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(Original Signature of Member)

118TH CONGRESS  
2D SESSION

# H. R.

To reform the Foreign Intelligence Surveillance Act of 1978.

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## IN THE HOUSE OF REPRESENTATIVES

M. \_\_\_\_\_ introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

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# A BILL

To reform the Foreign Intelligence Surveillance Act of 1978.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Reforming Intelligence  
5 and Securing America Act”.

6 **SEC. 2. QUERY PROCEDURE REFORM.**

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

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

3           (2) by inserting after paragraph (2) the fol-  
4           lowing new paragraph:

5           “(3) RESTRICTIONS IMPOSED ON FEDERAL BU-  
6           REAU OF INVESTIGATION.—

7           “(A) LIMITS ON AUTHORIZATIONS OF  
8           UNITED STATES PERSON QUERIES.—

9           “(i) IN GENERAL.—Federal Bureau of  
10           Investigation personnel must obtain prior  
11           approval from a Federal Bureau of Inves-  
12           tigation supervisor (or employee of equiva-  
13           lent or greater rank) or attorney who is  
14           authorized to access unminimized contents  
15           or noncontents obtained through acquisi-  
16           tions authorized under subsection (a) for  
17           any query of such unminimized contents or  
18           noncontents made using a United States  
19           person query term.

20           “(ii) EXCEPTION.—A United States  
21           person query to be conducted by the Fed-  
22           eral Bureau of Investigation of  
23           unminimized contents or noncontents ob-  
24           tained through acquisitions authorized  
25           under subsection (a) using a United States

1 person query term may be conducted with-  
2 out obtaining prior approval as specified in  
3 clause (i) only if the person conducting the  
4 United States person query has a reason-  
5 able belief that conducting the query could  
6 assist in mitigating or eliminating a threat  
7 to life or serious bodily harm.”.

8 (b) PROHIBITION ON INVOLVEMENT OF POLITICAL  
9 APPOINTEES IN PROCESS TO APPROVE FEDERAL BU-  
10 REAU OF INVESTIGATION QUERIES.—Subparagraph (D)  
11 of section 702(f)(3), as added by subsection (d) of this  
12 section, is amended by inserting after clause (v) the fol-  
13 lowing:

14 “(vi) PROHIBITION ON POLITICAL  
15 APPOINTEES WITHIN THE PROCESS TO  
16 APPROVE FEDERAL BUREAU OF IN-  
17 VESTIGATION QUERIES.—The proce-  
18 dures shall prohibit any political per-  
19 sonnel, such as those classified by the  
20 Office of Personnel Management as  
21 Presidential Appointment with Senate  
22 Confirmation, Presidential Appoint-  
23 ment (without Senate Confirmation),  
24 Noncareer Senior Executive Service  
25 Appointment, or Schedule C Excepted

1 Appointment, from inclusion in the  
2 Federal Bureau of Investigation's  
3 prior approval process under clause  
4 (ii).”.

5 (c) MANDATORY AUDITS OF UNITED STATES PER-  
6 SON QUERIES CONDUCTED BY FEDERAL BUREAU OF IN-  
7 VESTIGATION.—

8 (1) AUDITS REQUIRED.—For each query identi-  
9 fied by the Federal Bureau of Investigation as a  
10 United States person query against information ac-  
11 quired pursuant to subsection (a) of section 702 of  
12 the Foreign Intelligence Surveillance Act of 1978  
13 (50 U.S.C. 1881a) conducted by the Federal Bureau  
14 of Investigation, not later than 180 days after the  
15 conduct of such query, the Department of Justice  
16 shall conduct an audit of such query.

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

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

23 (A) The date that is 4 years after the date  
24 of the enactment of this Act.

1 (B) The date on which the Attorney Gen-  
2 eral submits to the appropriate congressional  
3 committees a certification that the Federal Bu-  
4 reau of Investigation has implemented a process  
5 for the internal audit of all queries referred to  
6 in paragraph (1).

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

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

14 (B) the Committees on the Judiciary of  
15 the House of Representatives and of the Sen-  
16 ate.

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

23 “(D) QUERYING PROCEDURES APPLICABLE  
24 TO FEDERAL BUREAU OF INVESTIGATION.—For  
25 any procedures adopted under paragraph (1)

1 applicable to the Federal Bureau of Investiga-  
2 tion, the Attorney General, in consultation with  
3 the Director of National Intelligence, shall in-  
4 clude the following requirements:

5 “(i) TRAINING.—A requirement that,  
6 prior to conducting any query, personnel of  
7 the Federal Bureau of Investigation suc-  
8 cessfully complete training on the querying  
9 procedures on an annual basis.

10 “(ii) ADDITIONAL PRIOR APPROVALS  
11 FOR SENSITIVE QUERIES.—A requirement  
12 that, absent exigent circumstances, prior to  
13 conducting certain queries, personnel of  
14 the Federal Bureau of Investigation receive  
15 approval, at minimum, as follows:

16 “(I) Approval from the Deputy  
17 Director of the Federal Bureau of In-  
18 vestigation if the query uses a query  
19 term reasonably believed to identify a  
20 United States elected official, an ap-  
21 pointee of the President or a State  
22 governor, a United States political  
23 candidate, a United States political  
24 organization or a United States per-  
25 son prominent in such organization,

1 or a United States media organization  
2 or a United States person who is a  
3 member of such organization.

4 “(II) Approval from an attorney  
5 of the Federal Bureau of Investiga-  
6 tion if the query uses a query term  
7 reasonably believed to identify a  
8 United States religious organization  
9 or a United States person who is  
10 prominent in such organization.

11 “(III) Approval from an attorney  
12 of the Federal Bureau of Investiga-  
13 tion if such conduct involves batch job  
14 technology (or successor tool).

15 “(iii) PRIOR WRITTEN JUSTIFICA-  
16 TION.—A requirement that, prior to con-  
17 ducting a query using a United States per-  
18 son query term, personnel of the Federal  
19 Bureau of Investigation provide a written  
20 statement of the specific factual basis to  
21 support the reasonable belief that such  
22 query meets the standards required by the  
23 procedures adopted under paragraph (1).  
24 For each United States person query, the  
25 Federal Bureau of Investigation shall keep

1 a record of the query term, the date of the  
2 conduct of the query, the identifier of the  
3 personnel conducting the query, and such  
4 written statement.

5 “(iv) STORAGE OF CERTAIN CON-  
6 TENTS AND NONCONTENTS.—Any system  
7 of the Federal Bureau of Investigation  
8 that stores unminimized contents or non-  
9 contents obtained through acquisitions au-  
10 thorized under subsection (a) together with  
11 contents or noncontents obtained through  
12 other lawful means shall be configured in  
13 a manner that—

14 “(I) requires personnel of the  
15 Federal Bureau of Investigation to af-  
16 firmatively elect to include such  
17 unminimized contents or noncontents  
18 obtained through acquisitions author-  
19 ized under subsection (a) when run-  
20 ning a query; or

21 “(II) includes other controls rea-  
22 sonably expected to prevent inad-  
23 vertent queries of such unminimized  
24 contents or noncontents.



1                   “(v) WAIVER AUTHORITY FOR FOR-  
2                   EIGN INTELLIGENCE SURVEILLANCE  
3                   COURT.—If the Foreign Intelligence Sur-  
4                   veillance Court finds that the procedures  
5                   adopted under paragraph (1) include meas-  
6                   ures that are reasonably expected to result  
7                   in similar compliance outcomes as the  
8                   measures specified in clauses (i) through  
9                   (iv) of this subparagraph, the Foreign In-  
10                  telligence Surveillance Court may waive  
11                  one or more of the requirements specified  
12                  in such clauses.”.

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

18                               “(B) NOTIFICATION REQUIREMENT FOR  
19                               CERTAIN FBI QUERIES.—

20                                       “(i) REQUIREMENT.—The Director of  
21                                       the Federal Bureau of Investigation shall  
22                                       promptly notify appropriate congressional  
23                                       leadership of any query conducted by the  
24                                       Federal Bureau of Investigation using a  
25                                       query term that is reasonably believed to

1 be the name or other personally identifying  
2 information of a member of Congress, and  
3 shall also notify the member who is the  
4 subject of such query.

5 “(ii) APPROPRIATE CONGRESSIONAL  
6 LEADERSHIP DEFINED.—In this subpara-  
7 graph, the term ‘appropriate congressional  
8 leadership’ means the following:

9 “(I) The chairs and ranking mi-  
10 nority members of the congressional  
11 intelligence committees.

12 “(II) The Speaker and minority  
13 leader of the House of Representa-  
14 tives.

15 “(III) The majority and minority  
16 leaders of the Senate.

17 “(iii) NATIONAL SECURITY CONSIDER-  
18 ATIONS.—In submitting a notification  
19 under clause (i), the Director shall give  
20 due regard to the protection of classified  
21 information, sources and methods, and na-  
22 tional security.

23 “(iv) WAIVER.—

24 “(I) IN GENERAL.—The Director  
25 may waive a notification required

1 under clause (i) if the Director deter-  
2 mines such notification would impede  
3 an ongoing national security or law  
4 enforcement investigation.

5 “(II) TERMINATION.—A waiver  
6 under subclause (I) shall terminate on  
7 the date the Director determines the  
8 relevant notification would not impede  
9 the relevant national security or law  
10 enforcement investigation or on the  
11 date that such investigation ends,  
12 whichever is earlier.”.

13 (f) REQUIREMENT FOR CONGRESSIONAL CONSENT  
14 PRIOR TO CERTAIN FEDERAL BUREAU OF INVESTIGA-  
15 TION QUERIES FOR PURPOSE OF DEFENSIVE BRIEF-  
16 INGS.—Paragraph (3) of section 702(f), as added by sub-  
17 section (a) of this section, is amended by adding after sub-  
18 paragraph (B), as added by subsection (e) of this section,  
19 the following:

20 “(C) CONSENT REQUIRED FOR FBI TO  
21 CONDUCT CERTAIN QUERIES FOR PURPOSE OF  
22 DEFENSIVE BRIEFING.—

23 “(i) CONSENT REQUIRED.—The Fed-  
24 eral Bureau of Investigation may not, for  
25 the exclusive purpose of supplementing the

1 contents of a briefing on the defense  
2 against a counterintelligence threat to a  
3 member of Congress, conduct a query  
4 using a query term that is the name or re-  
5 stricted personal information (as such term  
6 is defined in section 119 of title 18, United  
7 States Code) of that member unless—

8 “(I) the member provides consent  
9 to the use of the query term; or

10 “(II) the Deputy Director of the  
11 Federal Bureau of Investigation de-  
12 termines that exigent circumstances  
13 exist sufficient to justify the conduct  
14 of such query.

15 “(ii) NOTIFICATION.—

16 “(I) NOTIFICATION OF CONSENT  
17 SOUGHT.—Not later than three busi-  
18 ness days after submitting a request  
19 for consent from a member of Con-  
20 gress under clause (i), the Director of  
21 the Federal Bureau of Investigation  
22 shall notify the appropriate congres-  
23 sional leadership, regardless of wheth-  
24 er the member provided such consent.

1                   “(II) NOTIFICATION OF EXCEP-  
2                   TION USED.—Not later than three  
3                   business days after the conduct of a  
4                   query under clause (i) without consent  
5                   on the basis of the existence of exi-  
6                   gent circumstances determined under  
7                   subclause (II) of such clause, the Di-  
8                   rector of the Federal Bureau of Inves-  
9                   tigation shall notify the appropriate  
10                  congressional leadership.

11                  “(iii) RULE OF CONSTRUCTION.—  
12                  Nothing in this subparagraph may be con-  
13                  strued as—

14                         “(I) applying to matters outside  
15                         of the scope of the briefing on the de-  
16                         fense against a counterintelligence  
17                         threat to be provided or supplemented  
18                         under clause (i); or

19                         “(II) limiting the lawful inves-  
20                         tigative activities of the Federal Bu-  
21                         reau of Investigation other than  
22                         supplementing the contents of a brief-  
23                         ing on the defense against a counter-  
24                         intelligence threat to a member of  
25                         Congress.

1                   “(iv) APPROPRIATE CONGRESSIONAL  
2 LEADERSHIP DEFINED.—In this subpara-  
3 graph, the term ‘appropriate congressional  
4 leadership’ means the following:

5                   “(I) The chairs and ranking mi-  
6 nority members of the congressional  
7 intelligence committees.

8                   “(II) The Speaker and minority  
9 leader of the House of Representa-  
10 tives.

11                   “(III) The majority and minority  
12 leaders of the Senate.”.

13 **SEC. 3. LIMITATION ON USE OF INFORMATION OBTAINED**  
14 **UNDER SECTION 702.**

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

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

22                   “(A) LIMITS ON AUTHORIZATIONS OF  
23 UNITED STATES PERSON QUERIES.—The  
24 querying procedures adopted pursuant to para-  
25 graph (1) for the Federal Bureau of Investiga-

1           tion shall prohibit queries of information ac-  
2           quired under subsection (a) that are solely de-  
3           signed to find and extract evidence of criminal  
4           activity.

5           “(B) EXCEPTIONS.—The restriction under  
6           subparagraph (A) shall not apply with respect  
7           to a query if—

8                   “(i) there is a reasonable belief that  
9                   such query may retrieve information that  
10                  could assist in mitigating or eliminating a  
11                  threat to life or serious bodily harm; or

12                   “(ii) such query is necessary to iden-  
13                  tify information that must be produced or  
14                  preserved in connection with a litigation  
15                  matter or to fulfill discovery obligations in  
16                  criminal matters under the laws of the  
17                  United States or any State thereof.”.

18           (b) RESTRICTION ON CERTAIN INFORMATION AVAIL-  
19           ABLE TO FEDERAL BUREAU OF INVESTIGATION.—Section  
20           702 is amended by adding at the end the following new  
21           subsection:

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

24                   “(1) RESTRICTION.—The Federal Bureau of  
25           Investigation may not ingest unminimized informa-

1       tion acquired under this section into its analytic re-  
2       positories unless the targeted person is relevant to  
3       an existing, open, predicated full national security  
4       investigation by the Federal Bureau of Investigation.

5           “(2) EXCEPTION FOR EXIGENT CIR-  
6       CUMSTANCES.—Paragraph (1) does not apply if the  
7       Director of the Federal Bureau of Investigation de-  
8       cides it is necessary due to exigent circumstances  
9       and provides notification within three business days  
10      to the congressional intelligence committees, the  
11      Speaker and minority leader of the House of Rep-  
12      resentatives, and the majority and minority leaders  
13      of the Senate.

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

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

20      (a) SENSE OF CONGRESS ON THE TARGETED COL-  
21      LECTION OF UNITED STATES PERSON INFORMATION.—  
22      It is the sense of Congress that, as proscribed in section  
23      702(b)(2), section 702 of the Foreign Intelligence Surveil-  
24      lance Act of 1978 has always prohibited, and continues  
25      to prohibit, the intelligence community from targeting a



1 United States person for collection of foreign intelligence  
2 information. If the intelligence community intends to tar-  
3 get a United States person for collection of foreign intel-  
4 ligence information under the Foreign Intelligence Surveil-  
5 lance Act of 1978, the Government must first obtain an  
6 individualized court order based upon a finding of prob-  
7 able cause that the United States person is a foreign  
8 power, an agent of a foreign power, or an officer or em-  
9 ployee of a foreign power, in order to conduct surveillance  
10 targeting that United States person.

11 (b) ANNUAL AUDIT OF TARGETING DECISIONS  
12 UNDER SECTION 702.—

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

1           (2) INSPECTOR GENERAL AUDIT.—Not less fre-  
2           quently than annually, the Department of Justice  
3           Office of the Inspector General shall audit a sam-  
4           pling of the targeting decisions reviewed by the Na-  
5           tional Security Division under paragraph (1) and  
6           submit a report to the congressional intelligence  
7           committees and the Committees on the Judiciary of  
8           the House of Representatives and of the Senate.

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

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

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

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

1 the same judge who issued the original order unless  
2 the term of such judge has expired or such judge is  
3 otherwise no longer serving on the court.”.

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

7 (1) in paragraph (2)—

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

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

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

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

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

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

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

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

23 (I) by striking “appoint an indi-  
24 vidual or organization” and inserting

1 “appoint one or more individuals or  
2 organizations”; and

3 (II) by striking the period at the  
4 end and inserting “; and”; and

5 (iii) by adding at the end the fol-  
6 lowing new clause:

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

20 (D) by adding at the end the following new  
21 subparagraphs:

22 “(B) EXPERTISE.—In appointing one or  
23 more individuals under subparagraph (A)(iii),  
24 the court shall, to the maximum extent prac-  
25 ticable, appoint an individual who possesses ex-

1           pertise in both privacy and civil liberties and in-  
2           telligence collection.

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

23          (2) in paragraph (4)—

24                  (A) by striking “paragraph (2)(A)” and in-  
25          serting “paragraph (2)”;

1 (B) by striking “provide to the court, as  
2 appropriate”;

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

6 (D) by inserting before clause (i) the fol-  
7 lowing new subparagraphs:

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

10 “(B) provide to the court, as appropriate—  
11 ”; and

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

15 (c) DESIGNATION OF COUNSEL TO SCRUTINIZE AP-  
16 PPLICATIONS FOR UNITED STATES PERSONS.—Section  
17 103 is amended by adding at the end the following new  
18 subsection:

19 “(1) DESIGNATION OF COUNSEL FOR CERTAIN AP-  
20 PPLICATIONS.—To assist the court in the consideration of  
21 any application for an order pursuant to section 104 that  
22 targets a United States person, the presiding judge des-  
23 igned under subsection (a) shall designate one or more  
24 attorneys to review such applications, and provide a writ-  
25 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) REPORTS.—Not later than 545 days after  
12 the date of enactment of this Act, and again not  
13 later than one year prior to the expiration of title  
14 VII of the Foreign Intelligence Surveillance Act of  
15 1978, the Inspector General of the Department of  
16 Justice shall submit to the appropriate congressional  
17 committees two separate reports on the querying  
18 practices of the Federal Bureau of Investigation  
19 under section 702.

20 (2) MATTERS INCLUDED.—The reports under  
21 paragraph (1) shall include, at a minimum, the fol-  
22 lowing:

23 (A) An evaluation of compliance by per-  
24 sonnel of the Federal Bureau of Investigation  
25 with the querying procedures adopted under

1 section 702(f), with a particular focus on com-  
2 pliance by such personnel with the procedures  
3 governing queries using United States person  
4 query terms.

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

12 (i) required by this Act or another Act  
13 of Congress;

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

17 (iii) voluntarily adopted by the Direc-  
18 tor of the Federal Bureau of Investigation.

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

23 (D) An evaluation of the effectiveness of  
24 the Office of Internal Auditing of the Federal  
25 Bureau of Investigation with respect to moni-

1           toring and improving query compliance by per-  
2           sonnel of the Federal Bureau of Investigation.

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

9           (F) Any other relevant matter the Inspec-  
10          tor General determines appropriate.

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

14          (4) DEFINITIONS.—In this subsection:

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

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

23           (i) the congressional intelligence com-  
24           mittees, as such term is defined in sub-  
25           section (b) of section 701 of the Foreign

1 Intelligence Surveillance Act of 1978 (50  
2 U.S.C. 1881); and  
3 (ii) the Committees on the Judiciary  
4 of the House of Representatives and the  
5 Senate.

6 **SEC. 10. ACCURACY AND COMPLETENESS OF APPLICA-**  
7 **TIONS.**

8 (a) REQUIREMENT FOR CERTIFICATIONS REGARDING  
9 ACCURACY OF APPLICATIONS.—

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

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

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 section 105(a).”.

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

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

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

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

15           (3) TITLE IV.—Subsection (c) of section 402 is  
16 amended—

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

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

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

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

1 edge of the Federal Officer, the Attorney General or  
2 a designated attorney for the Government has been  
3 apprised of all information that might reasonably—

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

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

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

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

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

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

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

23 “(i) call into question the accuracy of  
24 the application or the reasonableness of  
25 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.—On a semiannual basis  
9 for the 2-year period following the date of the  
10 enactment of this Act, and on an annual basis  
11 thereafter, the Federal Bureau of Investigation  
12 shall provide to the appropriate congressional  
13 committees a briefing on the implementation of  
14 paragraph (1).

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

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

21 (ii) A description of specific measures  
22 under such subsection that the Federal  
23 Bureau of Investigation has proposed to be  
24 implemented or modified, and the timeline

1 for such proposed implementation or modi-  
2 fication.

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

13 (3) DEFINITIONS.—In this subsection:

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

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

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

1 (B) COVERED COMPONENT.—The term  
2 “covered component” means a field office,  
3 Headquarters division, or other element of the  
4 Federal Bureau of Investigation with personnel  
5 who have access to the unminimized contents of  
6 communications obtained through acquisitions  
7 authorized under section 702(a).

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

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

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

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

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

23 (ii) with respect to a division of the  
24 Federal Bureau of Investigation Head-

1                   quarters, an Assistant Director of the divi-  
2                   sion.

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

4           (a) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF  
5 APPLICATION FOR ELECTRONIC SURVEILLANCE.—

6           (1) IN GENERAL.—Subsection (a) of section  
7 109 is amended—

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

10           (B) in paragraph (1)—

11           (i) by inserting “intentionally” before  
12 “engages in”; and

13           (ii) by striking “; or” and inserting a  
14 semicolon;

15           (C) in paragraph (2)—

16           (i) by striking “disclose” and insert-  
17 ing “intentionally discloses”; and

18           (ii) by striking the period at the end  
19 and inserting “; or”; and

20           (D) by adding at the end the following new  
21 paragraph:

22           “(3) knowingly and willfully communicates, fur-  
23 nishes, transmits, or otherwise makes available to an  
24 unauthorized person, or publishes, or uses in any  
25 manner prejudicial to the safety or interest of the

1 United States or for the benefit of any foreign gov-  
2 ernment to the detriment of the United States an  
3 application, in whole or in part, for an order for  
4 electronic surveillance under this Act.”.

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

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

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

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

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

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

1 to the detriment of the United States any classified infor-  
2 mation that contains the contents of any communication  
3 acquired under this title to which a known United States  
4 person is a party.

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

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

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

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

23 (a) CONTEMPTS CONSTITUTING CRIMES.—Section  
24 402 of title 18, United States Code, is amended by insert-  
25 ing after “any district court of the United States” the fol-

1 lowing: “, including the Foreign Intelligence Surveillance  
2 Court or the Foreign Intelligence Surveillance Court of  
3 Review established by section 103 of the Foreign Intel-  
4 ligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

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

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

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

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

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

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

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

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

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





1 **SEC. 16. ACCOUNTABILITY STANDARDS FOR INCIDENTS RE-**  
2 **LATING TO QUERIES CONDUCTED BY THE**  
3 **FEDERAL BUREAU OF INVESTIGATION.**

4 (a) REQUIREMENT FOR ADOPTION OF CERTAIN MIN-  
5 IMUM ACCOUNTABILITY STANDARDS.—

6 (1) MINIMUM ACCOUNTABILITY STANDARDS.—

7 Subsection (f) of section 702, as amended by this  
8 Act, is further amended by inserting after paragraph  
9 (3) the following new paragraph:

10 “(4) MINIMUM ACCOUNTABILITY STANDARDS.—

11 The Director of the Federal Bureau of Investigation  
12 shall issue minimum accountability standards that  
13 set forth escalating consequences for noncompliant  
14 querying of United States person terms within the  
15 contents of communications that were acquired  
16 under this section. Such standards shall include, at  
17 minimum, the following:

18 “(A) Zero tolerance for willful misconduct.

19 “(B) Escalating consequences for uninten-  
20 tional noncompliance, including the threshold  
21 for mandatory revocation of access to query in-  
22 formation acquired under this section.

23 “(C) Consequences for supervisors who  
24 oversee users that engage in noncompliant que-  
25 ries.”.

1           (2) DEADLINES.—Not later than 90 days after  
2           the date of the enactment of this Act, the Director  
3           of the Federal Bureau of Investigation shall issue  
4           the minimum accountability standards required  
5           under subsection (f)(4) of section 702 of the Foreign  
6           Intelligence Surveillance Act of 1978 (50 U.S.C.  
7           1881a).

8           (3) REPORTS.—

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

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

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

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

8 (B) the Committees on the Judiciary of  
9 the House of Representatives and of the Sen-  
10 ate.

11 **SEC. 17. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS**  
12 **FOR MISCONDUCT BEFORE FOREIGN INTEL-**  
13 **LIGENCE SURVEILLANCE COURT.**

14 (a) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
15 CERS FOR MISCONDUCT BEFORE FOREIGN INTEL-  
16 LIGENCE SURVEILLANCE COURT.—Section 103, as  
17 amended by this Act, is further amended by adding at the  
18 end the following new subsection:

19 “(m) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
20 CERS FOR MISCONDUCT BEFORE COURTS.—An officer or  
21 employee of the United States Government who engages  
22 in intentional misconduct with respect to proceedings be-  
23 fore the Foreign Intelligence Surveillance Court or the  
24 Foreign Intelligence Surveillance Court of Review shall be  
25 subject to appropriate adverse actions, including, at min-

1 imum, suspension without pay or removal, up to and in-  
2 cluding termination.”.

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

4 (a) NOTIFICATION TO CONGRESS OF CERTAIN UNAU-  
5 THORIZED DISCLOSURES.—If the Director of National In-  
6 telligence becomes aware of an actual or potential signifi-  
7 cant unauthorized disclosure or compromise of informa-  
8 tion acquired under section 702 of the Foreign Intelligence  
9 Surveillance Act of 1978 (50 U.S.C. 1881a), as soon as  
10 practicable, but not later than 7 days after the date on  
11 which the Director becomes so aware, the Director shall  
12 notify the congressional intelligence committees of such  
13 actual or potential disclosure or compromise.

14 (b) REPORT ON TECHNOLOGY NEEDED FOR NEAR-  
15 REAL TIME MONITORING OF FEDERAL BUREAU OF IN-  
16 VESTIGATION COMPLIANCE.—

17 (1) STUDY REQUIRED.—The Director of Na-  
18 tional Intelligence, in coordination with the National  
19 Security Agency and in consultation with the Fed-  
20 eral Bureau of Investigation, shall conduct a study  
21 on technological enhancements that would enable the  
22 Federal Bureau of Investigation to conduct near-real  
23 time monitoring of compliance in any system of the  
24 Federal Bureau of Investigation that stores informa-  
25 tion acquired under section 702. Such study shall

1 consider the potential cost and assess the feasibility  
2 of implementation within a period of one year of  
3 each technological enhancement under consideration.

4 (2) SUBMISSION.—Not later than one year after  
5 the date of enactment of this Act, the Director of  
6 National Intelligence shall submit the results of the  
7 study to the appropriate congressional committees.

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

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

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

16 (c) FISA REFORM COMMISSION.—

17 (1) ESTABLISHMENT.—

18 (A) IN GENERAL.—There is established a  
19 commission to consider ongoing reforms to the  
20 Foreign Intelligence Surveillance Act of 1978  
21 (50 U.S.C. 1801 et seq.).

22 (B) DESIGNATION.—The commission es-  
23 tablished under subparagraph (A) shall be  
24 known as the “FISA Reform Commission” (in  
25 this section the “Commission”).

1 (2) MEMBERSHIP.—

2 (A) COMPOSITION.—

3 (i) IN GENERAL.—Subject to clause  
4 (ii), the Commission shall be composed of  
5 the following members:

6 (I) The Principal Deputy Direc-  
7 tor of National Intelligence.

8 (II) The Deputy Attorney Gen-  
9 eral.

10 (III) The Deputy Secretary of  
11 Defense.

12 (IV) The Deputy Secretary of  
13 State.

14 (V) The Chair of the Privacy and  
15 Civil Liberties Oversight Board.

16 (VI) Three members appointed  
17 by the majority leader of the Senate,  
18 in consultation with the Chairman of  
19 the Select Committee on Intelligence  
20 of the Senate and the Chairman of  
21 the Committee on the Judiciary of the  
22 Senate, 1 of whom shall be a member  
23 of the Senate and 2 of whom shall not  
24 be.

1 (VII) Three members appointed  
2 by the minority leader of the Senate,  
3 in consultation with the Vice Chair-  
4 man of the Select Committee on Intel-  
5 ligence of the Senate and the Ranking  
6 Member of the Committee on the Ju-  
7 diciary of the Senate, 1 of whom shall  
8 be a member of the Senate and 2 of  
9 whom shall not be.

10 (VIII) Three members appointed  
11 by the Speaker of the House of Rep-  
12 resentatives, in consultation with the  
13 Chairman of the Permanent Select  
14 Committee on Intelligence of the  
15 House of Representatives and the  
16 Chairman of the Committee on the  
17 Judiciary of the House of Representa-  
18 tives, 1 of whom shall be a member of  
19 the House of Representatives and 2 of  
20 whom shall not be.

21 (IX) Three members appointed  
22 by the minority leader of the House of  
23 Representatives, in consultation with  
24 the Ranking Member of the Perma-  
25 nent Select Committee on Intelligence



1 of the House of Representatives and  
2 the Ranking Member of the Com-  
3 mittee on the Judiciary of the House  
4 of Representatives, 1 of whom shall be  
5 a member of the House of Represent-  
6 atives and 2 of whom shall not be.

7 (ii) NONMEMBERS OF CONGRESS.—

8 (I) QUALIFICATIONS.—The mem-  
9 bers of the Commission who are not  
10 members of Congress and who are ap-  
11 pointed under subclauses (VI) through  
12 (IX) of clause (i) shall be individuals  
13 who are nationally recognized for ex-  
14 pertise, knowledge, or experience in—

15 (aa) use of intelligence infor-  
16 mation by the intelligence com-  
17 munity (as defined in section 3 of  
18 the National Security Act of  
19 1947 (50 U.S.C. 3003)), national  
20 policymakers, and military lead-  
21 ers;

22 (bb) the implementation,  
23 funding, or oversight of the na-  
24 tional security laws of the United  
25 States;

1 (cc) privacy, civil liberties,  
2 and transparency; or

3 (dd) laws and policies gov-  
4 erning methods of electronic sur-  
5 veillance.

6 (II) CONFLICTS OF INTEREST.—

7 An official who appoints members of  
8 the Commission may not appoint an  
9 individual as a member of the Com-  
10 mission if such individual possesses  
11 any personal or financial interest in  
12 the discharge of any of the duties of  
13 the Commission.

14 (III) SECURITY CLEARANCES.—

15 All members of the Commission de-  
16 scribed in subclause (I) shall possess  
17 an appropriate security clearance in  
18 accordance with applicable provisions  
19 of law concerning the handling of  
20 classified information.

21 (B) CO-CHAIRS.—

22 (i) IN GENERAL.—The Commission  
23 shall have 2 co-chairs, selected from among  
24 the members of the Commission.

1                   (ii) AGREEMENT.—The individuals  
2                   who serve as the co-chairs of the Commis-  
3                   sion shall be agreed upon by the members  
4                   of the Commission.

5                   (3) APPOINTMENT; INITIAL MEETING.—

6                   (A) APPOINTMENT.—Members of the Com-  
7                   mission shall be appointed not later than 90  
8                   days after the date of the enactment of this  
9                   Act.

10                  (B) INITIAL MEETING.—The Commission  
11                  shall hold its initial meeting on or before the  
12                  date that is 180 days after the date of the en-  
13                  actment of this Act.

14                  (4) MEETINGS; QUORUM; VACANCIES.—

15                  (A) IN GENERAL.—After its initial meet-  
16                  ing, the Commission shall meet upon the call of  
17                  the co-chairs of the Commission.

18                  (B) QUORUM.—Nine members of the Com-  
19                  mission shall constitute a quorum for purposes  
20                  of conducting business, except that 2 members  
21                  of the Commission shall constitute a quorum  
22                  for purposes of receiving testimony.

23                  (C) VACANCIES.—Any vacancy in the Com-  
24                  mission shall not affect its powers, but shall be

1 filled in the same manner in which the original  
2 appointment was made.

3 (D) QUORUM WITH VACANCIES.—If vacan-  
4 cies in the Commission occur on any day after  
5 90 days after the date of the enactment of this  
6 Act, a quorum shall consist of a majority of the  
7 members of the Commission as of such day.

8 (5) DUTIES.—The duties of the Commission  
9 are as follows:

10 (A) To review the effectiveness of the cur-  
11 rent implementation of the Foreign Intelligence  
12 Surveillance Act of 1978 (50 U.S.C. 1801 et  
13 seq.).

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

20 (6) POWERS OF COMMISSION.—

21 (A) IN GENERAL.—

22 (i) HEARINGS.—The Commission or,  
23 on the authorization of the Commission,  
24 any subcommittee or member thereof, may,

1 for the purpose of carrying out this sec-  
2 tion—

3 (I) hold such hearings and sit  
4 and act at such times and places, take  
5 such testimony, receive such evidence,  
6 and administer such oaths; and

7 (II) require, by subpoena or oth-  
8 erwise, the attendance and testimony  
9 of such witnesses and the production  
10 of such books, records, correspond-  
11 ence, memoranda, papers, and docu-  
12 ments, as the Commission or such  
13 designated subcommittee or des-  
14 ignated member considers necessary.

15 (ii) ISSUANCE AND ENFORCEMENT OF  
16 SUBPOENAS.—

17 (I) ISSUANCE.—A subpoena  
18 issued under clause (i)(II) shall—

19 (aa) bear the signature of  
20 the co-chairs of the Commission;  
21 and

22 (bb) be served by a person  
23 or class of persons designated by  
24 the co-chairs for that purpose.

1 (II) ENFORCEMENT.—The provi-  
2 sions of sections 102 through 104 of  
3 the Revised Statutes of the United  
4 States (2 U.S.C. 192–194) shall apply  
5 in the case of any failure of a witness  
6 to comply with any subpoena or to  
7 testify when summoned under author-  
8 ity of this paragraph.

9 (B) INFORMATION FROM FEDERAL AGEN-  
10 CIES.—

11 (i) IN GENERAL.—The Commission  
12 may secure directly from any executive de-  
13 partment, agency, bureau, board, commis-  
14 sion, office, independent establishment, or  
15 instrumentality of the Federal Government  
16 information, suggestions, estimates, and  
17 statistics for the purposes of this section.

18 (ii) FURNISHING INFORMATION.—  
19 Each such department, agency, bureau,  
20 board, commission, office, establishment,  
21 or instrumentality described in clause (i)  
22 shall, to the extent authorized by law, fur-  
23 nish such information, suggestions, esti-  
24 mates, and statistics directly to the Com-

1 mission, upon request of the co-chairs of  
2 the Commission.

3 (iii) PROTECTION OF CLASSIFIED IN-  
4 FORMATION.—The Commission shall han-  
5 dle and protect all classified information  
6 provided to it under this section in accord-  
7 ance with applicable provisions of law.

8 (C) ASSISTANCE FROM FEDERAL AGEN-  
9 CIES.—

10 (i) DIRECTOR OF NATIONAL INTEL-  
11 LIGENCE.—The Director of National Intel-  
12 ligence shall provide to the Commission, on  
13 a nonreimbursable basis, such administra-  
14 tive services, funds, staff, facilities, and  
15 other support services as are necessary for  
16 the performance of the duties of the Com-  
17 mission under this section.

18 (ii) ATTORNEY GENERAL.—The Attor-  
19 ney General may provide the Commission,  
20 on a nonreimbursable basis, with such ad-  
21 ministrative services, staff, and other sup-  
22 port services as the Commission may re-  
23 quest.

24 (iii) OTHER DEPARTMENTS AND  
25 AGENCIES.—In addition to the assistance

1 set forth in clauses (i) and (ii), other de-  
2 partments and agencies of the United  
3 States may provide the Commission such  
4 services, funds, facilities, staff, and other  
5 support as such departments and agencies  
6 consider advisable and as may be author-  
7 ized by law.

8 (iv) COOPERATION.—The Commission  
9 shall receive the full and timely cooperation  
10 of any official, department, or agency of  
11 the Federal Government whose assistance  
12 is necessary, as jointly determined by the  
13 co-chairs selected under paragraph (2)(B),  
14 for the fulfillment of the duties of the  
15 Commission, including the provision of full  
16 and current briefings and analyses.

17 (D) POSTAL SERVICES.—The Commission  
18 may use the United States postal services in the  
19 same manner and under the same conditions as  
20 the departments and agencies of the Federal  
21 Governments.

22 (E) GIFTS.—No member or staff of the  
23 Commission may receive a gift or benefit by  
24 reason of the service of such member or staff  
25 to the Commission.



1 (7) STAFF OF COMMISSION.—

2 (A) APPOINTMENT AND COMPENSATION OF  
3 STAFF.—The co-chairs of the Commission, in  
4 accordance with rules agreed upon by the Com-  
5 mission, shall appoint and fix the compensation  
6 of a staff director and such other personnel as  
7 may be necessary to enable the Commission to  
8 carry out its duties, without regard to the pro-  
9 visions of title 5, United States Code, governing  
10 appointments in the competitive service, and  
11 without regard to the provisions of chapter 51  
12 and subchapter III of chapter 53 of such title  
13 relating to classification and General Schedule  
14 pay rates, except that no rate of pay fixed  
15 under this subsection may exceed the equivalent  
16 of that payable to a person occupying a position  
17 at level V of the Executive Schedule under sec-  
18 tion 5316 of such title.

19 (B) DETAIL OF GOVERNMENT EMPLOY-  
20 EES.—Any Federal Government employee may  
21 be detailed to the Commission without reim-  
22 bursement from the Commission, and such  
23 detailee shall retain the rights, status, and  
24 privileges of his or her regular employment  
25 without interruption.

1           (C) SECURITY CLEARANCES.—All staff of  
2 the Commission and all experts and consultants  
3 employed by the Commission shall possess a se-  
4 curity clearance in accordance with applicable  
5 provisions of law concerning the handling of  
6 classified information.

7           (8) COMPENSATION AND TRAVEL EXPENSES.—

8           (A) COMPENSATION OF MEMBERS.—

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

20           (ii) EXCEPTION.—Members of the  
21 Commission who are officers or employees  
22 of the United States or Members of Con-  
23 gress shall receive no additional pay by  
24 reason of their service on the Commission.

1 (B) TRAVEL EXPENSES.—While away from  
2 their homes or regular places of business in the  
3 performance of services for the Commission, a  
4 member of the Commission may be allowed  
5 travel expenses, including per diem in lieu of  
6 subsistence, in the same manner as persons em-  
7 ployed intermittently in the Government service  
8 are allowed expenses under section 5703 of title  
9 5, United States Code.

10 (9) TREATMENT OF INFORMATION RELATING  
11 TO NATIONAL SECURITY.—

12 (A) IN GENERAL.—The Director of Na-  
13 tional Intelligence shall assume responsibility  
14 for the handling and disposition of any informa-  
15 tion related to the national security of the  
16 United States that is received, considered, or  
17 used by the Commission under this title.

18 (B) INFORMATION PROVIDED BY CONGRES-  
19 SIONAL INTELLIGENCE COMMITTEES.—Any in-  
20 formation related to the national security of the  
21 United States that is provided to the Commis-  
22 sion by a congressional intelligence committee  
23 may not be further provided or released without  
24 the approval of the chairman of such com-  
25 mittee.

1           (C) ACCESS AFTER TERMINATION OF COM-  
2 MISSION.—Notwithstanding any other provision  
3 of law, after the termination of the Commission  
4 under paragraph (10)(B), only the members  
5 and designated staff of the congressional intel-  
6 ligence committees, the Director of National In-  
7 telligence (and the designees of the Director),  
8 and such other officials of the executive branch  
9 of the Federal Government as the President  
10 may designate shall have access to information  
11 related to the national security of the United  
12 States that is received, considered, or used by  
13 the Commission.

14 (10) FINAL REPORT; TERMINATION.—

15 (A) FINAL REPORT.—

16 (i) DEFINITIONS.—In this subpara-  
17 graph:

18 (I) APPROPRIATE COMMITTEES  
19 OF CONGRESS.—The term “appro-  
20 priate committees of Congress”  
21 means—

22 (aa) the congressional intel-  
23 ligence committees;

24 (bb) the Committee on the  
25 Judiciary of the Senate; and

1 (cc) the Committee on the  
2 Judiciary of the House of Rep-  
3 resentatives.

4 (II) CONGRESSIONAL LEADER-  
5 SHIP.—The term “congressional lead-  
6 ership” means—

7 (aa) the majority leader of  
8 the Senate;

9 (bb) the minority leader of  
10 the Senate;

11 (cc) the Speaker of the  
12 House of Representatives; and

13 (dd) the minority leader of  
14 the House of Representatives.

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

23 (iii) FORM OF FINAL REPORT.—The  
24 final report submitted pursuant to clause

1 (ii) shall be in unclassified form but may  
2 include a classified annex.

3 (iv) ASSESSMENTS OF FINAL RE-  
4 PORT.—Not later than 1 year after receipt  
5 of the final report under clause (ii), the  
6 Director of National Intelligence and the  
7 Attorney General shall each submit to the  
8 appropriate committees of Congress and  
9 congressional leadership an assessment of  
10 such report.

11 (B) TERMINATION.—

12 (i) IN GENERAL.—The Commission,  
13 and all the authorities of this section, shall  
14 terminate on the date that is 2 years after  
15 the date on which the final report is sub-  
16 mitted under subparagraph (A)(ii).

17 (ii) WIND-DOWN PERIOD.—The Com-  
18 mission may use the 2-year period referred  
19 to in clause (i) for the purposes of con-  
20 cluding its activities, including providing  
21 testimony to Congress concerning the final  
22 report referred to in that paragraph and  
23 disseminating the report.

24 (11) INAPPLICABILITY OF CERTAIN ADMINIS-  
25 TRATIVE PROVISIONS.—

1 (A) FEDERAL ADVISORY COMMITTEE  
2 ACT.—The provisions of the Federal Advisory  
3 Committee Act (5 U.S.C. App.) shall not apply  
4 to the activities of the Commission under this  
5 section.

6 (B) FREEDOM OF INFORMATION ACT.—  
7 The provisions of section 552 of title 5, United  
8 States Code (commonly referred to as the  
9 “Freedom of Information Act”), shall not apply  
10 to the activities, records, and proceedings of the  
11 Commission under this section.

12 (12) FUNDING.—

13 (A) AUTHORIZATION OF APPROPRIA-  
14 TIONS.—There is authorized to be appropriated  
15 funds to the extent and in such amounts as spe-  
16 cifically provided in advance in appropriations  
17 acts for the purposes detailed in this subsection.

18 (B) AVAILABILITY IN GENERAL.—Subject  
19 to subparagraph (A), the Director of National  
20 Intelligence shall make available to the Commis-  
21 sion such amounts as the Commission may re-  
22 quire for purposes of the activities of the Com-  
23 mission under this section.

24 (C) DURATION OF AVAILABILITY.—  
25 Amounts made available to the Commission

1 under subparagraph (B) shall remain available  
2 until expended or upon termination under para-  
3 graph (10)(B), whichever occurs first.

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

7 (A) the Select Committee on Intelligence of  
8 the Senate; and

9 (B) the Permanent Select Committee on  
10 Intelligence of the House of Representatives.

11 (d) SEVERABILITY; APPLICABILITY DATE.—

12 (1) SEVERABILITY.—If any provision of this  
13 Act, any amendment made by this Act, or the appli-  
14 cation thereof to any person or circumstances is held  
15 invalid, the validity of the remainder of the Act, of  
16 any such amendments, and of the application of  
17 such provisions to other persons and circumstances  
18 shall not be affected thereby.

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



1 **SEC. 19. EXTENSION OF CERTAIN AUTHORITIES; SUNSET.**

2 (a) FISA AMENDMENTS ACT OF 2008.—Section  
3 403(b) of the FISA Amendments Act of 2008 (Public Law  
4 110–261; 122 Stat. 2474) is amended—

5 (1) in paragraph (1)—

6 (A) by striking “April 19, 2024” and in-  
7 serting “five years after the date of enactment  
8 of the Reforming Intelligence and Securing  
9 America Act”; and

10 (B) by inserting “and the Reforming Intel-  
11 ligence and Securing America Act” after “the  
12 FISA Amendments Reauthorization Act of  
13 2017”; and

14 (2) in paragraph (2) in the matter preceding  
15 subparagraph (A), by striking “April 19, 2024” and  
16 inserting “five years after the date of enactment of  
17 the Reforming Intelligence and Securing America  
18 Act”.

19 (b) CONFORMING AMENDMENTS.—Section 404(b) of  
20 the FISA Amendments Act of 2008 (Public Law 110–261;  
21 122 Stat. 2476), is amended—

22 (1) in paragraph (1)—

23 (A) in the heading, by striking “APRIL 19,  
24 2024” and inserting “FIVE YEARS AFTER THE  
25 DATE OF ENACTMENT OF THE REFORMING IN-

1 TELLIGENCE AND SECURING AMERICA ACT”;  
2 and

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

7 (2) in paragraph (2), by inserting “and the Re-  
8 forming Intelligence and Securing America Act”  
9 after “the FISA Amendments Reauthorization Act  
10 of 2017”; and

11 (3) in paragraph (4), by inserting “and the Re-  
12 forming Intelligence and Securing America Act”  
13 after “the FISA Amendments Reauthorization Act  
14 of 2017” in each place it appears.

15 (c) SUNSET.—Effective five years after the date of  
16 enactment of this Act, the Foreign Intelligence Surveil-  
17 lance Act of 1978 is amended so that section 702 reads  
18 as it read on the day before the date of enactment of this  
19 Act.

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

22 (a) REFERENCES TO FOREIGN INTELLIGENCE SUR-  
23 VEILLANCE ACT OF 1978.—Except as otherwise expressly  
24 provided, whenever in this Act an amendment or repeal  
25 is expressed in terms of an amendment to, or a repeal

1 of, a section or other provision, the reference shall be con-  
2 sidered to be made to a section or other provision of the  
3 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
4 1801 et seq.).

5 (b) EFFECT OF CERTAIN AMENDMENTS ON CON-  
6 FORMING CHANGES TO TABLES OF CONTENTS.—When an  
7 amendment made by this Act adds a section or larger or-  
8 ganizational unit to the Foreign Intelligence Surveillance  
9 Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers  
10 a section or larger organizational unit in such Act, or  
11 amends the designation or heading of a section or larger  
12 organizational unit in such Act, that amendment also shall  
13 have the effect of amending the table of contents in such  
14 Act to alter the table to conform to the changes made by  
15 the amendment.

16 **SEC. 21. REQUIREMENT FOR RECERTIFICATION.**

17 Notwithstanding any orders or authorizations issued  
18 or made under section 702 of the Foreign Intelligence  
19 Surveillance Act of 1978 (50 U.S.C. 1881a) during the  
20 period beginning on January 1, 2024 and ending on April  
21 19, 2024, no later than 90 days after the date of enact-  
22 ment of this Act, the Attorney General and the Director  
23 of National Intelligence shall be required to seek new or-  
24 ders consistent with the provisions of the Foreign Intel-  
25 ligence Surveillance Act of 1978, as amended by this Act,

- 1 and thereafter to issue new authorizations consistent with
- 2 such new orders.