s review, or later than 60  
13          days after the court has issued an order ap-  
14          pointing one or more individuals pursuant to  
15          this paragraph, whichever is earlier, unless a  
16          judge of that court issues an order finding that  
17          extraordinary circumstances necessitate addi-  
18          tional time for review and that such extension  
19          of time is consistent with the national secu-  
20          rity.”; and

21          (2) in paragraph (4)—

22                 (A) by striking “paragraph (2)(A)” and in-  
23                 serting “paragraph (2)”;

24                 (B) by striking “provide to the court, as  
25                 appropriate”;

1 (C) by redesignating subparagraphs (A)  
2 through (C) as clauses (i) through (iii), respec-  
3 tively;

4 (D) by inserting before clause (i) the fol-  
5 lowing new subparagraphs:

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

8 “(B) provide to the court, as appropriate—  
9 ”; and

10 (E) in subparagraph (B)(i), as redesign-  
11 ated, by inserting “of United States persons”  
12 after “civil liberties”.

13 (c) DESIGNATION OF COUNSEL TO SCRUTINIZE AP-  
14 PPLICATIONS FOR UNITED STATES PERSONS.—Section  
15 103 is amended by adding at the end the following new  
16 subsection:

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

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

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

6           “(3) a recommendation as to the following,  
7           which the judge shall consider during a proceeding  
8           on the application in which such attorney is present,  
9           as appropriate—

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

12           “(B) that the Government should supply  
13           additional information in connection with such  
14           application; or

15           “(C) that any requirements or conditions  
16           should be imposed on the Government for the  
17           approval of such application.”.

18 **SEC. 6. APPLICATION FOR AN ORDER UNDER THE FOREIGN**

19 **INTELLIGENCE SURVEILLANCE ACT.**

20           (a) **REQUIREMENT FOR SWORN STATEMENTS FOR**  
21 **FACTUAL ASSERTIONS.—**

22           (1) **TITLE I.—**Subsection (a)(3) of section 104  
23           is amended by striking “a statement of” and insert-  
24           ing “a sworn statement of”.

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

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

7           (4) SECTION 704.—Subsection (b)(3) of section  
8           704 is amended by striking “a statement of” and in-  
9           serting “a sworn statement of”.

10          (5) 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          (b) PROHIBITION ON USE OF POLITICALLY DERIVED  
15          INFORMATION IN APPLICATIONS FOR CERTAIN ORDERS  
16          BY THE FOREIGN INTELLIGENCE SURVEILLANCE  
17          COURT.—

18          (1) TITLE I.—Subsection (a)(6) of section 104  
19          is amended—

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

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

24                  (C) by adding after subparagraph (E) the  
25                  following new subparagraph:

1           “(F) that none of the information included  
2           in the statement described in paragraph (3)  
3           was solely produced by, derived from informa-  
4           tion produced by, or obtained using the funds  
5           of, a political organization (as such term is de-  
6           fined in section 527 of the Internal Revenue  
7           Code of 1986), unless—

8                   “(i) the political organization is clear-  
9                   ly identified in the body of the statement  
10                  described in paragraph (3);

11                  “(ii) the information has been cor-  
12                  roborated; and

13                  “(iii) the investigative techniques used  
14                  to corroborate the information are clearly  
15                  identified in the body of the statement de-  
16                  scribed in paragraph (3); and”.

17           (2) TITLE III.—Subsection (a)(6) of section 303  
18           is amended—

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

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

23                   (C) by inserting after subparagraph (E)  
24                   the following new subparagraph:

1           “(F) that none of the information included  
2           in the statement described in paragraph (3)  
3           was solely produced by, derived from informa-  
4           tion produced by, or obtained using the funds  
5           of, a political organization (as such term is de-  
6           fined in section 527 of the Internal Revenue  
7           Code of 1986), unless—

8                   “(i) the political organization is clear-  
9                   ly identified in the body of the statement  
10                  described in paragraph (3);

11                  “(ii) the information has been cor-  
12                  roborated; and

13                  “(iii) the investigative techniques used  
14                  to corroborate the information are clearly  
15                  identified in the body of the statement de-  
16                  scribed in paragraph (3); and”.

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

21           (c) **PROHIBITION ON USE OF PRESS REPORTS IN AP-**  
22           **PLICATIONS FOR CERTAIN ORDERS BY THE FOREIGN IN-**  
23           **TELLIGENCE SURVEILLANCE COURT.**—

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

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

14          (2) TITLE III.—Subsection (a)(6) of section  
15          303, as amended by this Act, is further amended by  
16          adding at the end the following new subparagraph:

17                   “(G) that none of the information included  
18          in the statement described in paragraph (3) is  
19          attributable to or derived from the content of a  
20          media source unless the statement includes a  
21          clear identification of each author of that con-  
22          tent, where applicable, the publisher of that  
23          content, information to corroborate that which  
24          was derived from the media source, and an ex-

1           planation of the investigative techniques used to  
2           corroborate the information;”.

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

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

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

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

15                   (C) by adding at the end the following new  
16                   paragraph:

17                   “(10) with respect to a target who is a United  
18                   States person, a statement summarizing the inves-  
19                   tigative techniques carried out before making the ap-  
20                   plication;”.

21           (2) 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 (e) REQUIREMENT FOR CERTAIN JUSTIFICATION  
2 PRIOR TO EXTENSION OF ORDERS.—

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

7 “(11) in the case of an application for an exten-  
8 sion of an order under this title for a surveillance  
9 targeted against a United States person, a summary  
10 statement of the foreign intelligence information ob-  
11 tained pursuant to the original order (and any pre-  
12 ceding extension thereof) as of the date of the appli-  
13 cation for the extension, or a reasonable explanation  
14 of the failure to obtain such information; and”.

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

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

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

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

24 “(9) in the case of an application for an exten-  
25 sion of an order under this title in which the target

1 of the physical search is a United States person, a  
2 summary statement of the foreign intelligence infor-  
3 mation obtained pursuant to the original order (and  
4 any preceding extension thereof) as of the date of  
5 the application for the extension, or a reasonable ex-  
6 planation of the failure to obtain such information;  
7 and”.

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

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

14 (1) TITLE I.—Subsection (a)(3)(A) of section  
15 104 is amended by inserting before the semicolon at  
16 the end the following: “, and, in the case of a target  
17 that is a United States person alleged to be acting  
18 as an agent of a foreign power (as described in sec-  
19 tion 101(b)(2)(B)), that a violation of the criminal  
20 statutes of the United States as referred to in sec-  
21 tion 101(b)(2)(B) has occurred or is about to  
22 occur”.

23 (2) TITLE III.—Subsection (a)(3)(A) of section  
24 303 is amended by inserting before the semicolon at  
25 the end the following: “, and, in the case of a target

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

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

11 (g) MODIFICATION TO DURATION OF APPROVED PE-  
12 RIOD UNDER CERTAIN ORDERS FOR NON-UNITED  
13 STATES PERSONS.—

14 (1) TITLE I.—Subsection (d) of section 105 is  
15 amended—

16 (A) in paragraph (1)—

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

21 (ii) in subparagraph (B), by striking  
22 “120 days” and inserting “one year”; and  
23 (B) by striking paragraph (2); and

24 (C) by redesignating paragraphs (3) and  
25 (4) as paragraphs (2) and (3), respectively.

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

3           (A) in paragraph (1)—

4           (i) in subparagraph (A), by striking  
5 “against a foreign power, as defined in  
6 paragraph (1), (2), or (3) of section  
7 101(a),” and inserting “against a foreign  
8 power”; and

9           (ii) in subparagraph (B), by striking  
10 “120 days” and inserting “one year”; and  
11 (B) by striking paragraph (2); and

12           (C) by redesignating paragraph (3) as  
13 paragraph (2).

14 **SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF**  
15 **CERTAIN DOCUMENTS.**

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

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

22           (a) REQUIREMENT FOR TRANSCRIPTS OF PRO-  
23 CEEDINGS.—Subsection (c) of section 103 is amended—

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

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

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

8           (b) REQUIREMENT FOR NOTIFICATION TO CONGRESS  
9           OF CERTAIN TRANSCRIPTS.—Subsection (c) of section  
10          601 is amended—

11           (1) in paragraph (1), by striking “; and” and  
12           inserting a semicolon;

13           (2) in paragraph (2), by striking the period and  
14           inserting a semicolon; and

15           (3) by adding at the end the following new  
16           paragraphs:

17           “(3) for any hearing, oral argument, or other  
18           proceeding before the Foreign Intelligence Surveil-  
19           lance Court or Foreign Intelligence Surveillance  
20           Court of Review for which a court reporter produces  
21           a transcript, not later than 45 days after the govern-  
22           ment receives the final transcript or the date on  
23           which the matter of the hearing, oral argument, or  
24           other proceeding is resolved, whichever is later, a no-  
25           tice of the existence of such transcript. Not later

1 than three business days after a committee referred  
2 to in subsection (a) requests to review an existing  
3 transcript, the Attorney General shall facilitate such  
4 request; and

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

7 **SEC. 9. AUDIT OF FISA COMPLIANCE BY INSPECTOR GEN-**  
8 **ERAL.**

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

11 (1) REPORT.—Not later than 545 days after  
12 the date of enactment of this Act, the Inspector  
13 General of the Department of Justice shall submit  
14 to the appropriate congressional committees a report  
15 on the querying practices of the Federal Bureau of  
16 Investigation under section 702.

17 (2) MATTERS INCLUDED.—The report under  
18 paragraph (1) shall include, at a minimum, the fol-  
19 lowing:

20 (A) An evaluation of compliance by per-  
21 sonnel of the Federal Bureau of Investigation  
22 with the querying procedures adopted under  
23 section 702(f), with a particular focus on com-  
24 pliance by such personnel with the procedures

1 governing queries using United States person  
2 query terms.

3 (B) An analysis of each specific reform  
4 that, in the view of the Inspector General, is re-  
5 sponsible for any identified improvement in the  
6 Federal Bureau of Investigation's record of  
7 compliance with the querying procedures, in-  
8 cluding an identification of whether such reform  
9 was—

10 (i) required by this Act or another Act  
11 of Congress;

12 (ii) required by the Foreign Intel-  
13 ligence Surveillance Court or the Attorney  
14 General; or

15 (iii) voluntarily adopted by the Direc-  
16 tor of the Federal Bureau of Investigation.

17 (C) An assessment of the status of the im-  
18 plementation by the Federal Bureau of Inves-  
19 tigation of all reforms related to querying that  
20 are required by this Act.

21 (D) An evaluation of the effectiveness of  
22 the Office of Internal Auditing of the Federal  
23 Bureau of Investigation with respect to moni-  
24 toring and improving query compliance by per-  
25 sonnel of the Federal Bureau of Investigation.

1 (E) Recommendations to further improve  
2 compliance with querying procedures by per-  
3 sonnel of the Federal Bureau of Investigation,  
4 particularly with respect to compliance with the  
5 procedures governing queries using United  
6 States person query terms.

7 (F) Any other relevant matter the Inspec-  
8 tor General determines appropriate.

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

12 (4) DEFINITIONS.—In this subsection:

13 (A) IN GENERAL.—Except as provided in  
14 this subsection, terms used in this subsection  
15 have the meanings given such terms in the For-  
16 eign Intelligence Surveillance Act of 1978 (50  
17 U.S.C. 1801 et seq.).

18 (B) APPROPRIATE CONGRESSIONAL COM-  
19 MITTEES.—The term “appropriate congres-  
20 sional committees” means—

21 (i) the congressional intelligence com-  
22 mittees, as such term is defined in sub-  
23 section (b) of section 701 of the Foreign  
24 Intelligence Surveillance Act of 1978 (50  
25 U.S.C. 1881); and

1 (ii) the Committees on the Judiciary  
2 of the House of Representatives and the  
3 Senate.

4 **SEC. 10. ACCURACY AND COMPLETENESS OF APPLICA-**  
5 **TIONS.**

6 (a) REQUIREMENT FOR CERTIFICATIONS REGARDING  
7 ACCURACY OF APPLICATIONS.—

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

11 “(12) a certification by the applicant or declar-  
12 ant that, to the best knowledge of the applicant or  
13 declarant, the Attorney General or a designated at-  
14 torney for the Government has been apprised of all  
15 information that might reasonably—

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

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

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

1           “(10) a certification by the applicant that, to  
2           the best knowledge of the applicant, the Attorney  
3           General or a designated attorney for the Govern-  
4           ment has been apprised of all information that  
5           might reasonably—

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

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

13           (3) TITLE IV.—Subsection (c) of section 402 is  
14           amended—

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

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

19                   (C) by adding at the end the following new  
20                   paragraph:

21                   “(4) a certification by the Federal Officer seek-  
22                   ing to use the pen register or trap and trace device  
23                   covered by the application that, to the best knowl-  
24                   edge of the Federal Officer, the Attorney General or

1 a designated attorney for the Government has been  
2 apprised of all 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 subsection (d).”.

10 (4) TITLE V.—Subsection (b)(2) of section 502  
11 is amended—

12 (A) in subparagraph (A), by striking “;  
13 and” and inserting a semicolon;

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

16 (C) by adding at the end the following new  
17 subparagraph:

18 “(E) a statement by the applicant that, to  
19 the best knowledge of the applicant, the appli-  
20 cation fairly reflects all information that might  
21 reasonably—

22 “(i) call into question the accuracy of  
23 the application or the reasonableness of  
24 any assessment in the application con-

1           ducted by the department or agency on  
2           whose behalf the application is made; or

3           “(ii) otherwise raise doubts with re-  
4           spect to the findings required under sub-  
5           section (c).”.

6           (5) TITLE VII.—

7           (A) SECTION 703.—Subsection (b)(1) of  
8           section 703 is amended—

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

11          (ii) in subparagraph (J), by striking  
12          the period at the end and inserting “;  
13          and”; and

14          (iii) by adding at the end the fol-  
15          lowing new subparagraph:

16          “(K) a certification by the applicant that,  
17          to the best knowledge of the applicant, the At-  
18          torney General or a designated attorney for the  
19          Government has been apprised of all informa-  
20          tion that might reasonably—

21          “(i) call into question the accuracy of  
22          the application or the reasonableness of  
23          any assessment in the application con-  
24          ducted by the department or agency on  
25          whose behalf the application is made; or

1                   “(ii) otherwise raise doubts with re-  
2                   spect to the findings required under sub-  
3                   section (c).”.

4                   (B) SECTION 704.—Subsection (b) of sec-  
5                   tion 704 is amended—

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

8                   (ii) in paragraph (7), by striking the  
9                   period at the end and inserting “; and”;  
10                  and

11                  (iii) by adding at the end the fol-  
12                  lowing new paragraph:

13                  “(8) a certification by the applicant that, to the  
14                  best knowledge of the applicant, the Attorney Gen-  
15                  eral or a designated attorney for the Government  
16                  has been apprised of all information that might rea-  
17                  sonably—

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

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

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

5           (7) ACCURACY PROCEDURES.—Not later than  
6           180 days after the date of the enactment of this Act,  
7           the Attorney General, in consultation with the Direc-  
8           tor of the Federal Bureau of Investigation, shall  
9           issue procedures governing the review of case files,  
10          as appropriate, to ensure that applications to the  
11          Foreign Intelligence Surveillance Court under title I  
12          or III of the Foreign Intelligence Surveillance Act of  
13          1978 (50 U.S.C. 1801 et seq.) that target United  
14          States persons are accurate and complete.

15          (b) DISCLOSURE OF EXCULPATORY INFORMATION.—

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

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

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

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

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

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

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

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

13           “(5) non-cumulative information known to the  
14           Federal officer seeking to use the pen register or  
15           trap and trace device covered by the application,  
16           that is potentially exculpatory regarding the re-  
17           quested legal findings or any assessment in the ap-  
18           plication.”.

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

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

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

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

3 “(F) non-cumulative information known to  
4 the applicant that is potentially exculpatory re-  
5 garding the requested legal findings or any as-  
6 sessment in the application.”.

7 (5) TITLE VII.—

8 (A) SECTION 703.—Subsection (b)(1) of  
9 section 703, as amended by this Act, is further  
10 amended—

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

13 (ii) in subparagraph (K), by striking  
14 the period at the end and inserting “;  
15 and”; and

16 (iii) by adding at the end the fol-  
17 lowing new subparagraph:

18 “(L) non-cumulative information known to  
19 the applicant or declarant that is potentially ex-  
20 culpatory regarding the requested legal findings  
21 or any assessment in the application.”.

22 (B) SECTION 704.—Subsection (b) of sec-  
23 tion 704, as amended by this Act, is further  
24 amended—

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

3 (ii) in paragraph (8), by striking the  
4 period at the end and inserting “; and”;  
5 and

6 (iii) by adding at the end the fol-  
7 lowing new paragraph:

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

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

16 **SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF IN-**  
17 **VESTIGATION.**

18 (a) REVOCATION OF STATUTORY REPORTING EX-  
19 EMPTION AND ADDITIONAL REPORTING REQUIREMENT  
20 FOR FEDERAL BUREAU OF INVESTIGATION.—

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

23 (A) in subsection (b)(2)(B) by inserting  
24 “(or combined unminimized contents and non-

1 contents information)” after “unminimized con-  
2 tents”;

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

5 “(2) NONAPPLICABILITY TO ELECTRONIC MAIL  
6 ADDRESS AND TELEPHONE NUMBERS.—Paragraph  
7 (3)(B) of subsection (b) shall not apply to orders re-  
8 sulting in the acquisition of information by the Fed-  
9 eral Bureau of Investigation that does not include  
10 electronic mail addresses or telephone numbers.”;  
11 and

12 (C) by inserting the following new sub-  
13 section:

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

16 “(1) ANNUAL REPORT.—The Director of the  
17 Federal Bureau of Investigation shall annually sub-  
18 mit to the Permanent Select Committee on Intel-  
19 ligence and the Committee on the Judiciary of the  
20 House of Representatives and the Select Committee  
21 on Intelligence and the Committee on the Judiciary  
22 of the Senate a report that includes—

23 “(A) the number of United States person  
24 queries by the Federal Bureau of Investigation

1 of unminimized contents or noncontents ac-  
2 quired pursuant to section 702(a);

3 “(B) the number of approved queries using  
4 the Federal Bureau of Investigation’s batch job  
5 technology, or successor tool;

6 “(C) the number of queries using the Fed-  
7 eral Bureau of Investigation’s batch job tech-  
8 nology, or successor tool, conducted by the Fed-  
9 eral Bureau of Investigation against informa-  
10 tion acquired pursuant to section 702(a) for  
11 which pre-approval was not obtained due to  
12 emergency circumstances;

13 “(D) the number of United States person  
14 queries conducted by the Federal Bureau of In-  
15 vestigation of unminimized contents or noncon-  
16 tents acquired pursuant to section 702(a) solely  
17 to retrieve evidence of a crime;

18 “(E) a good faith estimate of the number  
19 of United States person query terms used by  
20 the Federal Bureau of Investigation to conduct  
21 queries of unminimized contents or noncontents  
22 acquired pursuant to section 702(a) primarily  
23 to protect the United States person who is the  
24 subject of the query; and

1           “(F) a good faith estimate of the number  
2           of United States person query terms used by  
3           the Federal Bureau of Investigation to conduct  
4           queries of unminimized contents or noncontents  
5           acquired pursuant to section 702(a) where the  
6           United States person who is the subject of the  
7           query is a target or subject of an investigation  
8           by the Federal Bureau of Investigation.

9           “(2) PUBLIC AVAILABILITY.—Subject to declas-  
10          sification review by the Attorney General and the  
11          Director of National Intelligence, each annual report  
12          submitted pursuant to paragraph (1) shall be avail-  
13          able to the public during the first April following the  
14          calendar year covered by the report.”.

15          (2) EFFECTIVE DATE.—The amendments made  
16          by this subsection shall take effect on January 1,  
17          2025.

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

20          (a) ANNUAL REPORTING ON DISCIPLINARY ACTIONS  
21          BY FEDERAL BUREAU OF INVESTIGATION.—Section 603  
22          is amended—

23                  (1) by redesignating subsection (e) as sub-  
24                  section (g); and

25                  (2) by inserting the following new subsection:

1       “(e) MANDATORY REPORTING BY DIRECTOR OF  
2 FEDERAL BUREAU OF INVESTIGATION.—The Director of  
3 the Federal Bureau of Investigation shall annually submit  
4 to the Permanent Select Committee on Intelligence and  
5 the Committee on Judiciary of the House of Representa-  
6 tives and the Select Committee on Intelligence and the  
7 Committee on the Judiciary of the Senate, a report de-  
8 scribing the accountability actions taken by the Federal  
9 Bureau of Investigation in the preceding 12-month period  
10 for noncompliant querying of information acquired under  
11 section 702 and any such actions taken pursuant to sec-  
12 tion 103(m), to include the number of ongoing personnel  
13 investigations, the outcome of any completed personnel in-  
14 vestigations and any related adverse personnel actions  
15 taken.”.

16       (b) ACCOUNTABILITY MEASURES FOR EXECUTIVE  
17 LEADERSHIP OF FEDERAL BUREAU OF INVESTIGA-  
18 TION.—

19           (1) MEASURES REQUIRED.—The Director of  
20 the Federal Bureau of Investigation shall ensure  
21 that, as soon as practicable following the date of en-  
22 actment of this Act, there are in effect measures for  
23 holding the executive leadership of each covered  
24 component appropriately accountable for ensuring  
25 compliance with covered procedures by the personnel

1 of the Federal Bureau of Investigation assigned to  
2 that covered component. Such measures shall in-  
3 clude a requirement for an annual evaluation of the  
4 executive leadership of each such covered component  
5 with respect to ensuring such compliance during the  
6 preceding year.

7 (2) BRIEFINGS REQUIRED.—

8 (A) BRIEFINGS.—Not later than December  
9 31 of each calendar year, the Federal Bureau  
10 of Investigation shall provide to the appropriate  
11 congressional committees a briefing on the im-  
12 plementation of paragraph (1).

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

16 (i) A description of specific measures  
17 under paragraph (1) that the Federal Bu-  
18 reau of Investigation has implemented.

19 (ii) A description of specific measures  
20 under such subsection that the Federal  
21 Bureau of Investigation has proposed to be  
22 implemented or modified, and the timeline  
23 for such proposed implementation or modi-  
24 fication.

1 (iii) A summary of compliance with  
2 covered procedures by the personnel of the  
3 Federal Bureau of Investigation,  
4 disaggregated by covered component, and a  
5 description of any adverse personnel ac-  
6 tions taken against, or other actions taken  
7 to ensure the appropriate accountability of,  
8 the executive leadership of covered compo-  
9 nents that underperformed with respect to  
10 ensuring such compliance.

11 (3) DEFINITIONS.—In this subsection:

12 (A) APPROPRIATE CONGRESSIONAL COM-  
13 MITTEES.—The term “appropriate congres-  
14 sional committees” means—

15 (i) the congressional intelligence com-  
16 mittees, as such term is defined in sub-  
17 section (b) of section 701 of the Foreign  
18 Intelligence Surveillance Act of 1978 (50  
19 U.S.C. 1881) on the date of enactment of  
20 this Act; and

21 (ii) the Committees on the Judiciary  
22 of the House of Representatives and the  
23 Senate.

24 (B) COVERED COMPONENT.—The term  
25 “covered component” means a field office,

1           Headquarters division, or other element of the  
2           Federal Bureau of Investigation with personnel  
3           who, for any period during which section 702 is  
4           in effect, have access to the unminimized con-  
5           tents of communications obtained through ac-  
6           quisitions authorized under section 702(a).

7           (C) COVERED PROCEDURE.—The term  
8           “covered procedure”—

9                   (i) means any procedure governing the  
10                  use of authorities under the Foreign Intel-  
11                  ligence Surveillance Act of 1978 (50  
12                  U.S.C. 1801 et seq.); and

13                  (ii) includes querying procedures and  
14                  minimization procedures adopted pursuant  
15                  to such Act.

16           (D) EXECUTIVE LEADERSHIP.—The term  
17           “executive leadership” includes—

18                   (i) with respect to a field office of the  
19                  Federal Bureau of Investigation, an Assist-  
20                  ant Director in Charge or Special Agent in  
21                  Charge of the field office; and

22                   (ii) with respect to a division of the  
23                  Federal Bureau of Investigation Head-  
24                  quarters, an Assistant Director of the divi-  
25                  sion.

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

2 (a) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF  
3 APPLICATION FOR ELECTRONIC SURVEILLANCE.—

4 (1) IN GENERAL.—Subsection (a) of section  
5 109 is amended—

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

8 (B) in paragraph (1)—

9 (i) by inserting “intentionally” before  
10 “engages in”; and

11 (ii) by striking “; or” and inserting a  
12 semicolon;

13 (C) in paragraph (2)—

14 (i) by striking “disclose” and insert-  
15 ing “intentionally discloses”; and

16 (ii) by striking the period at the end  
17 and inserting “; or”; and

18 (D) by adding at the end the following new  
19 paragraph:

20 “(3) knowingly and willfully communicates, fur-  
21 nishes, transmits, or otherwise makes available to an  
22 unauthorized person, or publishes, or uses in any  
23 manner prejudicial to the safety or interest of the  
24 United States or for the benefit of any foreign gov-  
25 ernment to the detriment of the United States an

1 application, in whole or in part, for an order for  
2 electronic surveillance under this Act.”.

3 (2) CONFORMING AMENDMENT.—Subsection (b)  
4 of such section is amended by striking “under sub-  
5 section (a)” and inserting “under paragraph (1) or  
6 (2) of subsection (a)”.

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

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

13 (c) CRIMINAL PENALTIES FOR UNAUTHORIZED DIS-  
14 CLOSURE OF CERTAIN INCIDENTALY COLLECTED  
15 UNITED STATES PERSON INFORMATION.—Title VII is  
16 amended by inserting the following new section:

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

18 “(a) OFFENSE.—A person is guilty of an offense  
19 under this section if that person knowingly and willfully  
20 communicates, furnishes, transmits, or otherwise makes  
21 available to an unauthorized person, or publishes, or uses  
22 in any manner prejudicial to the safety or interest of the  
23 United States or for the benefit of any foreign government  
24 to the detriment of the United States any classified infor-  
25 mation that contains the contents of any communication

1 acquired under this title to which a known United States  
2 person is a party.

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

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

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

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

21 (a) CONTEMPTS CONSTITUTING CRIMES.—Section  
22 402 of title 18, United States Code, is amended by insert-  
23 ing after “any district court of the United States” the fol-  
24 lowing: “, including the Foreign Intelligence Surveillance  
25 Court or the Foreign Intelligence Surveillance Court of

1 Review established by section 103 of the Foreign Intel-  
2 ligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

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

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

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

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

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

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

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

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

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

24 “(2) for any other aggrieved person, \$1,000 or  
25 \$100 per day for each day of violation;”.

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

4 **“SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL AC-**  
5 **TIONS.**

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

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

20 **SEC. 16. ACCOUNTABILITY STANDARDS FOR INCIDENTS RE-**  
21 **LATING TO QUERIES CONDUCTED BY THE**  
22 **FEDERAL BUREAU OF INVESTIGATION.**

23 (a) REQUIREMENT FOR ADOPTION OF CERTAIN MIN-  
24 IMUM ACCOUNTABILITY STANDARDS.—

1           (1) MINIMUM ACCOUNTABILITY STANDARDS.—  
2           Subsection (f) of section 702, as amended by this  
3           Act, is further amended by inserting after paragraph  
4           (3) the following new paragraph:

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

13                 “(A) Zero tolerance for willful misconduct.

14                 “(B) Escalating consequences for uninten-  
15                 tional noncompliance, including the threshold  
16                 for mandatory revocation of access to query in-  
17                 formation acquired under this section.

18                 “(C) Consequences for supervisors who  
19                 oversee users that engage in noncompliant que-  
20                 ries.”.

21          (2) DEADLINES.—Not later than 90 days after  
22          the date of the enactment of this Act, the Director  
23          of the Federal Bureau of Investigation shall issue  
24          the minimum accountability standards required  
25          under subsection (f)(4) of section 702 of the Foreign

1 Intelligence Surveillance Act of 1978 (50 U.S.C.  
2 1881a).

3 (3) REPORTS.—

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

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

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

23 (A) the congressional intelligence commit-  
24 tees, as such term is defined in subsection (b)

1 of section 701 of the Foreign Intelligence Sur-  
2 veillance Act of 1978 (50 U.S.C. 1881); and

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

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

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

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

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

24 (a) NOTIFICATION TO CONGRESS OF CERTAIN UNAU-  
25 THORIZED DISCLOSURES.—If the Director of National In-

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

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

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

24 (2) SUBMISSION.—Not later than one year after  
25 the date of enactment of this Act, the Director of

1 National Intelligence shall submit the results of the  
2 study to the appropriate congressional committees.

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

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

9 (B) the Committees on the Judiciary of  
10 the House of Representatives and the Senate.

11 (c) FISA REFORM COMMISSION.—

12 (1) ESTABLISHMENT.—

13 (A) IN GENERAL.—There is established a  
14 commission to consider ongoing reforms to the  
15 Foreign Intelligence Surveillance Act of 1978  
16 (50 U.S.C. 1801 et seq.).

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

21 (2) MEMBERSHIP.—

22 (A) COMPOSITION.—

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

1 (I) The Principal Deputy Direc-  
2 tor of National Intelligence.

3 (II) The Deputy Attorney Gen-  
4 eral.

5 (III) The Deputy Secretary of  
6 Defense.

7 (IV) The Deputy Secretary of  
8 State.

9 (V) The Chair of the Privacy and  
10 Civil Liberties Oversight Board.

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

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

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

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

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

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(ii) NONMEMBERS OF CONGRESS.—  
(I) QUALIFICATIONS.—The mem-  
bers of the Commission who are not  
members of Congress and who are ap-  
pointed under subclauses (VI) through  
(IX) of clause (i) shall be individuals  
who are nationally recognized for ex-  
pertise, knowledge, or experience in—  
(aa) use of intelligence infor-  
mation by the intelligence com-  
munity (as defined in section 3 of  
the National Security Act of  
1947 (50 U.S.C. 3003)), national  
policymakers, and military lead-  
ers;  
(bb) the implementation,  
funding, or oversight of the na-  
tional security laws of the United  
States;  
(cc) privacy, civil liberties,  
and transparency; or  
(dd) laws and policies gov-  
erning methods of electronic sur-  
veillance.

1 (II) CONFLICTS OF INTEREST.—

2 An official who appoints members of  
3 the Commission may not appoint an  
4 individual as a member of the Com-  
5 mission if such individual possesses  
6 any personal or financial interest in  
7 the discharge of any of the duties of  
8 the Commission.

9 (III) SECURITY CLEARANCES.—

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

16 (B) CO-CHAIRS.—

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

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

24 (3) APPOINTMENT; INITIAL MEETING.—

1 (A) APPOINTMENT.—Members of the Com-  
2 mission shall be appointed not later than 90  
3 days after the date of the enactment of this  
4 Act.

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

9 (4) MEETINGS; QUORUM; VACANCIES.—

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

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

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

22 (D) QUORUM WITH VACANCIES.—If vacan-  
23 cies in the Commission occur on any day after  
24 90 days after the date of the enactment of this

1 Act, a quorum shall consist of a majority of the  
2 members of the Commission as of such day.

3 (5) DUTIES.—The duties of the Commission  
4 are as follows:

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

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

15 (6) POWERS OF COMMISSION.—

16 (A) IN GENERAL.—

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

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

1 (II) require, by subpoena or oth-  
2 erwise, the attendance and testimony  
3 of such witnesses and the production  
4 of such books, records, correspond-  
5 ence, memoranda, papers, and docu-  
6 ments, as the Commission or such  
7 designated subcommittee or des-  
8 ignated member considers necessary.

9 (ii) ISSUANCE AND ENFORCEMENT OF  
10 SUBPOENAS.—

11 (I) ISSUANCE.—A subpoena  
12 issued under clause (i)(II) shall—

13 (aa) bear the signature of  
14 the co-chairs of the Commission;  
15 and

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

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

1                   testify when summoned under author-  
2                   ity of this paragraph.

3                   (B) INFORMATION FROM FEDERAL AGEN-  
4                   CIES.—

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

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

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

1 (C) ASSISTANCE FROM FEDERAL AGEN-  
2 CIES.—

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

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

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

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

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

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

19 (7) STAFF OF COMMISSION.—

20 (A) APPOINTMENT AND COMPENSATION OF  
21 STAFF.—The co-chairs of the Commission, in  
22 accordance with rules agreed upon by the Com-  
23 mission, shall appoint and fix the compensation  
24 of a staff director and such other personnel as  
25 may be necessary to enable the Commission to

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

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

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

25 (8) COMPENSATION AND TRAVEL EXPENSES.—

1 (A) COMPENSATION OF MEMBERS.—

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

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

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

1 are allowed expenses under section 5703 of title  
2 5, United States Code.

3 (9) TREATMENT OF INFORMATION RELATING  
4 TO NATIONAL SECURITY.—

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

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

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

1           and such other officials of the executive branch  
2           of the Federal Government as the President  
3           may designate shall have access to information  
4           related to the national security of the United  
5           States that is received, considered, or used by  
6           the Commission.

7           (10) FINAL REPORT; TERMINATION.—

8           (A) FINAL REPORT.—

9                   (i) DEFINITIONS.—In this subpara-  
10                  graph:

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

15                                   (aa) the congressional intel-  
16                                   ligence committees;

17                                   (bb) the Committee on the  
18                                   Judiciary of the Senate; and

19                                   (cc) the Committee on the  
20                                   Judiciary of the House of Rep-  
21                                   resentatives.

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

1 (aa) the majority leader of  
2 the Senate;

3 (bb) the minority leader of  
4 the Senate;

5 (cc) the Speaker of the  
6 House of Representatives; and

7 (dd) the minority leader of  
8 the House of Representatives.

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

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

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

1 appropriate committees of Congress and  
2 congressional leadership an assessment of  
3 such report.

4 (B) TERMINATION.—

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

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

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

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

24 (B) FREEDOM OF INFORMATION ACT.—  
25 The provisions of section 552 of title 5, United

1 States Code (commonly referred to as the  
2 “Freedom of Information Act”), shall not apply  
3 to the activities, records, and proceedings of the  
4 Commission under this section.

5 (12) FUNDING.—

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

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

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

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

1 (A) the Select Committee on Intelligence of  
2 the Senate; and

3 (B) the Permanent Select Committee on  
4 Intelligence of the House of Representatives.

5 (d) SEVERABILITY; APPLICABILITY DATE.—

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

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

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

21 (a) FISA AMENDMENTS ACT OF 2008.—Section  
22 403(b) of the FISA Amendments Act of 2008 (Public Law  
23 110–261; 122 Stat. 2474) is amended—

24 (1) in paragraph (1)—

1 (A) by striking “April 19, 2024” and in-  
2 serting “two years after the date of enactment  
3 of the Reforming Intelligence and Securing  
4 America Act”; and

5 (B) by inserting “and the Reforming Intel-  
6 ligence and Securing America Act” after “the  
7 FISA Amendments Reauthorization Act of  
8 2017”; and

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

14 (b) CONFORMING AMENDMENTS.—Section 404(b) of  
15 the FISA Amendments Act of 2008 (Public Law 110–261;  
16 122 Stat. 2476), is amended—

17 (1) in paragraph (1)—

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

23 (B) by inserting “and the Reforming Intel-  
24 ligence and Securing America Act” after “the

1 FISA Amendments Reauthorization Act of  
2 2017”;

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

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

11 **SEC. 20. AMENDMENTS TO THE FOREIGN INTELLIGENCE**

12 **SURVEILLANCE ACT OF 1978.**

13 (a) REFERENCES TO FOREIGN INTELLIGENCE SUR-  
14 VEILLANCE ACT OF 1978.—Except as otherwise expressly  
15 provided, whenever in this Act an amendment or repeal  
16 is expressed in terms of an amendment to, or a repeal  
17 of, a section or other provision, the reference shall be con-  
18 sidered to be made to a section or other provision of the  
19 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
20 1801 et seq.).

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

1 a section or larger organizational unit in such Act, or  
2 amends the designation or heading of a section or larger  
3 organizational unit in such Act, that amendment also shall  
4 have the effect of amending the table of contents in such  
5 Act to alter the table to conform to the changes made by  
6 the amendment.

7 **SEC. 21. REQUIREMENT FOR RECERTIFICATION.**

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

