

119TH CONGRESS  
2D SESSION

# S. 4402

To require a report on the use of artificial intelligence with respect to access to unminimized information collected pursuant to the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

APRIL 27, 2026

Mr. SCHIFF introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To require a report on the use of artificial intelligence with respect to access to unminimized information collected pursuant to the Foreign Intelligence Surveillance Act of 1978, and for other purposes.

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. DEFINITION OF ARTIFICIAL INTELLIGENCE.**

4 In this Act, the term “artificial intelligence” has the  
5 meaning given that term in section 5002 of the National  
6 Artificial Intelligence Initiative Act of 2020 (15 U.S.C.  
7 9401).

1 **SEC. 2. REPORT ON USE OF ARTIFICIAL INTELLIGENCE.**

2 (a) IN GENERAL.—Not later than 120 days after the  
3 date of the enactment of this Act, the Attorney General  
4 and the Director of National Intelligence shall jointly sub-  
5 mit to the entities and individuals specified in subsection  
6 (c) a report describing all use of artificial intelligence with  
7 access to unminimized information collected pursuant to  
8 any section of the Foreign Intelligence Surveillance Act  
9 of 1978 (50 U.S.C. 1801 et seq.).

10 (b) CONTENTS.—The report required by subsection  
11 (a) shall include, for each use of artificial intelligence in-  
12 cluded in the report, the following:

13 (1) The name of the artificial intelligence sys-  
14 tem, if applicable, and a description of its use, func-  
15 tion, and purpose.

16 (2) A description of the testing and evaluation  
17 process prior to adoption, as well as the process for  
18 continuous monitoring of the system's performance,  
19 including a description of mechanisms and protocols  
20 for continuous human review.

21 (3) An identification of the entity, whether an  
22 office within a government agency or a private enti-  
23 ty, that developed, trained, initiated the training of,  
24 or intentionally modified the artificial intelligence  
25 system.

1           (4) A description of the data used to train or  
2           fine-tune the artificial intelligence system, including  
3           a description of the fitness of the selected model and  
4           its training data for the functions described in para-  
5           graph (1), as well as any stated limitations of the  
6           selected model indicated in documentation associated  
7           with the selected model.

8           (5) An identification of—

9                 (A) when the artificial intelligence system  
10              was initially allowed access to unminimized in-  
11              formation collected pursuant to the Foreign In-  
12              telligence Surveillance Act of 1978 (50 U.S.C.  
13              1801 et seq.);

14              (B) what access the artificial intelligence  
15              system has to that information; and

16              (C) any additional data sources the artifi-  
17              cial intelligence system uses for operation in the  
18              functions identified in paragraph (1).

19           (6) Whether the use of the artificial intelligence  
20           system has previously been reported to the entities  
21           and individuals specified in subsection (c) and, if so,  
22           whether the Foreign Intelligence Surveillance Court  
23           has issued any orders or opinions regarding the use  
24           of the artificial intelligence, including as part of  
25           minimization or targeting procedures.

1           (7) Any additional information determined nec-  
2           essary by the Attorney General or the Director of  
3           National Intelligence.

4           (c) ENTITIES AND INDIVIDUALS SPECIFIED.—The  
5           entities and individuals specified in this subsection are—

6                 (1) the congressional intelligence committees  
7                 (as defined in section 3 of the National Security Act  
8                 of 1947 (50 U.S.C. 3003));

9                 (2) the Committee on the Judiciary of the Sen-  
10            ate;

11                (3) the Committee on the Judiciary of the  
12            House of Representatives;

13                (4) the presiding judge of the Foreign Intel-  
14            ligence Surveillance Court; and

15                (5) the presiding judge of the Foreign Intel-  
16            ligence Surveillance Court of Review.

17           (d) FORM.—The report required by subsection (a)  
18           shall be submitted in unclassified and classified form.

19           (e) PUBLIC AVAILABILITY.—The unclassified version  
20           of the report required by subsection (a) shall be made pub-  
21           licly available on the websites of the Department of Justice  
22           and the Office of the Director of National Intelligence.

1 **SEC. 3. REQUIREMENT RELATING TO USE OF ARTIFICIAL**  
2 **INTELLIGENCE.**

3 Before providing any future artificial intelligence sys-  
4 tem with access to unminimized information collected pur-  
5 suant to any section of the Foreign Intelligence Surveil-  
6 lance Act of 1978 (50 U.S.C. 1801 et seq.), the Attorney  
7 General and the Director of National Intelligence shall  
8 jointly provide to the entities and individuals specified in  
9 section 2(c) the following:

10 (1) A notification describing the proposed  
11 name, function, and access to information of the ar-  
12 tificial intelligence system.

13 (2) An assessment of whether such use of the  
14 artificial intelligence complies with the Foreign In-  
15 telligence Surveillance Act, existing procedures or  
16 opinions adopted or issued by the Foreign Intel-  
17 ligence Surveillance Court, and any other applicable  
18 laws, directives, and regulations.

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