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AN ACT

To reform the Foreign Intelligence Surveillance Act of 1978.

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

1 **SECTION 1. SHORT TITLE.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 “(iv) WAIVER.—

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

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

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

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

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

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

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

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

1 “(ii) NOTIFICATION.—

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

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

21 “(iii) RULE OF CONSTRUCTION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (1) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (2) in paragraph (4)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 BY THE FOREIGN INTELLIGENCE SURVEILLANCE
2 COURT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (A) in paragraph (1)—

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

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

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

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

12 (A) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (4) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (5) TITLE VII.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) DISCLOSURE OF EXCULPATORY INFORMATION.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (5) TITLE VII.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (2) by inserting the following new subsection:

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

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

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

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

25 (2) BRIEFINGS REQUIRED.—

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

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

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

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

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

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

3 (3) DEFINITIONS.—In this subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (B) in paragraph (1)—

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

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

5 (C) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (1) MINIMUM ACCOUNTABILITY STANDARDS.—

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

25 (3) the following new paragraph:

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

9 “(A) Zero tolerance for willful misconduct.

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

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

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

24 (3) REPORTS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (c) FISA REFORM COMMISSION.—

10 (1) ESTABLISHMENT.—

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

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

19 (2) MEMBERSHIP.—

20 (A) COMPOSITION.—

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

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

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

3 (III) The Deputy Secretary of
4 Defense.

5 (IV) The Deputy Secretary of
6 State.

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

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

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

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

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

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

25 (ii) NONMEMBERS OF CONGRESS.—

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

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

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

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

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

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

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

7 (III) SECURITY CLEARANCES.—

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

14 (B) CO-CHAIRS.—

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

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

22 (3) APPOINTMENT; INITIAL MEETING.—

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

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

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

7 (4) MEETINGS; QUORUM; VACANCIES.—

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

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

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

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

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

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

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

13 (6) POWERS OF COMMISSION.—

14 (A) IN GENERAL.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (7) STAFF OF COMMISSION.—

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

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

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

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

23 (8) COMPENSATION AND TRAVEL EXPENSES.—

24 (A) COMPENSATION OF MEMBERS.—

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

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

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

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

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

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

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

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

5 (10) FINAL REPORT; TERMINATION.—

6 (A) FINAL REPORT.—

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

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

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

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

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

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

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

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

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

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

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

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

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

1 congressional leadership an assessment of
2 such report.

3 (B) TERMINATION.—

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

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

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

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

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

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

4 (12) FUNDING.—

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

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

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

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

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

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

3 (d) SEVERABILITY; APPLICABILITY DATE.—

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

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

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

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

22 (1) in paragraph (1)—

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

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

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

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

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

15 (1) in paragraph (1)—

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

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

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

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

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

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

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

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

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

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

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

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

24 (b) CONFORMING AMENDMENTS.—

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

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

8 (B) by striking paragraph (4).

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

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

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

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

17 Section 101(e)(1) is amended—

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

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

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

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

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

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

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

16 (a) Section 701(b)(4) is amended—

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

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

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

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

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

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

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

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

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

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

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

20 (B) by striking “or” before “(D)”;

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

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

24 (1) by redesignating subparagraphs (E) and

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

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

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

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

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

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

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

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

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

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

Passed the House of Representatives April 12, 2024.

Attest: KEVIN F. MCCUMBER,
Clerk.

Calendar No. 365

118TH CONGRESS
2^D SESSION

H. R. 7888

AN ACT

To reform the Foreign Intelligence Surveillance Act
of 1978.

APRIL 15, 2024

Read the second time and placed on the calendar