

119<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 3696

To amend section 5 of the Reforming Intelligence and Securing America Act to ensure Member access to the Foreign Intelligence Surveillance Court and Foreign Intelligence Surveillance Court of Review, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2026

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

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## A BILL

To amend section 5 of the Reforming Intelligence and Securing America Act to ensure Member access to the Foreign Intelligence Surveillance Court and Foreign Intelligence Surveillance Court of Review, 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. SHORT TITLE.**

4 This Act may be cited as the “FISA Accountability  
5 and Extension Act of 2026”.

1 **SEC. 2. ENSURING MEMBER ACCESS TO THE FOREIGN IN-**  
2 **TELLIGENCE SURVEILLANCE COURT AND**  
3 **FOREIGN INTELLIGENCE SURVEILLANCE**  
4 **COURT OF REVIEW.**

5 Section 5 of the Reforming Intelligence and Securing  
6 America Act (50 U.S.C. 1803 note), is amended—

7 (1) in subsection (d) by striking “on their be-  
8 half, pursuant to such procedures as the Attorney  
9 General, in consultation with the Director of Na-  
10 tional Intelligence may establish” and inserting “in  
11 addition or on their behalf”; and

12 (2) by adding at the end the following:

13 “(e) REVOKING PREVIOUS PROCEDURES.—Any pro-  
14 cedures promulgated by the Attorney General in consulta-  
15 tion with the Director of National Intelligence pursuant  
16 to subsection (d) as in effect before the date of enactment  
17 of this subsection shall be void, including the Attorney  
18 General Procedures for Congressional Attendance at Pro-  
19 ceedings of the Foreign Intelligence Surveillance Court  
20 and the Foreign Intelligence Surveillance Court of Review  
21 dated November 18, 2024.

22 “(f) PROHIBITION ON RESTRICTIONS.—

23 “(1) IN GENERAL.—The Foreign Intelligence  
24 Surveillance Court and the Foreign Intelligence Sur-  
25 veillance Court of Review shall not have any author-  
26 ity to impose any restrictions on Members or des-

1       ignated staff attending proceedings pursuant to sub-  
2       section (d) that are not also applied to the Depart-  
3       ment of Justice.

4           “(2) REQUIREMENTS.—Each individual and  
5       designated staff described in subsection (d) shall be  
6       allowed to observe in its entirety any proceeding of  
7       the Foreign Intelligence Surveillance Court or the  
8       Foreign Intelligence Surveillance Court of Review.

9           “(3) SPACE CONSTRAINTS.—

10           “(A) IN GENERAL.—The Foreign Intel-  
11       ligence Surveillance Court and the Foreign In-  
12       telligence Surveillance Court of Review shall use  
13       all physical space to the maximum extent pos-  
14       sible, such that any individual and designated  
15       staff described in subsection (d) present in at-  
16       tendance shall have physical access to the  
17       courtrooms of the Foreign Intelligence Surveil-  
18       lance Court and Foreign Intelligence Surveil-  
19       lance Court of Review to attend any proceeding  
20       of such courts.

21           “(B) ALTERNATIVE IF SPACE UNAVAIL-  
22       ABLE.—If the Foreign Intelligence Surveillance  
23       Court or the Foreign Intelligence Surveillance  
24       Court of Review is unable to accommodate all  
25       individuals and staff described in subsection (d)

1           due to courtroom physical space constraints,  
2           such courts shall provide any such present indi-  
3           viduals and staff who are not able to be phys-  
4           ically present in the courtroom during a pro-  
5           ceeding with full visual and audio access to ob-  
6           serve the proceeding.”.

7   **SEC. 3. PENALTIES.**

8           (a) **OFFENSES.**—Section 109(a) of the Foreign Intel-  
9           ligence Surveillance Act of 1978 (50 U.S.C. 1809) is  
10          amended by adding at the end the following:

11          “(e) **INFORMATION ACQUIRED UNDER SECTION**  
12          **702.**—Information acquired under section 702 of this Act  
13          shall be deemed to be information acquired from an elec-  
14          tronic surveillance pursuant to title I for purposes of this  
15          section.”.

16          (b) **CIVIL ACTIONS.**—Section 110 of the Foreign In-  
17          telligence Surveillance Act of 1978 (50 U.S.C. 1810) is  
18          amended—

19                 (1) by redesignating paragraphs (1) and (2) of  
20                 subsection (a) as subparagraphs (A) and (B), re-  
21                 spectively, and adjusting the margins accordingly;

22                 (2) by redesignating subsections (a), (b), and  
23                 (c) as paragraphs (1), (2), and (3), respectively, and  
24                 adjusting the margins accordingly;

1           (3) in the matter preceding paragraph (1), as  
2           so redesignated—

3                   (A) by striking “An aggrieved” and insert-  
4           ing the following:

5           “(a) IN GENERAL.—An aggrieved”;

6           (4) in subsection (a), as so redesignated, in the  
7           matter preceding paragraph (1), as so redesign-  
8           nated—

9                   (A) by inserting “or in violation of section  
10           1623 of title 18, United States Code,” after “in  
11           violation of section 109”; and

12                   (B) by inserting “, or who knowingly aided  
13           or abetted any person in committing such viola-  
14           tion,” after “such violation”; and

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

16           “(b) EXCEPTION.—No cause of action shall lie in any  
17           court against a provider of a wire or electronic commu-  
18           nication service, landlord, custodian, or other person (in-  
19           cluding any officer, employee, agent, or other specified  
20           person thereof) that furnishes any information, facilities,  
21           or technical assistance in accordance with a court order  
22           or request for emergency assistance under this Act.

23           “(c) INFORMATION ACQUIRED UNDER SECTION  
24           702.—Information acquired under section 702 of this Act  
25           shall be deemed to be information acquired from an elec-

1 tronic surveillance pursuant to title I for purposes of this  
2 section.

3 “(d) STATUTE OF LIMITATIONS.—An action under  
4 this section may not be commenced later than 5 years  
5 after the date the aggrieved party first obtained actual no-  
6 tice of the violation.”.

7 (c) CIVIL LIABILITY FOR PHYSICAL SEARCHES.—  
8 Section 308 of the Foreign Intelligence Surveillance Act  
9 (50 U.S.C. 1828) is amended, in the matter preceding  
10 paragraph (1), by inserting “, or who knowingly aided or  
11 abetted any person in committing such violation,” after  
12 “such violation”.

13 **SEC. 4. AMICUS CURIAE DESIGNATION.**

14 Section 103(i)(1) of the Foreign Intelligence Surveil-  
15 lance Act of 1978 (50 U.S.C. 1803(i)(1)) is amended—

16 (1) by striking “The presiding judges” and in-  
17 serting the following:

18 “(B) DESIGNATION BY PRESIDING  
19 JUDGES.—”;

20 (2) by inserting before subparagraph (B), as so  
21 designated, the following:

22 “(A) PROPOSAL FOR DESIGNATION.—

23 “(i) SENATE PROPOSALS.—Not later  
24 than 90 days after the date of enactment  
25 of the FISA Accountability and Extension

1 Act of 2026, the majority leader of the  
2 Senate, with the consent of the minority  
3 leader of the Senate and in consultation  
4 with the chair and vice chair of the Select  
5 Committee on Intelligence of the Senate  
6 and the chair and ranking member of the  
7 Committee on the Judiciary of the Senate,  
8 shall submit a list of not fewer than 6 indi-  
9 viduals to the presiding judges of the  
10 courts established under subsections (a)  
11 and (b) to be considered for designation as  
12 amicus curiae under subparagraph (B) of  
13 this paragraph.

14 “(ii) HOUSE OF REPRESENTATIVES  
15 PROPOSALS.—Not later than 90 days after  
16 the date of enactment of the FISA Ac-  
17 countability and Extension Act of 2026,  
18 the Speaker of the House of Representa-  
19 tives, with the consent of the minority  
20 leader of the House of Representatives and  
21 in consultation with the chair and ranking  
22 member of the Permanent Select Com-  
23 mittee on Intelligence of the House of Rep-  
24 resentatives and the chair and ranking  
25 member of the Committee on the Judiciary

1 of the House of Representatives, shall sub-  
2 mit a list of not fewer than 6 individuals  
3 to the presiding judges of the courts estab-  
4 lished under subsections (a) and (b) to be  
5 considered for designation as amicus curiae  
6 under subparagraph (B) of this paragraph.

7 “(iii) MODIFICATION OF LISTS.—The  
8 majority leader of the Senate or the Speak-  
9 er of the House of Representatives, with  
10 respect to a list submitted under clause (i)  
11 or (ii), respectively—

12 “(I) may modify the list at any  
13 time in accordance with the require-  
14 ments of the respective clause; and

15 “(II) shall ensure that the list in-  
16 cludes not fewer than 6 individuals at  
17 all times.”;

18 (3) in subparagraph (B), as so designated—

19 (A) in the first sentence, by striking “after  
20 the enactment of this subsection, jointly des-  
21 ignate not fewer than 5 individuals” and insert-  
22 ing “after the date of enactment of the FISA  
23 Accountability and Extension Act of 2026,  
24 jointly designate not fewer than 8 individuals

1 from the lists submitted under subparagraph  
2 (A) of this paragraph”; and

3 (B) by striking the second sentence; and

4 (4) by adding at the end the following:

5 “(C) **TRANSITION.**—On the date of sub-  
6 mission of the list under clause (i) or (ii) of  
7 subparagraph (A), whichever submission occurs  
8 first, any individual serving as amicus curiae  
9 shall be removed and all designations shall  
10 occur pursuant to subparagraphs (A) and  
11 (B).”.

12 **SEC. 5. WHISTLEBLOWER DISCLOSURES.**

13 Section 416 of title 5, United States Code, is amend-  
14 ed in subsection (e) by adding at the end the following:

15 “(4) **RULE OF CONSTRUCTION.**—Nothing in  
16 this subsection may be construed to revoke or dimin-  
17 ish any right of an individual provided by section  
18 2303 or 7211 of this title to make a protected dis-  
19 closure to any congressional committee.”.

20 **SEC. 6. EXTENSION OF AUTHORITIES.**

21 (a) **FISA AMENDMENTS ACT OF 2008.**—Section  
22 403(b) of the FISA Amendments Act of 2008 (Public Law  
23 110–261; 122 Stat. 2474) is amended—

24 (1) in paragraph (1), by striking “two years”  
25 and inserting “8 years”; and

1           (2) in paragraph (2) in the matter preceding  
2           subparagraph (A), by striking “two years” and in-  
3           serting “8 years”.

4           (b) CONFORMING AMENDMENT.—Section 404(b)(1)  
5           of the FISA Amendments Act of 2008 (Public Law 110–  
6           261; 122 Stat. 2476), is amended in the subsection head-  
7           ing by striking “TWO YEARS” and inserting “8 YEARS”.

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