

118TH CONGRESS
2D SESSION

H. R. 7320

To reform the Foreign Intelligence Surveillance Act of 1978.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2024

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

A BILL

To reform the Foreign Intelligence Surveillance Act of 1978.

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

3 **SECTION 1. SHORT TITLE.**

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

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

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

1 (1) by redesignating paragraph (3) as para-
2 graph (6); and

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

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

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

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

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

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

8 (b) PROHIBITION ON INVOLVEMENT OF POLITICAL
9 APPOINTEES IN PROCESS TO APPROVE FEDERAL BU-
10 REAU OF INVESTIGATION QUERIES.—Subsection
11 (f)(3)(D)(ii) of section 702, as amended by this Act, is
12 further amended by inserting after subclause (I) the fol-
13 lowing new subclause:

14 “(II) PROHIBITION ON POLIT-
15 ICAL APPOINTEES WITHIN THE PROC-
16 ESS TO APPROVE FEDERAL BUREAU
17 OF INVESTIGATION QUERIES.—The
18 procedures shall prohibit any political
19 personnel, such as those classified by
20 the Office of Personnel Management
21 as Presidential Appointment with
22 Senate Confirmation, Presidential Ap-
23 pointment (without Senate Confirma-
24 tion), Noncareer Senior Executive
25 Service Appointment, or Schedule C

1 Excepted Appointment, from inclusion
2 in the Federal Bureau of Investiga-
3 tion’s prior approval process under
4 subclause (I).”.

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

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

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

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

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

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

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

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

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

17 (d) RESTRICTIONS RELATING TO CONDUCT OF CER-
18 TAIN QUERIES BY FEDERAL BUREAU OF INVESTIGA-
19 TION.—Subsection (f)(3) of section 702, as amended by
20 this Act, is further amended by adding at the end the fol-
21 lowing new subparagraph:

22 “(D) QUERYING PROCEDURES APPLICABLE
23 TO FEDERAL BUREAU OF INVESTIGATION.—For
24 any procedures adopted under paragraph (1)
25 applicable to the Federal Bureau of Investiga-

1 tion, the Attorney General, in consultation with
2 the Director of National Intelligence, shall in-
3 clude the following requirements:

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

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

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

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

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

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

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

1 conduct of the query, the identifier of the
2 personnel conducting the query, and such
3 written statement.

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

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

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

24 “(v) WAIVER AUTHORITY FOR FOR-
25 EIGN INTELLIGENCE SURVEILLANCE

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

11 (e) NOTIFICATION FOR CERTAIN QUERIES CON-
12 DUCTED BY FEDERAL BUREAU OF INVESTIGATION.—
13 Subsection (f)(3) of section 702, as amended by this Act,
14 is further amended by adding at the end the following new
15 subparagraph:

16 “(B) NOTIFICATION REQUIREMENT FOR
17 CERTAIN FBI QUERIES.—

18 “(i) REQUIREMENT.—The Director of
19 the Federal Bureau of Investigation shall
20 promptly notify appropriate congressional
21 leadership of any query conducted by the
22 Federal Bureau of Investigation using a
23 query term that is reasonably believed to
24 be the name or other personally identifying
25 information of a member of Congress, and

1 shall also notify the member who is the
2 subject of such query.

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

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

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

13 “(III) The majority and minority
14 leaders of the Senate.

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

21 “(iv) WAIVER.—

22 “(I) IN GENERAL.—The Director
23 may waive a notification required
24 under clause (i) if the Director deter-
25 mines such notification would impede

1 an ongoing national security or law
2 enforcement investigation.

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

11 (f) REQUIREMENT FOR CONGRESSIONAL CONSENT
12 PRIOR TO CERTAIN FEDERAL BUREAU OF INVESTIGA-
13 TION QUERIES FOR PURPOSE OF DEFENSIVE BRIEF-
14 INGS.—Subsection (f)(3) of section 702, as amended by
15 this Act, is further amended by inserting after subpara-
16 graph (B) the following new subparagraph:

17 “(C) CONSENT REQUIRED FOR FBI TO
18 CONDUCT CERTAIN QUERIES FOR PURPOSE OF
19 DEFENSIVE BRIEFING.—

20 “(i) CONSENT REQUIRED.—The Fed-
21 eral Bureau of Investigation may not, for
22 the exclusive purpose of supplementing the
23 contents of a briefing on the defense
24 against a counterintelligence threat to a
25 member of Congress, conduct a query

1 using a query term that is the name or re-
2 stricted personal information (as such term
3 is defined in section 119 of title 18, United
4 States Code) of that member unless—

5 “(I) the member provides consent
6 to the use of the query term; or

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

12 “(ii) NOTIFICATION.—

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

22 “(II) NOTIFICATION OF EXCEP-
23 TION USED.—Not later than three
24 business days after the conduct of a
25 query under clause (i) without consent

1 on the basis of the existence of exi-
2 gent circumstances determined under
3 subclause (II) of such clause, the Di-
4 rector of the Federal Bureau of Inves-
5 tigation shall notify the appropriate
6 congressional leadership.

7 “(iii) RULE OF CONSTRUCTION.—
8 Nothing in this subparagraph may be con-
9 strued as—

10 “(I) applying to matters outside
11 of the scope of the briefing on the de-
12 fense against a counterintelligence
13 threat to be provided or supplemented
14 under clause (i); or

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

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

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

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

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

9 **SEC. 3. LIMITATION ON USE OF INFORMATION OBTAINED**
10 **UNDER SECTION 702.**

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

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

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

1 “(B) EXCEPTIONS.—The restriction under
2 subparagraph (A) shall not apply with respect
3 to a query if—

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

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

14 (b) RESTRICTION ON CERTAIN INFORMATION AVAIL-
15 ABLE TO FEDERAL BUREAU OF INVESTIGATION.—Section
16 702 is amended by adding at the end the following new
17 subsection:

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

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

1 “(2) EXCEPTION FOR EXIGENT CIR-
2 CUMSTANCES.—Paragraph (1) does not apply if the
3 Director of the National Security Agency decides it
4 is necessary due to exigent circumstances and pro-
5 vides notification within three business days to the
6 congressional intelligence committees, the Speaker
7 and minority leader of the House of Representatives,
8 and the majority and minority leaders of the Senate.

9 “(3) EXCEPTION FOR ASSISTANCE TO OTHER
10 AGENCIES.—Subparagraph (A) does not apply where
11 the Federal Bureau of Investigation has agreed to
12 provide technical, analytical, or linguistic assistance
13 at the request of another Federal agency.”.

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

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

1 individualized court order based upon a finding of prob-
2 able cause that the United States person is a foreign
3 power, an agent of a foreign power, or an officer or em-
4 ployee of a foreign power, in order to conduct surveillance
5 targeting that United States person.

6 (b) ANNUAL AUDIT OF TARGETING DECISIONS
7 UNDER SECTION 702.—

8 (1) MANDATORY REVIEW.—Not less frequently
9 than annually, the Department of Justice National
10 Security Division shall review each person targeted
11 under section 702 of the Foreign Intelligence Sur-
12 veillance Act of 1978 to ensure that the purpose of
13 each targeting decision is not to target a known
14 United States person. The results of this review
15 shall be submitted to the Department of Justice Of-
16 fice of the Inspector General, the congressional intel-
17 ligence committees, and the Committees on the Judi-
18 ciary of the House of Representatives and of the
19 Senate, subject to a declassification review.

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

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

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

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

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

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

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

1 (1) in paragraph (2)—

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

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

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

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

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

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

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

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

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

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

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

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

14 (D) by adding at the end the following new
15 subparagraphs:

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

22 “(C) TIMING.—In the event that the court
23 appoints one or more individuals or organiza-
24 tions pursuant to this paragraph to assist such
25 court in a proceeding under section 702, not-

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

17 (2) in paragraph (4)—

18 (A) by striking “paragraph (2)(A)” and in-
19 serting “paragraph (2)”;

20 (B) by striking “provide to the court, as
21 appropriate”;

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

1 (D) by inserting before clause (i) the fol-
2 lowing new subparagraphs:

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

5 “(B) provide to the court, as appropriate—
6 ”; and

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

10 (c) DESIGNATION OF COUNSEL TO SCRUTINIZE AP-
11 PPLICATIONS FOR UNITED STATES PERSONS.—Section
12 103 is amended by adding at the end the following new
13 subsection:

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

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

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

1 “(3) a recommendation as to the following,
2 which the judge shall consider during a proceeding
3 on the application in which such attorney is present,
4 as appropriate—

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

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

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

13 **SEC. 6. APPLICATION FOR AN ORDER UNDER THE FOREIGN**
14 **INTELLIGENCE SURVEILLANCE ACT.**

15 (a) **REQUIREMENT FOR SWORN STATEMENTS FOR**
16 **FACTUAL ASSERTIONS.—**

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

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

23 (3) **SECTION 703.—**Subsection (b)(1)(C) of sec-
24 tion 703 is amended by striking “a statement of”
25 and inserting “a sworn statement of”.

1 (4) SECTION 704.—Subsection (b)(3) of section
2 704 is amended by striking “a statement of” and in-
3 serting “a sworn statement of”.

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

8 (b) PROHIBITION ON USE OF POLITICALLY DERIVED
9 INFORMATION IN APPLICATIONS FOR CERTAIN ORDERS
10 BY THE FOREIGN INTELLIGENCE SURVEILLANCE
11 COURT.—

12 (1) TITLE I.—Subsection (a)(6) of section 104
13 is amended—

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

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

18 (C) by adding after subparagraph (E) the
19 following new subparagraph:

20 “(F) that none of the information included
21 in the statement described in paragraph (3)
22 was solely produced by, derived from informa-
23 tion produced by, or obtained using the funds
24 of, a political organization (as such term is de-

1 fined in section 527 of the Internal Revenue
2 Code of 1986), unless—

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

6 “(ii) the information has been cor-
7 roborated; and

8 “(iii) the investigative techniques used
9 to corroborate the information are clearly
10 identified in the body of the statement de-
11 scribed in paragraph (3); and”.

12 (2) TITLE III.—Subsection (a)(6) of section 303
13 is amended—

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

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

18 (C) by inserting after subparagraph (E)
19 the following new subparagraph:

20 “(F) that none of the information included
21 in the statement described in paragraph (3)
22 was solely produced by, derived from informa-
23 tion produced by, or obtained using the funds
24 of, a political organization (as such term is de-

1 fined in section 527 of the Internal Revenue
2 Code of 1986), unless—

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

6 “(ii) the information has been cor-
7 roborated; and

8 “(iii) the investigative techniques used
9 to corroborate the information are clearly
10 identified in the body of the statement de-
11 scribed in paragraph (3); and”.

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

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

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

22 “(G) that none of the information included
23 in the statement described in paragraph (3) is
24 attributable to or derived from the content of a
25 media source unless the statement includes a

1 clear identification of each author of that con-
2 tent, where applicable, the publisher of that
3 content, information to corroborate that which
4 was derived from the media source, and an ex-
5 planation of the investigative techniques used to
6 corroborate the information;”.

7 (2) TITLE III.—Subsection (a)(6) of section
8 303, as amended by this Act, is further amended by
9 adding at the end the following new subparagraph:

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

20 (3) 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 (d) DESCRIPTION OF TECHNIQUES CARRIED OUT
25 BEFORE APPLICATION.—

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

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

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

7 (C) by adding at the end the following new
8 paragraph:

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

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

17 (e) REQUIREMENT FOR CERTAIN JUSTIFICATION
18 PRIOR TO EXTENSION OF ORDERS.—

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

23 “(11) in the case of an application for an exten-
24 sion of an order under this title for a surveillance
25 targeted against a United States person, a summary

1 statement of the foreign intelligence information ob-
2 tained pursuant to the original order (and any pre-
3 ceding extension thereof) as of the date of the appli-
4 cation for the extension, or a reasonable explanation
5 of the failure to obtain such information; and”.

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

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

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

13 (C) by adding at the end the following new
14 paragraph:

15 “(9) in the case of an application for an exten-
16 sion of an order under this title in which the target
17 of the physical search is a United States person, a
18 summary statement of the foreign intelligence infor-
19 mation obtained pursuant to the original order (and
20 any preceding extension thereof) as of the date of
21 the application for the extension, or a reasonable ex-
22 planation of the failure to obtain such information;
23 and”.

24 (3) APPLICABILITY.—The amendments made
25 by this subsection shall apply with respect to appli-

1 cations made on or after the date that is 120 days
2 after the date of enactment of this Act.

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

5 (1) TITLE I.—Subsection (a)(3)(A) of section
6 104 is amended by inserting before the semicolon at
7 the end the following: “, and, in the case of a target
8 that is a United States person alleged to be acting
9 as an agent of a foreign power (as described in sec-
10 tion 101(b)(2)(B)), that a violation of the criminal
11 statutes of the United States as referred to in sec-
12 tion 101(b)(2)(B) has occurred or will occur”.

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

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

4 (1) TITLE I.—Subsection (d) of section 105 is
5 amended—

6 (A) in paragraph (1)—

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

11 (ii) in subparagraph (B), by striking
12 “120 days” and inserting “one year”; and
13 (B) by striking paragraph (2); and

14 (C) by redesignating paragraphs (3) and
15 (4) as paragraphs (2) and (3), respectively.

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

18 (A) in paragraph (1)—

19 (i) in subparagraph (A), by striking
20 “against a foreign power, as defined in
21 paragraph (1), (2), or (3) of section
22 101(a),” and inserting “against a foreign
23 power”; and

24 (ii) in subparagraph (B), by striking
25 “120 days” and inserting “one year”; and

1 (B) by striking paragraph (2); and
2 (C) by redesignating paragraph (3) as
3 paragraph (2).

4 **SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF**
5 **CERTAIN DOCUMENTS.**

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

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

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

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

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

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

23 (b) REQUIREMENT FOR NOTIFICATION TO CONGRESS
24 OF CERTAIN TRANSCRIPTS.—Subsection (c) of section
25 601 is amended—

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

3 (2) in paragraph (2), by striking the period and
4 inserting a semicolon; and

5 (3) by adding at the end the following new
6 paragraphs:

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

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

22 **SEC. 9. AUDIT OF FISA COMPLIANCE BY INSPECTOR GEN-**
23 **ERAL.**

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

1 (1) REPORTS.—Not later than 545 days after
2 the date of enactment of this Act, and again not
3 later than one year prior to the expiration of title
4 VII of the Foreign Intelligence Surveillance Act of
5 1978, the Inspector General of the Department of
6 Justice shall submit to the appropriate congressional
7 committees two separate reports on the querying
8 practices of the Federal Bureau of Investigation
9 under section 702.

10 (2) MATTERS INCLUDED.—The reports under
11 paragraph (1) shall include, at a minimum, the fol-
12 lowing:

13 (A) An evaluation of compliance by per-
14 sonnel of the Federal Bureau of Investigation
15 with the querying procedures adopted under
16 section 702(f), with a particular focus on com-
17 pliance by such personnel with the procedures
18 governing queries using United States person
19 query terms.

20 (B) An analysis of each specific reform
21 that, in the view of the Inspector General, is re-
22 sponsible for any identified improvement in the
23 Federal Bureau of Investigation's record of
24 compliance with the querying procedures, in-

1 including an identification of whether such reform
2 was—

3 (i) required by this Act or another Act
4 of Congress;

5 (ii) required by the Foreign Intel-
6 ligence Surveillance Court or the Attorney
7 General; or

8 (iii) voluntarily adopted by the Direc-
9 tor of the Federal Bureau of Investigation.

10 (C) An assessment of the status of the im-
11 plementation by the Federal Bureau of Inves-
12 tigation of all reforms related to querying that
13 are required by this Act.

14 (D) An evaluation of the effectiveness of
15 the Office of Internal Auditing of the Federal
16 Bureau of Investigation with respect to moni-
17 toring and improving query compliance by per-
18 sonnel of the Federal Bureau of Investigation.

19 (E) Recommendations to further improve
20 compliance with querying procedures by per-
21 sonnel of the Federal Bureau of Investigation,
22 particularly with respect to compliance with the
23 procedures governing queries using United
24 States person query terms.

1 (F) Any other relevant matter the Inspec-
2 tor General determines appropriate.

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

6 (4) DEFINITIONS.—In this subsection:

7 (A) IN GENERAL.—Except as provided in
8 this subsection, terms used in this subsection
9 have the meanings given such terms in the For-
10 eign Intelligence Surveillance Act of 1978 (50
11 U.S.C. 1801 et seq.).

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

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

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

1 **SEC. 10. ACCURACY AND COMPLETENESS OF APPLICA-**
2 **TIONS.**

3 (a) REQUIREMENT FOR CERTIFICATIONS REGARDING
4 ACCURACY OF APPLICATIONS.—

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

8 “(12) a certification by the applicant or declar-
9 ant that, to the best knowledge of the applicant or
10 declarant, the Attorney General or a designated at-
11 torney for the Government has been apprised of all
12 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 section 105(a).”.

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

22 “(10) a certification by the applicant that, to
23 the best knowledge of the applicant, the Attorney
24 General or a designated attorney for the Govern-
25 ment has been apprised of all information that
26 might reasonably—

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

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

8 (3) TITLE IV.—Subsection (c) of section 402 is
9 amended—

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

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

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

16 “(4) a certification by the applicant seeking to
17 use the pen register or trap and trace device covered
18 by the application that, to the best knowledge of the
19 applicant, the Attorney General or a designated at-
20 torney for the Government has been apprised of all
21 information that might reasonably—

22 “(A) call into question the accuracy of the
23 application or the reasonableness of any assess-
24 ment in the application conducted by the de-

1 department or agency on whose behalf the appli-
2 cation is made; or

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

5 (4) TITLE V.—Subsection (b)(2) of section 502
6 is amended—

7 (A) in subparagraph (C)(i), by striking “;
8 and” and inserting a semicolon;

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

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

13 “(E) a statement by the applicant that, to
14 the best knowledge of the applicant, the appli-
15 cation fairly reflects all information that might
16 reasonably—

17 “(i) call into question the accuracy of
18 the application or the reasonableness of
19 any assessment in the application con-
20 ducted by the department or agency on
21 whose behalf the application is made; or

22 “(ii) otherwise raise doubts with re-
23 spect to the findings required under sub-
24 section (e).”.

25 (5) TITLE VII.—

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

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

5 (ii) in subparagraph (J), by striking
6 the period at the end and inserting “;
7 and”; and

8 (iii) by adding at the end the fol-
9 lowing new subparagraph:

10 “(K) a certification by the applicant that,
11 to the best knowledge of the applicant, the At-
12 torney General or a designated attorney for the
13 Government has been apprised of all informa-
14 tion that might reasonably—

15 “(i) call into question the accuracy of
16 the application or the reasonableness of
17 any assessment in the application con-
18 ducted by the department or agency on
19 whose behalf the application is made; or

20 “(ii) otherwise raise doubts with re-
21 spect to the findings required under sub-
22 section (c).”.

23 (B) SECTION 704.—Subsection (b) of sec-
24 tion 704 is amended—

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

3 (ii) in paragraph (7), by striking the
4 period at the end and inserting “; and”;
5 and

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

8 “(8) a certification by the applicant that, to the
9 best knowledge of the applicant, the Attorney Gen-
10 eral or a designated attorney for the Government
11 has been apprised of all information that might rea-
12 sonably—

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 (c).”.

20 (6) 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 (7) ACCURACY PROCEDURES.—Not later than
25 180 days after the date of the enactment of this Act,

1 the Attorney General, in consultation with the Direc-
2 tor of the Federal Bureau of Investigation, shall
3 issue procedures governing the review of case files,
4 as appropriate, to ensure that applications to the
5 Foreign Intelligence Surveillance Court under title I
6 or III of the Foreign Intelligence Surveillance Act of
7 1978 (50 U.S.C. 1801 et seq.) that target United
8 States persons are accurate and complete.

9 (b) DISCLOSURE OF EXCULPATORY INFORMATION.—

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

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

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

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

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

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

3 (B) in paragraph (4), 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 “(5) non-cumulative information known to the
8 Federal officer seeking to use the pen register or
9 trap and trace device covered by the application,
10 that is potentially exculpatory regarding the re-
11 quested legal findings or any assessment in the ap-
12 plication.”.

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

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

17 (B) in subparagraph (E)(ii), by striking
18 the period at the end and inserting “; and”;
19 and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(F) non-cumulative information known to
23 the applicant that is potentially exculpatory re-
24 garding the requested legal findings or any as-
25 sessment in the application.”.

1 (5) TITLE VII.—

2 (A) SECTION 703.—Subsection (b)(1) of
3 section 703, as amended by this Act, is further
4 amended—

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

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

10 (iii) by adding at the end the fol-
11 lowing new subparagraph:

12 “(L) non-cumulative information known to
13 the applicant or declarant that is potentially ex-
14 culpatory regarding the requested legal findings
15 or any assessment in the application.”.

16 (B) SECTION 704.—Subsection (b) of sec-
17 tion 704, as amended by this Act, is further
18 amended—

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

21 (ii) in paragraph (8), by striking the
22 period at the end and inserting “; and”;
23 and

24 (iii) by adding at the end the fol-
25 lowing new paragraph:

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

5 (6) 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 **SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF IN-**
10 **VESTIGATION.**

11 (a) REVOCATION OF STATUTORY REPORTING EX-
12 EMPTION AND ADDITIONAL REPORTING REQUIREMENT
13 FOR FEDERAL BUREAU OF INVESTIGATION.—

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

16 (A) in subsection (b)(2)(B) by inserting
17 “(or combined unminimized contents and non-
18 contents information)” after “unminimized con-
19 tents”;

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

22 “(2) NONAPPLICABILITY TO ELECTRONIC MAIL
23 ADDRESS AND TELEPHONE NUMBERS.—Paragraph
24 (3)(B) of subsection (b) shall not apply to orders re-
25 sulting in the acquisition of information by the Fed-

1 eral Bureau of Investigation that does not include
2 electronic mail addresses or telephone numbers.”;
3 and

4 (C) by inserting the following new sub-
5 section:

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

8 “(1) ANNUAL REPORT.—The Director of the
9 Federal Bureau of Investigation shall annually sub-
10 mit to the Permanent Select Committee on Intel-
11 ligence and the Committee on the Judiciary of the
12 House of Representatives and the Select Committee
13 on Intelligence and the Committee on the Judiciary
14 of the Senate a report that includes—

15 “(A) the number of United States person
16 queries by the Federal Bureau of Investigation
17 of unminimized contents or noncontents ac-
18 quired pursuant to section 702(a);

19 “(B) the number of approved queries using
20 the Federal Bureau of Investigation’s batch job
21 technology, or successor tool;

22 “(C) the number of queries using the Fed-
23 eral Bureau of Investigation’s batch job tech-
24 nology, or successor tool, conducted by the Fed-
25 eral Bureau of Investigation against informa-

1 tion acquired pursuant to section 702(a) for
2 which pre-approval was not obtained due to
3 emergency circumstances;

4 “(D) the number of United States person
5 queries conducted by the Federal Bureau of In-
6 vestigation of unminimized contents or noncon-
7 tents acquired pursuant to section 702(a) solely
8 to retrieve evidence of a crime;

9 “(E) a good faith estimate of the number
10 of United States person query terms used by
11 the Federal Bureau of Investigation to conduct
12 queries of unminimized contents or noncontents
13 acquired pursuant to section 702(a) primarily
14 to protect the United States person who is the
15 subject of the query; and

16 “(F) a good faith estimate of the number
17 of United States person query terms used by
18 the Federal Bureau of Investigation to conduct
19 queries of unminimized contents or noncontents
20 acquired pursuant to section 702(a) where the
21 United States person who is the subject of the
22 query is a target or subject of an investigation
23 by the Federal Bureau of Investigation.

24 “(2) PUBLIC AVAILABILITY.—Subject to declas-
25 sification review by the Attorney General and the

1 Director of National Intelligence, each annual report
2 submitted pursuant to paragraph (1) shall be avail-
3 able to the public during the first April following the
4 calendar year covered by the report.”.

5 (2) EFFECTIVE DATE.—The amendments made
6 by this subsection shall take effect on January 1,
7 2025.

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

10 (a) ANNUAL REPORTING ON DISCIPLINARY ACTIONS
11 BY FEDERAL BUREAU OF INVESTIGATION.—Section 603
12 is amended—

13 (1) by redesignating subsection (e) as sub-
14 section (g); and

15 (2) by inserting the following new subsection:

16 “(e) MANDATORY REPORTING BY DIRECTOR OF
17 FEDERAL BUREAU OF INVESTIGATION.—The Director of
18 the Federal Bureau of Investigation shall annually submit
19 to the Permanent Select Committee on Intelligence and
20 the Committee on Judiciary of the House of Representa-
21 tives and the Select Committee on Intelligence and the
22 Committee on the Judiciary of the Senate, a report de-
23 scribing the accountability actions taken by the Federal
24 Bureau of Investigation in the preceding 12-month period
25 for noncompliant querying of information acquired under

1 section 702 and any such actions taken pursuant to sec-
2 tion 103(m), to include the number of ongoing personnel
3 investigations, the outcome of any completed personnel in-
4 vestigations and any related adverse personnel actions
5 taken.”.

6 (b) ACCOUNTABILITY MEASURES FOR EXECUTIVE
7 LEADERSHIP OF FEDERAL BUREAU OF INVESTIGA-
8 TION.—

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

22 (2) BRIEFINGS REQUIRED.—

23 (A) BRIEFINGS.—On a semiannual basis
24 for the 2-year period following the date of the
25 enactment of this Act, and on an annual basis

1 thereafter, the Federal Bureau of Investigation
2 shall provide to the appropriate congressional
3 committees a briefing on the implementation of
4 paragraph (1).

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

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

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

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

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

15 (B) COVERED COMPONENT.—The term
16 “covered component” means a field office,
17 Headquarters division, or other element of the
18 Federal Bureau of Investigation with personnel
19 who have access to the unminimized contents of
20 communications obtained through acquisitions
21 authorized under section 702(a).

22 (C) COVERED PROCEDURE.—The term
23 “covered procedure”—

24 (i) means any procedure governing the
25 use of authorities under the Foreign Intel-

1 ligence Surveillance Act of 1978 (50
2 U.S.C. 1801 et seq.); and

3 (ii) includes querying procedures and
4 minimization procedures adopted pursuant
5 to such Act.

6 (D) EXECUTIVE LEADERSHIP.—The term
7 “executive leadership” includes—

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

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

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

17 (a) PENALTIES FOR UNAUTHORIZED DISCLOSURE OF
18 APPLICATION FOR ELECTRONIC SURVEILLANCE.—

19 (1) IN GENERAL.—Subsection (a) of section
20 109 is amended—

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

23 (B) in paragraph (1)—

24 (i) by inserting “intentionally” before
25 “engages in”; and

1 (ii) by striking “; or” and inserting a
2 semicolon;

3 (C) in paragraph (2)—

4 (i) by striking “disclose” and insert-
5 ing “intentionally discloses”; and

6 (ii) by striking the period at the end
7 and inserting “; or”; and

8 (D) by adding at the end the following new
9 paragraph:

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

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

22 (b) INCREASED CRIMINAL PENALTIES FOR OFFENSE
23 UNDER FISA.—Subsection (c) of section 109 is amended
24 to read: “PENALTY.—A person guilty of an offense in this

1 section shall be fined under title 18, imprisoned for not
2 more than 10 years, or both.”.

3 (c) CRIMINAL PENALTIES FOR UNAUTHORIZED DIS-
4 CLOSURE OF CERTAIN INCIDENTALLY COLLECTED
5 UNITED STATES PERSON INFORMATION.—Title VII is
6 amended by inserting the following new section:

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

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

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

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

1 (d) SENTENCING ENHANCEMENT FOR FALSE DEC-
2 LARATIONS BEFORE FOREIGN INTELLIGENCE SURVEIL-
3 LANCE COURT.—Subsection (a) of section 1623 of title
4 18, United States Code, is amended by inserting before
5 “, or both” the following: “or, if such proceedings are be-
6 fore or ancillary to the Foreign Intelligence Surveillance
7 Court or the Foreign Intelligence Surveillance Court of
8 Review established by section 103 of the Foreign Intel-
9 ligence Surveillance Act of 1978 (50 U.S.C. 1803), impris-
10 oned not more than ten years”.

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

12 (a) CONTEMPTS CONSTITUTING CRIMES.—Section
13 402 of title 18, United States Code, is amended by insert-
14 ing after “any district court of the United States” the fol-
15 lowing: “, including the Foreign Intelligence Surveillance
16 Court or the Foreign Intelligence Surveillance Court of
17 Review established by section 103 of the Foreign Intel-
18 ligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

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

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

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

25 (3) by inserting the following new paragraph:

1 “(G) the number of times the Foreign In-
2 telligence Surveillance Court and the Foreign
3 Intelligence Surveillance Court of Review exer-
4 cised authority under chapter 21 of title 18,
5 United States Code and a description of each
6 use of such authority.”.

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

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

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

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

15 “(2) for any other aggrieved person, \$1,000 or
16 \$100 per day for each day of violation;”.

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

20 **“SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL AC-**
21 **TIONS.**

22 “(a) REPORT TO CONGRESS.—If a court finds that
23 a person has violated this Act in a civil action under sec-
24 tion 110, the head of the agency that employs that person
25 shall report to Congress on the administrative action

1 taken against that person pursuant to section 103(m) or
2 any other provision of law.

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

11 **SEC. 16. ACCOUNTABILITY STANDARDS FOR INCIDENTS RE-**
12 **LATING TO QUERIES CONDUCTED BY THE**
13 **FEDERAL BUREAU OF INVESTIGATION.**

14 (a) REQUIREMENT FOR ADOPTION OF CERTAIN MIN-
15 IMUM ACCOUNTABILITY STANDARDS.—

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

20 “(4) MINIMUM ACCOUNTABILITY STANDARDS.—
21 The Director of the Federal Bureau of Investigation
22 shall issue minimum accountability standards that
23 set forth escalating consequences for noncompliant
24 querying of United States person terms within the
25 contents of communications that were acquired

1 under this section. Such standards shall include, at
2 minimum, the following:

3 “(A) Zero tolerance for willful misconduct.

4 “(B) Escalating consequences for unintentional noncompliance, including the threshold
5 for mandatory revocation of access to query information acquired under this section.
6
7

8 “(C) Consequences for supervisors who oversee users that engage in noncompliant queries.”
9
10

11 (2) DEADLINES.—Not later than 90 days after
12 the date of the enactment of this Act, the Director
13 of the Federal Bureau of Investigation shall issue
14 the minimum accountability standards required
15 under subsection (f)(4) of section 702 of the Foreign
16 Intelligence Surveillance Act of 1978 (50 U.S.C.
17 1881a).

18 (3) REPORTS.—

19 (A) SUBMISSION OF STANDARDS.—Not
20 later than 90 days after the date of the enact-
21 ment of this Act, the Director of the Federal
22 Bureau of Investigation shall submit to the ap-
23 propriate congressional committees the min-
24 imum accountability standards issued under
25 paragraph (1).

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

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

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

17 (B) the Committees on the Judiciary of
18 the House of Representatives and of the Sen-
19 ate.

20 **SEC. 17. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS**
21 **FOR MISCONDUCT BEFORE FOREIGN INTEL-**
22 **LIGENCE SURVEILLANCE COURT.**

23 (a) REMOVAL OR SUSPENSION OF FEDERAL OFFI-
24 CERS FOR MISCONDUCT BEFORE FOREIGN INTEL-
25 LIGENCE SURVEILLANCE COURT.—Section 103, as

1 amended by this Act, is further amended by adding at the
2 end the following new subsection:

3 “(m) REMOVAL OR SUSPENSION OF FEDERAL OFFI-
4 CERS FOR MISCONDUCT BEFORE COURTS.—An officer or
5 employee of the United States Government who engages
6 in intentional misconduct with respect to proceedings be-
7 fore the Foreign Intelligence Surveillance Court or the
8 Foreign Intelligence Surveillance Court of Review shall be
9 subject to appropriate adverse actions, including, at min-
10 imum, suspension without pay or removal, up to and in-
11 cluding termination.”.

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

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

23 (b) REPORT ON TECHNOLOGY NEEDED FOR NEAR-
24 REAL TIME MONITORING OF FEDERAL BUREAU OF IN-
25 VESTIGATION COMPLIANCE.—

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

13 (2) SUBMISSION.—Not later than one year after
14 the date of enactment of this Act, the Director of
15 National Intelligence shall submit the results of the
16 study to the appropriate congressional committees.

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

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

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

25 (c) FISA REFORM COMMISSION.—

1 (1) ESTABLISHMENT.—

2 (A) IN GENERAL.—There is established a
3 commission to consider ongoing reforms to the
4 Foreign Intelligence Surveillance Act of 1978
5 (50 U.S.C. 1801 et seq.).

6 (B) DESIGNATION.—The commission es-
7 tablished under subparagraph (A) shall be
8 known as the “FISA Reform Commission” (in
9 this section the “Commission”).

10 (2) MEMBERSHIP.—

11 (A) COMPOSITION.—

12 (i) IN GENERAL.—Subject to clause
13 (ii), the Commission shall be composed of
14 the following members:

15 (I) The Principal Deputy Direc-
16 tor of National Intelligence.

17 (II) The Deputy Attorney Gen-
18 eral.

19 (III) The Deputy Secretary of
20 Defense.

21 (IV) The Deputy Secretary of
22 State.

23 (V) The Chair of the Privacy and
24 Civil Liberties Oversight Board.

1 (VI) Three members appointed
2 by the majority leader of the Senate,
3 in consultation with the Chairman of
4 the Select Committee on Intelligence
5 of the Senate and the Chairman of
6 the Committee on the Judiciary of the
7 Senate, 1 of whom shall be a member
8 of the Senate and 2 of whom shall not
9 be.

10 (VII) Three members appointed
11 by the minority leader of the Senate,
12 in consultation with the Vice Chair-
13 man of the Select Committee on Intel-
14 ligence of the Senate and the Ranking
15 Member of the Committee on the Ju-
16 diciary of the Senate, 1 of whom shall
17 be a member of the Senate and 2 of
18 whom shall not be.

19 (VIII) Three members appointed
20 by the Speaker of the House of Rep-
21 resentatives, in consultation with the
22 Chairman of the Permanent Select
23 Committee on Intelligence of the
24 House of Representatives and the
25 Chairman of the Committee on the

1 Judiciary of the House of Representa-
2 tives, 1 of whom shall be a member of
3 the House of Representatives and 2 of
4 whom shall not be.

5 (IX) Three members appointed
6 by the minority leader of the House of
7 Representatives, in consultation with
8 the Ranking Member of the Perma-
9 nent Select Committee on Intelligence
10 of the House of Representatives and
11 the Ranking Member of the Com-
12 mittee on the Judiciary of the House
13 of Representatives, 1 of whom shall be
14 a member of the House of Represent-
15 atives and 2 of whom shall not be.

16 (ii) NONMEMBERS OF CONGRESS.—

17 (I) QUALIFICATIONS.—The mem-
18 bers of the Commission who are not
19 members of Congress and who are ap-
20 pointed under subclauses (VI) through
21 (IX) of clause (i) shall be individuals
22 who are nationally recognized for ex-
23 pertise, knowledge, or experience in—

24 (aa) use of intelligence infor-
25 mation by the intelligence com-

1 munity (as defined in section 3 of
2 the National Security Act of
3 1947 (50 U.S.C. 3003)), national
4 policymakers, and military lead-
5 ers;

6 (bb) the implementation,
7 funding, or oversight of the na-
8 tional security laws of the United
9 States;

10 (cc) privacy, civil liberties,
11 and transparency; or

12 (dd) laws and policies gov-
13 erning methods of electronic sur-
14 veillance.

15 (II) CONFLICTS OF INTEREST.—

16 An official who appoints members of
17 the Commission may not appoint an
18 individual as a member of the Com-
19 mission if such individual possesses
20 any personal or financial interest in
21 the discharge of any of the duties of
22 the Commission.

23 (III) SECURITY CLEARANCES.—

24 All members of the Commission de-
25 scribed in subclause (I) shall possess

1 an appropriate security clearance in
2 accordance with applicable provisions
3 of law concerning the handling of
4 classified information.

5 (B) CO-CHAIRS.—

6 (i) IN GENERAL.—The Commission
7 shall have 2 co-chairs, selected from among
8 the members of the Commission.

9 (ii) AGREEMENT.—The individuals
10 who serve as the co-chairs of the Commis-
11 sion shall be agreed upon by the members
12 of the Commission.

13 (3) APPOINTMENT; INITIAL MEETING.—

14 (A) APPOINTMENT.—Members of the Com-
15 mission shall be appointed not later than 90
16 days after the date of the enactment of this
17 Act.

18 (B) INITIAL MEETING.—The Commission
19 shall hold its initial meeting on or before the
20 date that is 180 days after the date of the en-
21 actment of this Act.

22 (4) MEETINGS; QUORUM; VACANCIES.—

23 (A) IN GENERAL.—After its initial meet-
24 ing, the Commission shall meet upon the call of
25 the co-chairs of the Commission.

1 (B) QUORUM.—Nine members of the Com-
2 mission shall constitute a quorum for purposes
3 of conducting business, except that 2 members
4 of the Commission shall constitute a quorum
5 for purposes of receiving testimony.

6 (C) VACANCIES.—Any vacancy in the Com-
7 mission shall not affect its powers, but shall be
8 filled in the same manner in which the original
9 appointment was made.

10 (D) QUORUM WITH VACANCIES.—If vacan-
11 cies in the Commission occur on any day after
12 90 days after the date of the enactment of this
13 Act, a quorum shall consist of a majority of the
14 members of the Commission as of such day.

15 (5) DUTIES.—The duties of the Commission
16 are as follows:

17 (A) To review the effectiveness of the cur-
18 rent implementation of the Foreign Intelligence
19 Surveillance Act of 1978 (50 U.S.C. 1801 et
20 seq.).

21 (B) To develop recommendations for legis-
22 lative action to reform the Foreign Intelligence
23 Surveillance Act of 1978 (50 U.S.C. 1801 et
24 seq.) that provide for the effective conduct of

1 United States intelligence activities and the
2 protection of privacy and civil liberties.

3 (6) POWERS OF COMMISSION.—

4 (A) IN GENERAL.—

5 (i) HEARINGS.—The Commission or,
6 on the authorization of the Commission,
7 any subcommittee or member thereof, may,
8 for the purpose of carrying out this sec-
9 tion—

10 (I) hold such hearings and sit
11 and act at such times and places, take
12 such testimony, receive such evidence,
13 and administer such oaths; and

14 (II) require, by subpoena or oth-
15 erwise, the attendance and testimony
16 of such witnesses and the production
17 of such books, records, correspond-
18 ence, memoranda, papers, and docu-
19 ments, as the Commission or such
20 designated subcommittee or des-
21 ignated member considers necessary.

22 (ii) ISSUANCE AND ENFORCEMENT OF
23 SUBPOENAS.—

24 (I) ISSUANCE.—A subpoena
25 issued under clause (i)(II) shall—

1 (aa) bear the signature of
2 the co-chairs of the Commission;
3 and

4 (bb) be served by a person
5 or class of persons designated by
6 the co-chairs for that purpose.

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

15 (B) INFORMATION FROM FEDERAL AGEN-
16 CIES.—

17 (i) IN GENERAL.—The Commission
18 may secure directly from any executive de-
19 partment, agency, bureau, board, commis-
20 sion, office, independent establishment, or
21 instrumentality of the Federal Government
22 information, suggestions, estimates, and
23 statistics for the purposes of this section.

24 (ii) FURNISHING INFORMATION.—
25 Each such department, agency, bureau,

1 board, commission, office, establishment,
2 or instrumentality described in clause (i)
3 shall, to the extent authorized by law, fur-
4 nish such information, suggestions, esti-
5 mates, and statistics directly to the Com-
6 mission, upon request of the co-chairs of
7 the Commission.

8 (iii) PROTECTION OF CLASSIFIED IN-
9 FORMATION.—The Commission shall han-
10 dle and protect all classified information
11 provided to it under this section in accord-
12 ance with applicable provisions of law.

13 (C) ASSISTANCE FROM FEDERAL AGEN-
14 CIES.—

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

23 (ii) ATTORNEY GENERAL.—The Attor-
24 ney General may provide the Commission,
25 on a nonreimbursable basis, with such ad-

1 ministrative services, staff, and other sup-
2 port services as the Commission may re-
3 quest.

4 (iii) OTHER DEPARTMENTS AND
5 AGENCIES.—In addition to the assistance
6 set forth in clauses (i) and (ii), other de-
7 partments and agencies of the United
8 States may provide the Commission such
9 services, funds, facilities, staff, and other
10 support as such departments and agencies
11 consider advisable and as may be author-
12 ized by law.

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

22 (D) POSTAL SERVICES.—The Commission
23 may use the United States postal services in the
24 same manner and under the same conditions as

1 the departments and agencies of the Federal
2 Governments.

3 (E) GIFTS.—No member or staff of the
4 Commission may receive a gift or benefit by
5 reason of the service of such member or staff
6 to the Commission.

7 (7) STAFF OF COMMISSION.—

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

1 (B) DETAIL OF GOVERNMENT EMPLOY-
2 EES.—Any Federal Government employee may
3 be detailed to the Commission without reim-
4 bursement from the Commission, and such
5 detailee shall retain the rights, status, and
6 privileges of his or her regular employment
7 without interruption.

8 (C) SECURITY CLEARANCES.—All staff of
9 the Commission and all experts and consultants
10 employed by the Commission shall possess a se-
11 curity clearance in accordance with applicable
12 provisions of law concerning the handling of
13 classified information.

14 (8) COMPENSATION AND TRAVEL EXPENSES.—

15 (A) COMPENSATION OF MEMBERS.—

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

1 ance of the duties of the Commission
2 under this title.

3 (ii) EXCEPTION.—Members of the
4 Commission who are officers or employees
5 of the United States or Members of Con-
6 gress shall receive no additional pay by
7 reason of their service on the Commission.

8 (B) TRAVEL EXPENSES.—While away from
9 their homes or regular places of business in the
10 performance of services for the Commission, a
11 member of the Commission may be allowed
12 travel expenses, including per diem in lieu of
13 subsistence, in the same manner as persons em-
14 ployed intermittently in the Government service
15 are allowed expenses under section 5703 of title
16 5, United States Code.

17 (9) TREATMENT OF INFORMATION RELATING
18 TO NATIONAL SECURITY.—

19 (A) IN GENERAL.—The Director of Na-
20 tional Intelligence shall assume responsibility
21 for the handling and disposition of any informa-
22 tion related to the national security of the
23 United States that is received, considered, or
24 used by the Commission under this title.

1 (B) INFORMATION PROVIDED BY CONGRES-
2 SIONAL INTELLIGENCE COMMITTEES.—Any in-
3 formation related to the national security of the
4 United States that is provided to the Commis-
5 sion by a congressional intelligence committee
6 may not be further provided or released without
7 the approval of the chairman of such com-
8 mittee.

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

22 (10) FINAL REPORT; TERMINATION.—

23 (A) FINAL REPORT.—

24 (i) DEFINITIONS.—In this subpara-
25 graph:

1 (I) APPROPRIATE COMMITTEES
2 OF CONGRESS.—The term “appro-
3 priate committees of Congress”
4 means—

5 (aa) the congressional intel-
6 ligence committees;

7 (bb) the Committee on the
8 Judiciary of the Senate; and

9 (cc) the Committee on the
10 Judiciary of the House of Rep-
11 resentatives.

12 (II) CONGRESSIONAL LEADER-
13 SHIP.—The term “congressional lead-
14 ership” means—

15 (aa) the majority leader of
16 the Senate;

17 (bb) the minority leader of
18 the Senate;

19 (cc) the Speaker of the
20 House of Representatives; and

21 (dd) the minority leader of
22 the House of Representatives.

23 (ii) FINAL REPORT REQUIRED.—Not
24 later than 5 years from the date of enact-
25 ment of this Act, the Commission shall

1 submit to the appropriate committees of
2 Congress, congressional leadership, the Di-
3 rector of National Intelligence, and the At-
4 torney General a final report on the find-
5 ings of the Commission.

6 (iii) FORM OF FINAL REPORT.—The
7 final report submitted pursuant to clause
8 (ii) shall be in unclassified form but may
9 include a classified annex.

10 (iv) ASSESSMENTS OF FINAL RE-
11 PORT.—Not later than 1 year after receipt
12 of the final report under clause (ii), the
13 Director of National Intelligence and the
14 Attorney General shall each submit to the
15 appropriate committees of Congress and
16 congressional leadership an assessment of
17 such report.

18 (B) TERMINATION.—

19 (i) IN GENERAL.—The Commission,
20 and all the authorities of this section, shall
21 terminate on the date that is 2 years after
22 the date on which the final report is sub-
23 mitted under subparagraph (A)(ii).

24 (ii) WIND-DOWN PERIOD.—The Com-
25 mission may use the 2-year period referred

1 to in clause (i) for the purposes of con-
2 cluding its activities, including providing
3 testimony to Congress concerning the final
4 report referred to in that paragraph and
5 disseminating the report.

6 (11) INAPPLICABILITY OF CERTAIN ADMINIS-
7 TRATIVE PROVISIONS.—

8 (A) FEDERAL ADVISORY COMMITTEE
9 ACT.—The provisions of the Federal Advisory
10 Committee Act (5 U.S.C. App.) shall not apply
11 to the activities of the Commission under this
12 section.

13 (B) FREEDOM OF INFORMATION ACT.—
14 The provisions of section 552 of title 5, United
15 States Code (commonly referred to as the
16 “Freedom of Information Act”), shall not apply
17 to the activities, records, and proceedings of the
18 Commission under this section.

19 (12) FUNDING.—

20 (A) AUTHORIZATION OF APPROPRIA-
21 TIONS.—There is authorized to be appropriated
22 funds to the extent and in such amounts as spe-
23 cifically provided in advance in appropriations
24 acts for the purposes detailed in this subsection.

1 (B) AVAILABILITY IN GENERAL.—Subject
2 to subparagraph (A), the Director of National
3 Intelligence shall make available to the Commis-
4 sion such amounts as the Commission may re-
5 quire for purposes of the activities of the Com-
6 mission under this section.

7 (C) DURATION OF AVAILABILITY.—
8 Amounts made available to the Commission
9 under subparagraph (B) shall remain available
10 until expended or upon termination under para-
11 graph (10)(B), whichever occurs first.

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

15 (A) the Select Committee on Intelligence of
16 the Senate; and

17 (B) the Permanent Select Committee on
18 Intelligence of the House of Representatives.

19 (d) SEVERABILITY; APPLICABILITY DATE.—

20 (1) SEVERABILITY.—If any provision of this
21 Act, any amendment made by this Act, or the appli-
22 cation thereof to any person or circumstances is held
23 invalid, the validity of the remainder of the Act, of
24 any such amendments, and of the application of

1 such provisions to other persons and circumstances
2 shall not be affected thereby.

3 (2) APPLICABILITY DATE.—Subsection (f) of
4 section 702 of the Foreign Intelligence Surveillance
5 Act of 1978 (50 U.S.C. 1881a), as amended by this
6 Act, shall apply with respect to certifications sub-
7 mitted under subsection (h) of such section to the
8 Foreign Intelligence Surveillance Court after Janu-
9 ary 1, 2024.

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

11 (a) FISA AMENDMENTS ACT OF 2008.—Section
12 403(b) of the FISA Amendments Act of 2008 (Public Law
13 110–261; 122 Stat. 2474) is amended—

14 (1) in paragraph (1)—

15 (A) by striking “December 31, 2023” and
16 inserting “five years after date of enactment of
17 this Act Reforming Intelligence and Securing
18 America Act”; and

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

23 (2) in paragraph (2) in the matter preceding
24 subparagraph (A), by striking “December 31, 2023”
25 and inserting “five years after date of enactment of

1 this Act (Reforming Intelligence and Securing Amer-
2 ica Act)”.

3 (b) CONFORMING AMENDMENTS.—Section 404(b) of
4 the FISA Amendments Act of 2008 (Public Law 110–261;
5 122 Stat. 2476), is amended—

6 (1) in paragraph (1)—

7 (A) in the heading, by striking “DECEM-
8 BER 31, 2023” and inserting “FIVE YEARS
9 AFTER DATE OF ENACTMENT OF THIS ACT
10 (Reforming Intelligence and Securing America
11 Act)”;

12 (B) by inserting “and the Reforming Intel-
13 ligence and Securing America Act” after “the
14 FISA Amendments Reauthorization Act of
15 2017”;

16 (2) in paragraph (2), by inserting “and the Re-
17 forming Intelligence and Securing America Act”
18 after “the FISA Amendments Reauthorization Act
19 of 2017”; and

20 (3) in paragraph (4), by inserting “and the Re-
21 forming Intelligence and Securing America Act”
22 after “the FISA Amendments Reauthorization Act
23 of 2017” in each place it appears.

24 (c) SUNSET.—Effective five years after the date of
25 enactment of this Act, the Foreign Intelligence Surveil-

1 lance Act of 1978 is amended so that section 702 reads
2 as it read on the day before the date of enactment of this
3 Act.

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

5 **SURVEILLANCE ACT OF 1978.**

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

14 (b) EFFECT OF CERTAIN AMENDMENTS ON CON-
15 FORMING CHANGES TO TABLES OF CONTENTS.—When an
16 amendment made by this Act adds a section or larger or-
17 ganizational unit to the Foreign Intelligence Surveillance
18 Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers
19 a section or larger organizational unit in such Act, or
20 amends the designation or heading of a section or larger
21 organizational unit in such Act, that amendment also shall
22 have the effect of amending the table of contents in such
23 Act to alter the table to conform to the changes made by
24 the amendment.

1 **SEC. 21. INFORMATION SUBMISSION.**

2 The Director of National Intelligence, in consultation
3 with the Attorney General, may submit to the congress-
4 sional intelligence committees (as such term is defined in
5 section 701 of the Foreign Intelligence Surveillance Act
6 of 1978) and the Committees on the Judiciary of the
7 House of Representatives and of the Senate information
8 regarding the purchase of commercially-available data
9 about United States persons by law enforcement agencies
10 and the intelligence community.

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