

113TH CONGRESS
1ST SESSION

H. R. 2761

To require Presidential appointment and Senate confirmation of Foreign
Intelligence Surveillance Court judges.

IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2013

Mr. SCHIFF (for himself, Mr. POE of Texas, Mr. HOLT, Mr. HUFFMAN, and Mr. VAN HOLLEN) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select), 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 require Presidential appointment and Senate confirmation
of Foreign Intelligence Surveillance Court judges.

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 “Presidential Appoint-
5 ment of FISA Court Judges Act”.

1 **SEC. 2. PRESIDENTIAL APPOINTMENT AND SENATE CON-**
 2 **FIRMATION OF FOREIGN INTELLIGENCE SUR-**
 3 **VEILLANCE COURT JUDGES.**

4 (a) PRESIDENTIAL APPOINTMENT AND SENATE CON-
 5 FIRMATION REQUIRED.—Section 103 of the Foreign Intel-
 6 ligence Surveillance Act of 1978 (50 U.S.C. 1803) is
 7 amended—

8 (1) in subsection (a)(1)—

9 (A) in the first sentence, by striking “The
 10 Chief Justice of the United States” and insert-
 11 ing “(A) The President, by and with the advice
 12 and consent of the Senate,”; and

13 (B) by adding at the end the following new
 14 subparagraph:

15 “(B) The President, by and with the advice and con-
 16 sent of the Senate, shall publicly designate a judge des-
 17 ignated under subparagraph (A) to serve as the presiding
 18 judge of the court established under such subparagraph.”;

19 (2) in subsection (b), by striking “The Chief
 20 Justice” and inserting “The President, by and with
 21 the advice and consent of the Senate,”; and

22 (3) in subsection (c), by striking “the Chief
 23 Justice in consultation with”.

24 (b) COMPLETION OF TERMS BY EXISTING DES-
 25 IGNEES.—Notwithstanding the amendments by subsection
 26 (a), each judge serving on a court established under sub-

1 section (a) or subsection (b) of section 103 of the Foreign
2 Intelligence Surveillance Act of 1978 (50 U.S.C. 1803) on
3 the date of the enactment of this Act may complete the
4 term of such judge on such court.

