

118TH CONGRESS  
1ST SESSION

# H. R. 6611

To amend the Foreign Intelligence Surveillance Act of 1978 to make certain reforms to the authorities under such Act, to reauthorize title VII of such Act, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 6, 2023

Mr. TURNER (for himself and Mr. HIMES) 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

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## A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to make certain reforms to the authorities under such Act, to reauthorize title VII of such Act, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “FISA Reform and Reauthorization Act of 2023”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

- Sec. 1. Short title; table of contents.  
 Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

#### TITLE I—RESTRICTION ON FEDERAL BUREAU OF INVESTIGATION QUERIES

- Sec. 101. Revoking Federal Bureau of Investigation authority to conduct queries unrelated to national security.  
 Sec. 102. Strictly limiting Federal Bureau of Investigation personnel authorizing United States person queries.  
 Sec. 103. Notification for certain queries conducted by Federal Bureau of Investigation.  
 Sec. 104. Requirement for congressional consent prior to certain Federal Bureau of Investigation queries for purpose of defensive briefings.  
 Sec. 105. Restrictions relating to conduct of certain queries by Federal Bureau of Investigation.  
 Sec. 106. Prohibition on involvement of political appointees in process to approve Federal Bureau of Investigation queries.  
 Sec. 107. Requirement for adoption of certain minimum accountability standards.  
 Sec. 108. Restriction on certain information available to Federal Bureau of Investigation.  
 Sec. 109. Mandatory audits of United States person queries conducted by Federal Bureau of Investigation.  
 Sec. 110. Prohibited purposes for queries using United States person query terms.

#### TITLE II—FISA APPLICATIONS AND ORDERS

- Sec. 201. Requirement for sworn statements for factual assertions.  
 Sec. 202. Prohibition on use of politically derived information in applications for certain orders by the Foreign Intelligence Surveillance Court.  
 Sec. 203. Prohibition on use of press reports in applications for certain orders by the Foreign Intelligence Surveillance Court.  
 Sec. 204. Description of techniques carried out before application.  
 Sec. 205. Requirement for certain justification prior to extension of orders.  
 Sec. 206. Requirement for certifications regarding accuracy of applications.  
 Sec. 207. Requirement for justification of underlying criminal offense in certain applications.  
 Sec. 208. Modification to duration of approved period under certain orders for non-United States persons.

#### TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE COURT AND FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW

- Sec. 301. Designation of counsel to scrutinize applications for United States persons.  
 Sec. 302. Requirement for transcripts of proceedings.  
 Sec. 303. Requirement for notification to congress of certain transcripts.  
 Sec. 304. Judicial consistency for extensions.  
 Sec. 305. Mandatory appointment of amicus curiae in judicial review of annual section 702 certifications and procedures.

#### TITLE IV—FISA PENALTIES

- Sec. 401. Removal or suspension of federal officers for misconduct before Foreign Intelligence Surveillance Court.
- Sec. 402. Penalties for unauthorized disclosure of application for electronic surveillance.
- Sec. 403. Increased criminal penalties for offense under FISA.
- Sec. 404. Criminal penalties for unauthorized disclosure of certain incidentally collected United States person information.
- Sec. 405. Contempts constituting crimes.
- Sec. 406. Sentencing enhancement for false declarations before FISC.
- Sec. 407. Annual reporting on disciplinary actions by Federal Bureau of Investigation.

#### TITLE V—REPORTS AND OTHER MATTERS

- Sec. 501. Inclusion of counternarcotics in definition of foreign intelligence.
- Sec. 502. Revocation of statutory reporting exemption and additional reporting requirement for Federal Bureau of Investigation.
- Sec. 503. Notification to Congress of certain unauthorized disclosures.
- Sec. 504. Definition of electronic communication service provider.
- Sec. 505. Vetting of non-United States persons.
- Sec. 506. Accountability measures for executive leadership of Federal Bureau of Investigation.
- Sec. 507. Report on technology needed for near-real time monitoring of Federal Bureau of Investigation compliance.
- Sec. 508. Inspector General report on Federal Bureau of Investigation querying practices.
- Sec. 509. Sense of Congress on the targeted collection of United States person information.
- Sec. 510. FISA Reform Commission.
- Sec. 511. Extension of certain authorities; sunset.
- Sec. 512. Severability; applicability date.

### 1 **SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE**

#### 2 **SURVEILLANCE ACT OF 1978.**

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

1 (b) EFFECT OF CERTAIN AMENDMENTS ON CON-  
2 FORMING CHANGES TO TABLES OF CONTENTS.—When an  
3 amendment made by this Act adds a section or larger or-  
4 ganizational unit to the Foreign Intelligence Surveillance  
5 Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers  
6 a section or larger organizational unit in such Act, or  
7 amends the designation or heading of a section or larger  
8 organizational unit in such Act, that amendment also shall  
9 have the effect of amending the table of contents in such  
10 Act to alter the table to conform to the changes made by  
11 the amendment.

12 **TITLE I—RESTRICTION ON FED-**  
13 **ERAL BUREAU OF INVESTIGA-**  
14 **TION QUERIES**

15 **SEC. 101. REVOKING FEDERAL BUREAU OF INVESTIGATION**  
16 **AUTHORITY TO CONDUCT QUERIES UNRE-**  
17 **LATED TO NATIONAL SECURITY.**

18 Subsection (f)(2) of section 702 is amended to read  
19 as follows:

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

23 “(A) LIMITS ON AUTHORIZATIONS OF  
24 UNITED STATES PERSON QUERIES.—The  
25 querying procedures adopted pursuant to para-

1 graph (1) for the Federal Bureau of Investiga-  
2 tion shall prohibit queries of information ac-  
3 quired under subsection (a) that are solely de-  
4 signed to find and extract evidence of criminal  
5 activity.

6 “(B) EXCEPTIONS.—The restriction under  
7 subparagraph (A) shall not apply with respect  
8 to a query if—‘(i) there is a reasonable belief  
9 that such query may retrieve information that  
10 could assist in mitigating or eliminating a  
11 threat to life or serious bodily harm’; or ‘(ii)  
12 such query is necessary to identify information  
13 that must be produced or preserved in connec-  
14 tion with a litigation matter or to fulfill dis-  
15 covery obligations in criminal matters under the  
16 laws of the United States or any State there-  
17 of.’”.

18 **SEC. 102. STRICTLY LIMITING FEDERAL BUREAU OF INVES-**  
19 **TIGATION PERSONNEL AUTHORIZING**  
20 **UNITED STATES PERSON QUERIES.**

21 Subsection (f) of section 702, as amended by this Act,  
22 is further amended—

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

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

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

5                   “(A) LIMITS ON AUTHORIZATIONS OF  
6           UNITED STATES PERSON QUERIES.—

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

18                          “(ii) EXCEPTION.—A United States  
19          person query to be conducted by the Fed-  
20          eral Bureau of Investigation of  
21          unminimized contents or noncontents ob-  
22          tained through acquisitions authorized  
23          under subsection (a) using a United States  
24          person query term may be conducted with-  
25          out obtaining prior approval as specified in

1 clause (i) only if the person conducting the  
2 United States person query has a reason-  
3 able belief that conducting the query could  
4 assist in mitigating or eliminating a threat  
5 to life or serious bodily harm.”.

6 **SEC. 103. NOTIFICATION FOR CERTAIN QUERIES CON-**  
7 **DUCTED BY FEDERAL BUREAU OF INVES-**  
8 **TIGATION.**

9 Subsection (f)(3) of section 702, as amended by this  
10 Act, is further amended by adding at the end the following  
11 new subparagraph:

12 “(B) NOTIFICATION REQUIREMENT FOR  
13 CERTAIN FBI QUERIES.—

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

24 “(ii) APPROPRIATE CONGRESSIONAL  
25 LEADERSHIP DEFINED.—In this subpara-

1 graph, the term ‘appropriate congressional  
2 leadership’ means the following:

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

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

9 “(III) The majority and minority  
10 leaders of the Senate.

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

17 “(iv) WAIVER.—

18 “(I) IN GENERAL.—The Director  
19 may waive a notification required  
20 under clause (i) if the Director deter-  
21 mines such notification would impede  
22 an ongoing national security or law  
23 enforcement investigation.

24 “(II) TERMINATION.—A waiver  
25 under subclause (I) shall terminate on



1 the date the Director determines the  
2 relevant notification would not impede  
3 the relevant national security or law  
4 enforcement investigation or on the  
5 date that such investigation ends,  
6 whichever is earlier”.

7 **SEC. 104. REQUIREMENT FOR CONGRESSIONAL CONSENT**  
8 **PRIOR TO CERTAIN FEDERAL BUREAU OF IN-**  
9 **VESTIGATION QUERIES FOR PURPOSE OF DE-**  
10 **FENSIVE BRIEFINGS.**

11 Subsection (f)(3) of section 702, as amended by this  
12 Act, is further amended by inserting after subparagraph  
13 (B) the following new subparagraph:

14 “(C) CONSENT REQUIRED FOR FBI TO  
15 CONDUCT CERTAIN QUERIES FOR PURPOSE OF  
16 DEFENSIVE BRIEFING.—

17 “(i) CONSENT REQUIRED.—The Fed-  
18 eral Bureau of Investigation may not, for  
19 the exclusive purpose of supplementing the  
20 contents of a briefing on the defense  
21 against a counterintelligence threat to a  
22 Member of Congress, conduct a query  
23 using a query term that is the name or re-  
24 stricted personal information (as such term

1 is defined in section 119 of title 18, United  
2 States Code) of that member unless—

3 “(I) the member provides consent  
4 to the use of the query term; or

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

10 “(ii) NOTIFICATION.—

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

20 “(II) NOTIFICATION OF EXCEP-  
21 TION USED.—Not later than three  
22 business days after the conduct of a  
23 query under clause (i) without consent  
24 on the basis of the existence of exi-  
25 gent circumstances determined under

1 subclause (II) of such clause, the Di-  
2 rector of the Federal Bureau of Inves-  
3 tigation shall notify the appropriate  
4 congressional leadership.

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

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

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

20 “(iv) APPROPRIATE CONGRESSIONAL  
21 LEADERSHIP DEFINED.—In this subpara-  
22 graph, the term ‘appropriate congressional  
23 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. 105. RESTRICTIONS RELATING TO CONDUCT OF CER-**  
10                   **TAIN QUERIES BY FEDERAL BUREAU OF IN-**  
11                   **VESTIGATION.**

12           Subsection (f)(3) of section 702, as amended by this  
13 Act, is further amended by adding at the end the following  
14 new subparagraph:

15                   “(D) QUERYING PROCEDURES APPLICABLE  
16                   TO FEDERAL BUREAU OF INVESTIGATION.—For  
17                   any procedures adopted under paragraph (1)  
18                   applicable to the Federal Bureau of Investiga-  
19                   tion, the Attorney General, in consultation with  
20                   the Director of National Intelligence, shall in-  
21                   clude the following requirements:

22                   “(i) TRAINING.—A requirement that,  
23                   prior to conducting any query, personnel of  
24                   the Federal Bureau of Investigation suc-

1           cessfully complete training on the querying  
2           procedures on an annual basis.

3           “(ii) ADDITIONAL PRIOR APPROVALS  
4           FOR SENSITIVE QUERIES.—A requirement  
5           that, absent exigent circumstances, prior to  
6           conducting certain queries, personnel of  
7           the Federal Bureau of Investigation receive  
8           approval, at minimum, as follows:

9                   “(I) IN GENERAL.—

10                           “(aa) Approval from the  
11                           Deputy Director of the Federal  
12                           Bureau of Investigation if the  
13                           query uses a query term reason-  
14                           ably believed to identify a United  
15                           States elected official, an ap-  
16                           pointee of the President or a  
17                           State governor, a United States  
18                           political candidate, a United  
19                           States political organization or a  
20                           United States person prominent  
21                           in such organization, or a United  
22                           States media organization or a  
23                           United States person who is a  
24                           member of such organization.

1           “(bb) Approval from an at-  
2           torney of the Federal Bureau of  
3           Investigation if the query uses a  
4           query term reasonably believed to  
5           identify a United States religious  
6           organization or a United States  
7           person who is prominent in such  
8           organization.

9           “(cc) Approval from an at-  
10          torney of the Federal Bureau of  
11          Investigation if such conduct in-  
12          volves batch job technology (or  
13          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          The Federal Bureau of Investigation shall  
24          keep a record of each such written state-  
25          ment.

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

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

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

21           “(v) WAIVER AUTHORITY FOR FOR-  
22           EIGN INTELLIGENCE SURVEILLANCE  
23           COURT.—If the Foreign Intelligence Sur-  
24           veillance Court finds that the procedures  
25           adopted under paragraph (1) include meas-

1           ures that are reasonably expected to result  
 2           in similar compliance outcomes as the  
 3           measures specified in clauses (i) through  
 4           (iv) of this subparagraph, the Foreign In-  
 5           telligence Surveillance Court may waive  
 6           one or more of the requirements specified  
 7           in such clauses.”.

8           (v) WAIVER AUTHORITY FOR FOREIGN INTEL-  
 9           LIGENCE SURVEILLANCE COURT.—If the Foreign Intel-  
 10          ligence Surveillance Court finds that the procedures  
 11          adopted under paragraph (1) include measures that are  
 12          reasonably expected to result in similar compliance out-  
 13          comes as the measures specified in clauses (i) through (iv)  
 14          of this subparagraph, the Foreign Intelligence Surveil-  
 15          lance Court may waive one or more of the requirements  
 16          specified in such clauses.

17          **SEC. 106. PROHIBITION ON INVOLVEMENT OF POLITICAL**  
 18   **APPOINTEES IN PROCESS TO APPROVE FED-**  
 19   **ERAL BUREAU OF INVESTIGATION QUERIES.**

20          Subsection (f)(3)(D)(ii) of section 702, as amended  
 21          by this Act, is further amended by inserting after sub-  
 22          clause (I) the following new subclause:

23   “(II) PROHIBITION ON POLIT-  
 24   ICAL APPOINTEES WITHIN THE PROC-  
 25   ESS TO APPROVE FEDERAL BUREAU



1 OF INVESTIGATION QUERIES.—The  
2 procedures shall prohibit any political  
3 personnel, such as those classified by  
4 the Office of Personnel Management  
5 as Presidential Appointment with  
6 Senate Confirmation, Presidential Ap-  
7 pointment (without Senate Confirma-  
8 tion), Noncareer Senior Executive  
9 Service Appointment, or Schedule C  
10 Excepted Appointment, from inclusion  
11 in the Federal Bureau of Investiga-  
12 tion’s prior approval process under  
13 subclause (I).”.

14 **SEC. 107. REQUIREMENT FOR ADOPTION OF CERTAIN MIN-**  
15 **IMUM ACCOUNTABILITY STANDARDS.**

16 (a) **MINIMUM ACCOUNTABILITY STANDARDS.**—Sub-  
17 section (f) of section 702, as amended by this Act, is fur-  
18 ther amended by inserting after paragraph (3) the fol-  
19 lowing 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 in-  
6 formation acquired under this section.

7 “(C) Consequences for supervisors who  
8 oversee users that engage in noncompliant que-  
9 ries.”  
10

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

17 (c) REPORTS.—

18 (1) SUBMISSION OF STANDARDS.—Not later  
19 than 90 days after the date of the enactment of this  
20 Act, the Director of the Federal Bureau of Inves-  
21 tigation shall submit to the appropriate congress-  
22 sional committees the minimum accountability  
23 standards issued under subsection (a).

24 (2) ANNUAL REPORT ON IMPLEMENTATION.—  
25 Not later than December 1, 2024, and annually

1 thereafter for 3 years, the Director of the Federal  
2 Bureau of Investigation shall submit to the appro-  
3 priate congressional committees a report detailing  
4 each adverse personnel action taken pursuant to the  
5 minimum accountability standards and a description  
6 of the conduct that led to each such action.

7 (d) DEFINITION OF APPROPRIATE CONGRESSIONAL  
8 COMMITTEES.—In this section, the term “appropriate  
9 congressional committees” means—

10 (1) the congressional intelligence committees, as  
11 such term is defined in subsection (b) of section 701  
12 of the Foreign Intelligence Surveillance Act of 1978  
13 (50 U.S.C. 1881); and

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

16 **SEC. 108. RESTRICTION ON CERTAIN INFORMATION AVAIL-**  
17 **ABLE TO FEDERAL BUREAU OF INVESTIGA-**  
18 **TION.**

19 Section 702 is amended by adding at the end the fol-  
20 lowing new subsection:

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

23 “(1) RESTRICTION.—The Federal Bureau of  
24 Investigation may not ingest unminimized informa-  
25 tion acquired under this section into its analytic re-

1       positories unless the targeted person is relevant to  
2       an existing, open, predicated full national security  
3       investigation by the Federal Bureau of Investigation.

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

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

17   **SEC. 109. MANDATORY AUDITS OF UNITED STATES PERSON**  
18                   **QUERIES CONDUCTED BY FEDERAL BUREAU**  
19                   **OF INVESTIGATION.**

20      (a)   AUDITS REQUIRED.—For each query identified  
21   by the Federal Bureau of Investigation as a United States  
22   person query against information acquired pursuant to  
23   subsection (a) of section 702 of the Foreign Intelligence  
24   Surveillance Act of 1978 (50 U.S.C. 1881a) conducted by  
25   the Federal Bureau of Investigation, not later than 180

1 days after the conduct of such query, the Department of  
2 Justice shall conduct an audit of such query.

3 (b) APPLICABILITY.—The requirement under sub-  
4 section (a) shall apply with respect to queries conducted  
5 on or after the date of the enactment of this Act.

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

8 (1) The date that is 4 years after the date of  
9 the enactment of this Act.

10 (2) The date on which the Attorney General  
11 submits to the appropriate congressional committees  
12 a certification that the Federal Bureau of Investiga-  
13 tion has implemented a process for the internal  
14 audit of all queries referred to in subsection (a).

15 (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
16 DEFINED.—In this section, the term “appropriate con-  
17 gressional committees” means—

18 (1) the congressional intelligence committees, as  
19 such term is defined in subsection (b) of section 701  
20 of the Foreign Intelligence Surveillance Act of 1978  
21 (50 U.S.C. 1881); and

22 (2) the Committees on the Judiciary of the  
23 House of Representatives and of the Senate.

1 **SEC. 110. PROHIBITED PURPOSES FOR QUERIES USING**  
2 **UNITED STATES PERSON QUERY TERMS.**

3 No query of information acquired under section 702  
4 of the Foreign Intelligence Surveillance Act of 1978 (50  
5 U.S.C. 1881a) using a United States person query term  
6 may be conducted for the purpose of—

7 (1) suppressing or burdening criticism, dissent,  
8 or the free expression of ideas or political opinions  
9 of such United States person; or

10 (2) disadvantaging or harming such United  
11 States person based on their ethnicity, race, gender,  
12 sexual orientation, or religion.

13 **TITLE II—FISA APPLICATIONS**  
14 **AND ORDERS**

15 **SEC. 201. REQUIREMENT FOR SWORN STATEMENTS FOR**  
16 **FACTUAL ASSERTIONS.**

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

20 (b) TITLE III.—Subsection (a)(3) of section 303 is  
21 amended by striking “a statement of” and inserting “a  
22 sworn statement of”.

23 (c) SECTION 703.—Subsection (b)(1)(C) of section  
24 703 is amended by striking “a statement of” and inserting  
25 “a sworn statement of”.

1 (d) SECTION 704.—Subsection (b)(3) of section 704  
2 is amended by striking “a statement of” and inserting “a  
3 sworn statement of”.

4 (e) APPLICABILITY.—The amendments made by this  
5 section shall apply with respect to applications made on  
6 or after the date that is 120 days after the date of enact-  
7 ment of this Act.

8 **SEC. 202. PROHIBITION ON USE OF POLITICALLY DERIVED**  
9 **INFORMATION IN APPLICATIONS FOR CER-**  
10 **TAIN ORDERS BY THE FOREIGN INTEL-**  
11 **LIGENCE SURVEILLANCE COURT.**

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

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

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

18 (3) by adding after subparagraph (E) the fol-  
19 lowing 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-  
25 fined in section 527 of the Internal Revenue

1 Code of 1986) on the opponent of a candidate  
2 in an election for Federal, State, or local office,  
3 unless—

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

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

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

13 (b) TITLE III.—Subsection (a)(6) of section 303 is  
14 amended—

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

17 (2) in subparagraph (E), by striking the semi-  
18 colon and inserting “; and”; and

19 (3) by inserting after subparagraph (E) the fol-  
20 lowing new subparagraph:

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



1            fined in section 527 of the Internal Revenue  
2            Code of 1986) on the opponent of a candidate  
3            in an election for Federal, State, or local office,  
4            unless—

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

8                    “(ii) the information has been cor-  
9                    roborated; and

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

14            (c) APPLICABILITY.—The amendments made by this  
15            section shall apply with respect to applications made on  
16            or after the date that is 120 days after the date of enact-  
17            ment of this Act.

18            **SEC. 203. PROHIBITION ON USE OF PRESS REPORTS IN AP-**  
19                    **PLICATIONS FOR CERTAIN ORDERS BY THE**  
20                    **FOREIGN INTELLIGENCE SURVEILLANCE**  
21                    **COURT.**

22            (a) TITLE I.—Subsection (a)(6) of section 104, as  
23            amended by this Act, is further amended by adding at the  
24            end the following new subparagraph:

1           “(G) that none of the information included  
2           in the statement described in paragraph (3) is  
3           solely attributable to or derived from the con-  
4           tent of a media source unless the statement in-  
5           cludes a clear identification of each author of  
6           that content, and, where applicable, the pub-  
7           lisher of that content;”.

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

11           “(G) that none of the information included  
12           in the statement described in paragraph (3) is  
13           solely attributable to or derived from the con-  
14           tent of a media source unless the statement in-  
15           cludes a clear identification of each author of  
16           that content, and, where applicable, the pub-  
17           lisher of that content;”.

18           (c) **APPLICABILITY.**—The amendments made by this  
19           section shall apply with respect to applications made on  
20           or after the date that is 120 days after the date of enact-  
21           ment of this Act.

22           **SEC. 204. DESCRIPTION OF TECHNIQUES CARRIED OUT BE-**  
23           **FORE APPLICATION.**

24           (a) **TITLE I.**—Subsection (a) of section 104, as  
25           amended by this Act, is further amended—

1           (1) in paragraph (8), by striking “; and” and  
2 inserting a semicolon;

3           (2) in paragraph (9), by striking the period at  
4 the end and inserting “; and”; and

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

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

11          (b) **APPLICABILITY.**—The amendments made by this  
12 section shall apply with respect to applications made on  
13 or after the date that is 120 days after the date of enact-  
14 ment of this Act.

15 **SEC. 205. REQUIREMENT FOR CERTAIN JUSTIFICATION**  
16 **PRIOR TO EXTENSION OF ORDERS.**

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

21           “(11) in the case of an application for an exten-  
22 sion of an order under this title for a surveillance  
23 targeted against a United States person, a summary  
24 statement of the foreign intelligence information ob-  
25 tained pursuant to the original order (and any pre-

1 ceding extension thereof) as of the date of the appli-  
2 cation for the extension, or a reasonable explanation  
3 of the failure to obtain such information; and”.

4 (b) APPLICATIONS FOR EXTENSION OF ORDERS  
5 UNDER TITLE III.—Subsection (a) of section 303, as  
6 amended by this Act, is further amended by:

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

9 (2) in paragraph (8), by striking the period at  
10 the end and inserting a semicolon; and

11 (3) by adding at the end the following new  
12 paragraph:

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

22 (c) APPLICABILITY.—The amendments made by this  
23 section shall apply with respect to applications made on  
24 or after the date that is 120 days after the date of enact-  
25 ment of this Act.

1 **SEC. 206. REQUIREMENT FOR CERTIFICATIONS REGARD-**  
2 **ING ACCURACY OF APPLICATIONS.**

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

6 “(12) a certification by the applicant or declar-  
7 ant that, to the best knowledge of the applicant or  
8 declarant, the Attorney General or a designated at-  
9 torney for the Government has been apprised of all  
10 information that might reasonably—

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

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

18 (b) TITLE III.—Subsection (a) of section 303 is  
19 amended by adding at the end the following:

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

25 “(A) call into question the accuracy of the  
26 application or the reasonableness of any assess-

1           ment in the application conducted by the de-  
2           partment or agency on whose behalf the appli-  
3           cation is made; or

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

6           (c) TITLE IV.—Subsection (c) of section 402 is  
7 amended—

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

10           (2) in paragraph (3), by striking the period at  
11           the end and inserting “; and”; and

12           (3) by adding at the end the following new  
13           paragraph:

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

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

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

3           (d) TITLE V.—Subsection (b)(2) of section 502 is  
4 amended—

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

7           (2) in subparagraph (D), by striking the period  
8           at the end and inserting “; and”; and

9           (3) by adding at the end the following new sub-  
10          paragraph:

11           “(E) a statement by the applicant that, to  
12           the best knowledge of the applicant, the appli-  
13           cation fairly reflects all information that might  
14           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          (e) TITLE VII.—

24           (1) SECTION 703.—Subsection (b)(1) of section  
25          703 is amended—

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

3 (B) in subparagraph (J), by striking the  
4 period at the end and inserting “; and”; and

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

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

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

17 “(ii) otherwise raise doubts with re-  
18 spect to the findings required under sub-  
19 section (c).”.

20 (2) SECTION 704.—Subsection (b) of section  
21 704 is amended—

22 (A) in paragraph (6), by striking “; and”  
23 and inserting a semicolon;

24 (B) in paragraph (7), by striking the pe-  
25 riod at the end and inserting “; and”; and



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

3 “(8) a certification by the applicant that, to the  
4 best knowledge of the applicant, the Attorney Gen-  
5 eral or a designated attorney for the Government  
6 has been apprised of all information that might rea-  
7 sonably—

8 “(A) call into question the accuracy of the  
9 application or the reasonableness of any assess-  
10 ment in the application conducted by the de-  
11 partment or agency on whose behalf the appli-  
12 cation is made; or

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

15 (f) APPLICABILITY.—The amendments made by this  
16 section shall apply with respect to applications made on  
17 or after the date that is 120 days after the date of enact-  
18 ment of this Act.

19 (g) ACCURACY PROCEDURES.—Not later than 180  
20 days after the date of the enactment of this Act, the Attor-  
21 ney General, in consultation with the Director of the Fed-  
22 eral Bureau of Investigation, shall issue procedures gov-  
23 erning the review of case files, as appropriate, to ensure  
24 that applications to the Foreign Intelligence Surveillance  
25 Court under title I or III of the Foreign Intelligence Sur-

1 veillance Act of 1978 (50 U.S.C. 1801 et seq.) that target  
2 United States persons are accurate and complete.

3 **SEC. 207. REQUIREMENT FOR JUSTIFICATION OF UNDER-**  
4 **LYING CRIMINAL OFFENSE IN CERTAIN AP-**  
5 **PLICATIONS.**

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

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

22 (c) APPLICABILITY.—The amendments made by this  
23 section shall apply with respect to applications made on  
24 or after the date that is 120 days after the date of enact-  
25 ment of this Act.

1 **SEC. 208. MODIFICATION TO DURATION OF APPROVED PE-**  
2 **RIOD UNDER CERTAIN ORDERS FOR NON-**  
3 **UNITED STATES PERSONS.**

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

6 (1) in paragraph (1)—

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

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

13 (2) by striking paragraph (2); and

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

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

18 (1) in paragraph (1)—

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

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

25 (2) by striking paragraph (2); and

1           (3) by redesignating paragraph (3) as para-  
2           graph (2).

3 **TITLE       III—FOREIGN       INTEL-**  
4 **LIGENCE       SURVEILLANCE**  
5 **COURT AND FOREIGN INTEL-**  
6 **LIGENCE       SURVEILLANCE**  
7 **COURT OF REVIEW**

8 **SEC. 301. DESIGNATION OF COUNSEL TO SCRUTINIZE AP-**  
9 **PLICATIONS FOR UNITED STATES PERSONS.**

10       Section 103 is amended by adding at the end the fol-  
11       lowing new subsection:

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

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

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

1           “(3) a recommendation as to the following,  
2           which the judge shall consider during a proceeding  
3           on the application, as appropriate—

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

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

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

12 **SEC. 302. REQUIREMENT FOR TRANSCRIPTS OF PRO-**  
13 **CEEDINGS.**

14           Subsection (c) of section 103 is amended—

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

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

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

1 **SEC. 303. REQUIREMENT FOR NOTIFICATION TO CONGRESS**  
2 **OF CERTAIN TRANSCRIPTS.**

3 Subsection (c) of section 601 is amended—

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

6 (2) in paragraph (2), by striking the period and  
7 inserting “; and”; and

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

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

23 **SEC. 304. JUDICIAL CONSISTENCY FOR EXTENSIONS.**

24 Subsection (d) of section 105 is amended by adding  
25 at the end the following new paragraph:

1           “(5) An extension of an order issued under this  
2 title for surveillance targeted against a United  
3 States person, to the extent practicable and absent  
4 exigent circumstances, shall be granted or denied by  
5 the same judge who issued the original order.”.

6 **SEC. 305. MANDATORY APPOINTMENT OF AMICUS CURIAE**  
7 **IN JUDICIAL REVIEW OF ANNUAL SECTION**  
8 **702 CERTIFICATIONS AND PROCEDURES.**

9 Subsection (i) of section 103 is amended—

10           (1) in paragraph (2)—

11                   (A) by redesignating subparagraphs (A)  
12 and (B) as clause (i) and (ii), respectively;

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

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

16                   (C) in subparagraph (A), as inserted by  
17 subparagraph (B) of this section—

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

19                                   (I) by striking “appoint an indi-  
20 vidual who has” and inserting “ap-  
21 point one or more individuals who  
22 have”; and

23                                   (II) by striking “; and” and in-  
24 serting a semicolon;

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

1 (I) by striking “appoint an indi-  
2 vidual or organization” and inserting  
3 “appoint one or more individuals or  
4 organizations”; and

5 (II) by striking the period at the  
6 end and inserting “; and”; and

7 (iii) by adding at the end the fol-  
8 lowing new clause:

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

22 (D) by adding at the end the following new  
23 subparagraphs:

24 “(B) EXPERTISE.—In appointing one or  
25 more individuals under subparagraph (A)(iii),



1 the court shall, to the maximum extent prac-  
2 ticable, appoint an individual who possesses ex-  
3 pertise in both privacy and civil liberties and in-  
4 telligence collection.

5 “(C) TIMING.—In the event that the court  
6 appoints one or more individuals or organiza-  
7 tions pursuant to this paragraph to assist such  
8 court in a proceeding under section 702, not-  
9 withstanding subsection (j)(1)(B) of such sec-  
10 tion, the court shall issue an order pursuant to  
11 subsection (j)(3) of such section as expedi-  
12 tiously as possible consistent with subsection  
13 (k)(1) of such section, but in no event later  
14 than 60 days after the date on which such cer-  
15 tification, procedures, or amendments are sub-  
16 mitted for the court’s review, or later than 60  
17 days after the court has issued an order ap-  
18 pointing one or more individuals pursuant to  
19 this paragraph, whichever is earlier, unless a  
20 judge of that court issues an order finding that  
21 extraordinary circumstances necessitate addi-  
22 tional time for review and that such extension  
23 of time is consistent with the national secu-  
24 rity.”; and  
25 (2) in paragraph (4)—

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

3 (B) by striking “provide to the court, as  
 4 appropriate”;

5 (C) by redesignating subparagraphs (A)  
 6 through (C) as clauses (i) through (iii), respec-  
 7 tively;

8 (D) by inserting before clause (i) the fol-  
 9 lowing new subparagraphs:

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

12 “(B) provide to the court, as appropriate—  
 13 ”; and

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

## 17 **TITLE IV—FISA PENALTIES**

### 18 **SEC. 401. REMOVAL OR SUSPENSION OF FEDERAL OFFI-** 19 **CERS FOR MISCONDUCT BEFORE FOREIGN** 20 **INTELLIGENCE SURVEILLANCE COURT.**

21 Section 103, as amended by this Act, is further  
 22 amended by adding at the end the following new sub-  
 23 section:

24 “(m) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
 25 CERS FOR MISCONDUCT BEFORE COURTS.—An officer or

1 employee of the United States Government who engages  
2 in intentional misconduct with respect to proceedings be-  
3 fore the Foreign Intelligence Surveillance Court or the  
4 Foreign Intelligence Surveillance Court of Review shall be  
5 subject to appropriate adverse actions, including, as ap-  
6 propriate, suspension without pay or removal.”.

7 **SEC. 402. PENALTIES FOR UNAUTHORIZED DISCLOSURE OF**  
8 **APPLICATION FOR ELECTRONIC SURVEIL-**  
9 **LANCE.**

10 (a) IN GENERAL.—Subsection (a) of section 109 is  
11 amended—

12 (1) in the matter preceding paragraph (1), by  
13 striking “intentionally”;

14 (2) in paragraph (1)—

15 (A) by inserting “intentionally” before  
16 “engages in”; and

17 (B) by striking “; or” and inserting a  
18 semicolon;

19 (3) in paragraph (2)—

20 (A) by striking “disclose” and inserting  
21 “intentionally discloses”; and

22 (B) by striking the period at the end and  
23 inserting “; or”; and

24 (4) by adding at the end the following new  
25 paragraph:

1           “(3) knowingly and willfully communicates, fur-  
2 nishes, transmits, or otherwise makes available to an  
3 unauthorized person, or publishes, or uses in any  
4 manner prejudicial to the safety or interest of the  
5 United States or for the benefit or any foreign gov-  
6 ernment to the detriment of the United States an  
7 application, in whole or in part, for an order for  
8 electronic surveillance under this Act.”.

9           (b) CONFORMING AMENDMENT.—Subsection (b) of  
10 such section is amended by striking “under subsection  
11 (a)” and inserting “under paragraph (1) or (2) of sub-  
12 section (a)”.

13 **SEC. 403. INCREASED CRIMINAL PENALTIES FOR OFFENSE**  
14 **UNDER FISA.**

15           Subsection (c) of section 109 is amended to read:  
16 “PENALTY.—A person guilty of an offense in this sec-  
17 tion shall be fined under title 18, imprisoned for not more  
18 than 10 years, or both.”.

19 **SEC. 404. CRIMINAL PENALTIES FOR UNAUTHORIZED DIS-**  
20 **CLOSURE OF CERTAIN INCIDENTALLY COL-**  
21 **LECTED UNITED STATES PERSON INFORMA-**  
22 **TION.**

23           Title VII is amended by inserting the following new  
24 section:

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

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

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

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

19 **SEC. 405. CONTEMPTS CONSTITUTING CRIMES.**

20       Section 402 of title 18, United States Code, is  
21 amended by inserting after “any district court of the  
22 United States” the following: “, including the Foreign In-  
23 telligence Surveillance Court or the Foreign Intelligence  
24 Surveillance Court of Review established by section 103  
25 of the Foreign Intelligence Surveillance Act of 1978 (50  
26 U.S.C. 1803),”.

1 **SEC. 406. SENTENCING ENHANCEMENT FOR FALSE DEC-**  
2 **LARATIONS BEFORE FISC.**

3 Subsection (a) of section 1623 of title 18, United  
4 States Code, is amended by inserting before “, or both”  
5 the following: “or, if such proceedings are before or ancil-  
6 lary to the Foreign Intelligence Surveillance Court or the  
7 Foreign Intelligence Surveillance Court of Review estab-  
8 lished by section 103 of the Foreign Intelligence Surveil-  
9 lance Act of 1978 (50 U.S.C. 1803), imprisoned not more  
10 than ten years”.

11 **SEC. 407. ANNUAL REPORTING ON DISCIPLINARY ACTIONS**  
12 **BY FEDERAL BUREAU OF INVESTIGATION.**

13 Section 603 is amended—

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

16 (2) by inserting the following new subsection:

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

1 section 702, to include the number of ongoing personnel  
2 investigations, the outcome of any completed personnel in-  
3 vestigations and any related adverse personnel actions  
4 taken.”.

## 5 **TITLE V—REPORTS AND OTHER** 6 **MATTERS**

### 7 **SEC. 501. INCLUSION OF COUNTERNARCOTICS IN DEFINI-** 8 **TION OF FOREIGN INTELLIGENCE.**

9 Subsection (e)(1) of section 101 is amended—

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

12 (2) by adding at the end the following new sub-  
13 paragraph:

14 “(D) international production, distribution,  
15 or financing of illicit synthetic drugs, opioids,  
16 cocaine, or other drugs driving overdose deaths,  
17 or any controlled substance designated by the  
18 Controlled Substances Act (21 U.S.C. 801 et  
19 seq.), or precursors of any aforementioned; or”.

### 20 **SEC. 502. REVOCATION OF STATUTORY REPORTING EXEMP-** 21 **TION AND ADDITIONAL REPORTING RE-** 22 **QUIREMENT FOR FEDERAL BUREAU OF IN-** 23 **VESTIGATION.**

24 (a) IN GENERAL.—Section 603, as amended by this  
25 Act, is further amended—

1           (1) in subsection (b)(2)(B) by inserting “(or  
2           combined unminimized contents and noncontents in-  
3           formation)” after “unminimized contents”;

4           (2) in subsection (d), by amending paragraph  
5           (2) to read as follows:

6           “(2) NONAPPLICABILITY TO ELECTRONIC MAIL  
7           ADDRESS AND TELEPHONE NUMBERS.—Paragraph  
8           (3)(B) of subsection (b) shall not apply to orders re-  
9           sulting in the acquisition of information by the Fed-  
10          eral Bureau of Investigation that does not include  
11          electronic mail addresses or telephone numbers.”;

12          and

13          (3) by inserting the following new subsection:

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

16          “(1) ANNUAL REPORT.—The Director of the  
17          Federal Bureau of Investigation shall annually sub-  
18          mit to the Permanent Select Committee on Intel-  
19          ligence and the Committee on the Judiciary of the  
20          House of Representatives and the Select Committee  
21          on Intelligence and the Committee on the Judiciary  
22          of the Senate a report that includes—

23                  “(A) the number of United States person  
24                  queries by the Federal Bureau of Investigation



1 of unminimized contents or noncontents ac-  
2 quired pursuant to section 702(a);

3 “(B) the number of approved queries using  
4 the Federal Bureau of Investigation’s batch job  
5 technology, or successor tool;

6 “(C) the number of queries using the Fed-  
7 eral Bureau of Investigation’s batch job tech-  
8 nology, or successor tool, conducted by the Fed-  
9 eral Bureau of Investigation against informa-  
10 tion acquired pursuant to section 702(a) for  
11 which pre-approval was not obtained due to  
12 emergency circumstances;

13 “(D) the number of United States person  
14 queries conducted by the Federal Bureau of In-  
15 vestigation of unminimized contents or noncon-  
16 tents acquired pursuant to section 702(a) solely  
17 to retrieve evidence of a crime;

18 “(E) a good faith estimate of the number  
19 of United States person query terms used by  
20 the Federal Bureau of Investigation to conduct  
21 queries of unminimized contents or noncontents  
22 acquired pursuant to section 702(a) primarily  
23 to protect the United States person who is the  
24 subject of the query; and

1           “(F) a good faith estimate of the number  
2           of United States person query terms used by  
3           the Federal Bureau of Investigation to conduct  
4           queries of unminimized contents or noncontents  
5           acquired pursuant to section 702(a) where the  
6           United States person who is the subject of the  
7           query is a target or subject of an investigation  
8           by the Federal Bureau of Investigation.

9           “(2) PUBLIC AVAILABILITY.—Subject to declas-  
10          sification review by the Attorney General and the  
11          Director of National Intelligence, each annual report  
12          submitted pursuant to paragraph (1) shall be avail-  
13          able to the public during the first April following the  
14          calendar year covered by the report.”.

15          (b) EFFECTIVE DATE.—The amendments made by  
16          this section shall take effect on January 1, 2025.

17          **SEC. 503. NOTIFICATION TO CONGRESS OF CERTAIN UNAU-**  
18          **THORIZED DISCLOSURES.**

19          If the Director of National Intelligence becomes  
20          aware of an actual or potential significant unauthorized  
21          disclosure or compromise of information acquired under  
22          section 702 of the Foreign Intelligence Surveillance Act  
23          of 1978 (50 U.S.C. 1881a), as soon as practicable, but  
24          not later than 7 days after the date on which the Director  
25          becomes so aware, the Director shall notify the congress-

1 sional intelligence committees of such actual or potential  
2 disclosure or compromise.

3 **SEC. 504. DEFINITION OF ELECTRONIC COMMUNICATION**

4 **SERVICE PROVIDER.**

5 (a) Subsection (b)(4) of section 701 is amended—

6 (1) in subparagraph (D)—

7 (A) by striking “other communication”;

8 and

9 (B) by inserting “, or equipment that is  
10 being or may be used to transmit or store such  
11 communications” after “stored”; and

12 (2) in subparagraph (E), by inserting “custo-  
13 dian,” after “employee,”.

14 (b) Subsection (6) of section 801 is amended—

15 (1) in subparagraph (D)—

16 (A) by striking “other communication”;

17 and

18 (B) by inserting “, or equipment that is  
19 being or may be used to transmit or store such  
20 communications” after “stored”; and

21 (2) in subparagraph (F), by inserting “custo-  
22 dian,” after “employee,”.

1 **SEC. 505. VETTING OF NON-UNITED STATES PERSONS.**

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

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

14 **SEC. 506. ACCOUNTABILITY MEASURES FOR EXECUTIVE**  
15 **LEADERSHIP OF FEDERAL BUREAU OF IN-**  
16 **VESTIGATION.**

17 (a) MEASURES REQUIRED.—The Director of the  
18 Federal Bureau of Investigation shall ensure that, as soon  
19 as practicable following the date of enactment of this Act,  
20 there are in effect measures for holding the executive lead-  
21 ership of each covered component appropriately account-  
22 able for ensuring compliance with covered procedures by  
23 the personnel of the Federal Bureau of Investigation as-  
24 signed to that covered component. Such measures shall in-  
25 clude a requirement for an annual evaluation of the execu-  
26 tive leadership of each such covered component with re-

1 spect to ensuring such compliance during the preceding  
2 year.

3 (b) BRIEFINGS REQUIRED.—

4 (1) BRIEFINGS.—On a semiannual basis for the  
5 2-year period following the date of the enactment of  
6 this Act, and on an annual basis thereafter, the Fed-  
7 eral Bureau of Investigation shall provide to the ap-  
8 propriate congressional committees a briefing on the  
9 implementation of subsection (a).

10 (2) MATTERS.—Each briefing under paragraph  
11 (1) shall include, with respect to the period covered  
12 by the briefing, the following:

13 (A) A description of specific measures  
14 under subsection (a) that the Federal Bureau  
15 of Investigation has implemented.

16 (B) A description of specific measures  
17 under such subsection that the Federal Bureau  
18 of Investigation has proposed to be imple-  
19 mented or modified, and the timeline for such  
20 proposed implementation or modification.

21 (C) A summary of compliance with covered  
22 procedures by the personnel of the Federal Bu-  
23 reau of Investigation, disaggregated by covered  
24 component, and a description of any adverse  
25 personnel actions taken against, or other ac-

1           tions taken to ensure the appropriate account-  
2           ability of, the executive leadership of covered  
3           components that underperformed with respect  
4           to ensuring such compliance.

5           (c) DEFINITIONS.—In this section:

6           (1) APPROPRIATE CONGRESSIONAL COMMIT-  
7           TEES.—The term “appropriate congressional com-  
8           mittees” means—

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

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

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

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

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

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

3                   (B) includes querying procedures and mini-  
4           mization procedures adopted pursuant to such  
5           Act.

6           (4) EXECUTIVE LEADERSHIP.—The term “exec-  
7           utive leadership” includes—

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

12                   (B) with respect to a division of the Fed-  
13          eral Bureau of Investigation Headquarters, an  
14          Assistant Director of the division.

15 **SEC. 507. REPORT ON TECHNOLOGY NEEDED FOR NEAR-**  
16 **REAL TIME MONITORING OF FEDERAL BU-**  
17 **REAU OF INVESTIGATION COMPLIANCE.**

18          (a) STUDY REQUIRED.—The Director of National In-  
19          telligence, in coordination with the National Security  
20          Agency and in consultation with the Federal Bureau of  
21          Investigation, shall conduct a study on technological en-  
22          hancements that would enable the Federal Bureau of In-  
23          vestigation to conduct near-real time monitoring of com-  
24          pliance in any system of the Federal Bureau of Investiga-  
25          tion that stores information acquired under section 702.

1 Such study shall consider the potential cost and assess the  
2 feasibility of implementation within a period of one year  
3 of each technological enhancement under consideration.

4 (b) SUBMISSION.—Not later than one year after the  
5 date of enactment of this Act, the Director of National  
6 Intelligence shall submit the results of the study to the  
7 appropriate congressional committees.

8 (c) DEFINITIONS.—In this section the term “appro-  
9 priate congressional committees” means—

10 (1) the congressional intelligence committees, as  
11 such term is defined in subsection (b) of section 701  
12 of the Foreign Intelligence Surveillance Act of 1978  
13 (50 U.S.C. 1881); and

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

16 **SEC. 508. INSPECTOR GENERAL REPORT ON FEDERAL BU-**  
17 **REAU OF INVESTIGATION QUERYING PRAC-**  
18 **TICES.**

19 (a) REPORT.—Not later than 545 days after the date  
20 of enactment of this Act, the Inspector General of the De-  
21 partment of Justice shall submit to the appropriate con-  
22 gressional committees a report on the querying practices  
23 of the Federal Bureau of Investigation under section 702.

24 (b) MATTERS INCLUDED.—The report under sub-  
25 section (a) shall include, at a minimum, the following:



1           (1) An evaluation of compliance by personnel of  
2 the Federal Bureau of Investigation with the  
3 querying procedures adopted under section 702(f),  
4 with a particular focus on compliance by such per-  
5 sonnel with the procedures governing queries using  
6 United States person query terms.

7           (2) A discussion of each specific reform that, in  
8 the view of the Inspector General, is responsible for  
9 any identified improvement in the Federal Bureau of  
10 Investigation's record of compliance with the  
11 querying procedures, including an identification of  
12 whether such reform was—

13                   (A) required by this Act or another Act of  
14 Congress;

15                   (B) required by the Foreign Intelligence  
16 Surveillance Court or the Attorney General; or

17                   (C) voluntarily adopted by the Director of  
18 the Federal Bureau of Investigation.

19           (3) An assessment of the status of the imple-  
20 mentation by the Federal Bureau of Investigation of  
21 all reforms related to querying that are required by  
22 this Act.

23           (4) An evaluation of the effectiveness of the Of-  
24 fice of Internal Auditing of the Federal Bureau of  
25 Investigation with respect to monitoring and improv-

1       ing query compliance by personnel of the Federal  
2       Bureau of Investigation.

3           (5) Recommendations to further improve com-  
4       pliance with querying procedures by personnel of the  
5       Federal Bureau of Investigation, particularly with  
6       respect to compliance with the procedures governing  
7       queries using United States person query terms.

8           (6) Any other relevant matter the Inspector  
9       General determines appropriate.

10       (c) FORM.—The report under subsection (a) shall be  
11       submitted in unclassified form and may include a classi-  
12       fied annex.

13       (d) DEFINITIONS.—In this section:

14           (1) IN GENERAL.—Except as provided in this  
15       section, terms used in this section have the mean-  
16       ings given such terms in the Foreign Intelligence  
17       Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

18           (2) APPROPRIATE CONGRESSIONAL COMMIT-  
19       TEES.—The term “appropriate congressional com-  
20       mittees” means—

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

1 (B) the Committees on the Judiciary of  
2 the House of Representatives and the Senate.

3 **SEC. 509. SENSE OF CONGRESS ON THE TARGETED COL-**  
4 **LECTION OF UNITED STATES PERSON INFOR-**  
5 **MATION.**

6 It is the sense of Congress that section 702 of the  
7 Foreign Intelligence Surveillance Act has always prohib-  
8 ited, and continues to prohibit, the intelligence community  
9 from targeting a United States person for collection of for-  
10 eign intelligence information. If the intelligence commu-  
11 nity intends to target a United States person for collection  
12 of foreign intelligence information under the Foreign In-  
13 telligence Surveillance Act, the government must first ob-  
14 tain an individualized court order based upon a finding  
15 of probable cause that the United States person is a for-  
16 eign power, an agent of a foreign power, or an officer or  
17 employee of a foreign power, in order to conduct surveil-  
18 lance targeting that United States person.

19 **SEC. 510. FISA REFORM COMMISSION.**

20 (a) ESTABLISHMENT.—

21 (1) IN GENERAL.—There is established a com-  
22 mission to consider ongoing reforms to the Foreign  
23 Intelligence Surveillance Act of 1978 (50 U.S.C.  
24 1801 et seq.).

1           (2) DESIGNATION.—The commission estab-  
2           lished under paragraph (1) shall be known as the  
3           “FISA Reform Commission” (in this section the  
4           “Commission”).

5           (b) MEMBERSHIP.—

6           (1) COMPOSITION.—

7           (A) IN GENERAL.—Subject to subpara-  
8           graph (B), the Commission shall be composed  
9           of the following members:

10                   (i) The Principal Deputy Director of  
11                   National Intelligence.

12                   (ii) The Deputy Attorney General.

13                   (iii) The Deputy Secretary of Defense.

14                   (iv) The Deputy Secretary of State.

15                   (v) The Chair of the Privacy and Civil  
16                   Liberties Oversight Board.

17                   (vi) Three members appointed by the  
18                   majority leader of the Senate, in consulta-  
19                   tion with the Chairman of the Select Com-  
20                   mittee on Intelligence of the Senate and  
21                   the Chairman of the Committee on the Ju-  
22                   diciary of the Senate, 1 of whom shall be  
23                   a member of the Senate and 2 of whom  
24                   shall not be.

1 (vii) Three members appointed by the  
2 minority leader of the Senate, in consulta-  
3 tion with the Vice Chairman of the Select  
4 Committee on Intelligence of the Senate  
5 and the Ranking Member of the Com-  
6 mittee on the Judiciary of the Senate, 1 of  
7 whom shall be a member of the Senate and  
8 2 of whom shall not be.

9 (viii) Three members appointed by the  
10 Speaker of the House of Representatives,  
11 in consultation with the Chairman of the  
12 Permanent Select Committee on Intel-  
13 ligence of the House of Representatives  
14 and the Chairman of the Committee on the  
15 Judiciary of the House of Representatives,  
16 1 of whom shall be a member of the House  
17 of Representatives and 2 of whom shall not  
18 be.

19 (ix) Three members appointed by the  
20 minority leader of the House of Represent-  
21 atives, in consultation with the Ranking  
22 Member of the Permanent Select Com-  
23 mittee on Intelligence of the House of Rep-  
24 resentatives and the Ranking Member of  
25 the Committee on the Judiciary of the

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

4 (B) NONMEMBERS OF CONGRESS.—

5 (i) QUALIFICATIONS.—The members  
6 of the Commission who are not Members  
7 of Congress and who are appointed under  
8 clauses (vi) through (ix) of subparagraph  
9 (A) shall be individuals who are nationally  
10 recognized for expertise, knowledge, or ex-  
11 perience in—

12 (I) use of intelligence information  
13 by the intelligence community (as de-  
14 fined in section 3 of the National Se-  
15 curity Act of 1947 (50 U.S.C. 3003)),  
16 national policymakers and military  
17 leaders;

18 (II) the implementation, funding,  
19 or oversight of the national security  
20 laws of the United States;

21 (III) privacy, civil liberties, and  
22 transparency; or

23 (IV) laws and policies governing  
24 methods of electronic surveillance.

1 (ii) CONFLICTS OF INTEREST.—An of-  
2 ficial who appoints members of the Com-  
3 mission may not appoint an individual as  
4 a member of the Commission if such indi-  
5 vidual possesses any personal or financial  
6 interest in the discharge of any of the du-  
7 ties of the Commission.

8 (iii) SECURITY CLEARANCES.—All  
9 members of the Commission described in  
10 clause (i) shall possess an appropriate se-  
11 curity clearance in accordance with appli-  
12 cable provisions of law concerning the han-  
13 dling of classified information.

14 (2) CO-CHAIRS.—

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

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

22 (c) APPOINTMENT; INITIAL MEETING.—

23 (1) APPOINTMENT.—Members of the Commis-  
24 sion shall be appointed not later than 90 days after  
25 the date of the enactment of this Act.

1           (2) INITIAL MEETING.—The Commission shall  
2 hold its initial meeting on or before the date that is  
3 180 days after the date of the enactment of this Act.

4 (d) MEETINGS; QUORUM; VACANCIES.—

5           (1) IN GENERAL.—After its initial meeting, the  
6 Commission shall meet upon the call of the co-chairs  
7 of the Commission.

8           (2) QUORUM.—Nine members of the Commis-  
9 sion shall constitute a quorum for purposes of con-  
10 ducting business, except that 2 members of the  
11 Commission shall constitute a quorum for purposes  
12 of receiving testimony.

13           (3) VACANCIES.—Any vacancy in the Commis-  
14 sion shall not affect its powers, but shall be filled in  
15 the same manner in which the original appointment  
16 was made.

17           (4) QUORUM WITH VACANCIES.—If vacancies in  
18 the Commission occur on any day after 90 days  
19 after the date of the enactment of this Act, a  
20 quorum shall consist of a majority of the members  
21 of the Commission as of such day.

22 (e) DUTIES.—The duties of the Commission are as  
23 follows:



1           (1) To review the effectiveness of the current  
2           implementation of the Foreign Intelligence Surveil-  
3           lance Act of 1978 (50 U.S.C. 1801 et seq.).

4           (2) To develop recommendations for legislative  
5           action to reform the Foreign Intelligence Surveil-  
6           lance Act of 1978 (50 U.S.C. 1801 et seq.) that pro-  
7           vide for the effective conduct of United States intel-  
8           ligence activities and the protection of privacy and  
9           civil liberties.

10       (f) POWERS OF COMMISSION.—

11           (1) IN GENERAL.—

12           (A) HEARINGS.—The Commission or, on  
13           the authorization of the Commission, any sub-  
14           committee or member thereof, may, for the pur-  
15           pose of carrying out this section—

16                   (i) hold such hearings and sit and act  
17                   at such times and places, take such testi-  
18                   mony, receive such evidence, and admin-  
19                   ister such oaths; and

20                   (ii) require, by subpoena or otherwise,  
21                   the attendance and testimony of such wit-  
22                   nesses and the production of such books,  
23                   records, correspondence, memoranda, pa-  
24                   pers, and documents, as the Commission

1 or such designated subcommittee or des-  
2 ignated member considers necessary.

3 (B) ISSUANCE AND ENFORCEMENT OF  
4 SUBPOENAS.—

5 (i) ISSUANCE.—A subpoena issued  
6 under subparagraph (A)(ii) shall—

7 (I) bear the signature of the co-  
8 chairs of the Commission; and

9 (II) be served by a person or  
10 class of persons designated by the co-  
11 chairs for that purpose.

12 (ii) ENFORCEMENT.—The provisions  
13 of sections 102 through 104 of the Revised  
14 Statutes of the United States (2 U.S.C.  
15 192–194) shall apply in the case of any  
16 failure of a witness to comply with any  
17 subpoena or to testify when summoned  
18 under authority of this paragraph.

19 (2) INFORMATION FROM FEDERAL AGENCIES.—

20 (A) IN GENERAL.—The Commission may  
21 secure directly from any executive department,  
22 agency, bureau, board, commission, office, inde-  
23 pendent establishment, or instrumentality of the  
24 Federal Government information, suggestions,

1 estimates, and statistics for the purposes of this  
2 section.

3 (B) FURNISHING INFORMATION.—Each  
4 such department, agency, bureau, board, com-  
5 mission, office, establishment, or instrumen-  
6 tality described in subparagraph (A) shall, to  
7 the extent authorized by law, furnish such in-  
8 formation, suggestions, estimates, and statistics  
9 directly to the Commission, upon request of the  
10 co-chairs of the Commission.

11 (C) PROTECTION OF CLASSIFIED INFORMA-  
12 TION.—The Commission shall handle and pro-  
13 tect all classified information provided to it  
14 under this section in accordance with applicable  
15 provisions of law.

16 (3) ASSISTANCE FROM FEDERAL AGENCIES.—

17 (A) DIRECTOR OF NATIONAL INTEL-  
18 LIGENCE.—The Director of National Intel-  
19 ligence shall provide to the Commission, on a  
20 nonreimbursable basis, such administrative  
21 services, funds, staff, facilities, and other sup-  
22 port services as are necessary for the perform-  
23 ance of the duties of the Commission under this  
24 section.

1           (B) ATTORNEY GENERAL.—The Attorney  
2           General may provide the Commission, on a non-  
3           reimbursable basis, with such administrative  
4           services, staff, and other support services as the  
5           Commission may request.

6           (C) OTHER DEPARTMENTS AND AGEN-  
7           CIES.—In addition to the assistance set forth in  
8           subparagraphs (A) and (B), other departments  
9           and agencies of the United States may provide  
10          the Commission such services, funds, facilities,  
11          staff, and other support as such departments  
12          and agencies consider advisable and as may be  
13          authorized by law.

14          (D) COOPERATION.—The Commission  
15          shall receive the full and timely cooperation of  
16          any official, department, or agency of the Fed-  
17          eral Government whose assistance is necessary,  
18          as jointly determined by the co-chairs selected  
19          under subsection (b)(2), for the fulfillment of  
20          the duties of the Commission, including the  
21          provision of full and current briefings and anal-  
22          yses.

23          (4) POSTAL SERVICES.—The Commission may  
24          use the United States postal services in the same

1 manner and under the same conditions as the de-  
2 partments and agencies of the Federal Governments.

3 (5) GIFTS.—No member or staff of the Com-  
4 mission may receive a gift or benefit by reason of  
5 the service of such member or staff to the Commis-  
6 sion.

7 (g) STAFF OF COMMISSION.—

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

23 (2) DETAIL OF GOVERNMENT EMPLOYEES.—  
24 Any Federal Government employee may be detailed  
25 to the Commission without reimbursement from the

1 Commission, and such detailee shall retain the  
2 rights, status, and privileges of his or her regular  
3 employment without interruption.

4 (3) SECURITY CLEARANCES.—All staff of the  
5 Commission and all experts and consultants em-  
6 ployed by the Commission shall possess a security  
7 clearance in accordance with applicable provisions of  
8 law concerning the handling of classified informa-  
9 tion.

10 (h) COMPENSATION AND TRAVEL EXPENSES.—

11 (1) COMPENSATION OF MEMBERS.—

12 (A) IN GENERAL.—Except as provided in  
13 paragraph (2), each member of the Commission  
14 may be compensated at not to exceed the daily  
15 equivalent of the annual rate of basic pay in ef-  
16 fect for a position at level IV of the Executive  
17 Schedule under section 5315 of title 5, United  
18 States Code, for each day during which that  
19 member is engaged in the actual performance of  
20 the duties of the Commission under this title.

21 (B) EXCEPTION.—Members of the Com-  
22 mission who are officers or employees of the  
23 United States or Members of Congress shall re-  
24 ceive no additional pay by reason of their serv-  
25 ice on the Commission.

1           (2) TRAVEL EXPENSES.—While away from  
2 their homes or regular places of business in the per-  
3 formance of services for the Commission, a member  
4 of the Commission may be allowed travel expenses,  
5 including per diem in lieu of subsistence, in the  
6 same manner as persons employed intermittently in  
7 the Government service are allowed expenses under  
8 section 5703 of title 5, United States Code.

9           (i) TREATMENT OF INFORMATION RELATING TO NA-  
10 TIONAL SECURITY.—

11           (1) IN GENERAL.—The Director of National In-  
12 telligence shall assume responsibility for the han-  
13 dling and disposition of any information related to  
14 the national security of the United States that is re-  
15 ceived, considered, or used by the Commission under  
16 this title.

17           (2) INFORMATION PROVIDED BY CONGRES-  
18 SIONAL INTELLIGENCE COMMITTEES.—Any informa-  
19 tion related to the national security of the United  
20 States that is provided to the Commission by a con-  
21 gressional intelligence committee may not be further  
22 provided or released without the approval of the  
23 chairman of such committee.

24           (3) ACCESS AFTER TERMINATION OF COMMIS-  
25 SION.—Notwithstanding any other provision of law,

1 after the termination of the Commission under sub-  
2 section (j)(2), only the members and designated staff  
3 of the congressional intelligence committees, the Di-  
4 rector of National Intelligence (and the designees of  
5 the Director), and such other officials of the execu-  
6 tive branch of the Federal Government as the Presi-  
7 dent may designate shall have access to information  
8 related to the national security of the United States  
9 that is received, considered, or used by the Commis-  
10 sion.

11 (j) FINAL REPORT; TERMINATION.—

12 (1) FINAL REPORT.—

13 (A) DEFINITIONS.—In this paragraph:

14 (i) APPROPRIATE COMMITTEES OF  
15 CONGRESS.—The term “appropriate com-  
16 mittees of Congress” means—

17 (I) the congressional intelligence  
18 committees;

19 (II) the Committee on the Judici-  
20 ary of the Senate; and

21 (III) the Committee on the Judi-  
22 ciary of the House of Representatives.

23 (ii) CONGRESSIONAL LEADERSHIP.—  
24 The term “congressional leadership”  
25 means—



1 (I) the majority leader of the  
2 Senate;

3 (II) the minority leader of the  
4 Senate;

5 (III) the Speaker of the House of  
6 Representatives; and

7 (IV) the minority leader of the  
8 House of Representatives.

9 (B) FINAL REPORT REQUIRED.—Not later  
10 than 5 years from the date of enactment of this  
11 Act, the Commission shall submit to the appro-  
12 priate committees of Congress, congressional  
13 leadership, the Director of National Intel-  
14 ligence, and the Attorney General a final report  
15 on the findings of the Commission.

16 (C) FORM OF FINAL REPORT.—The final  
17 report submitted pursuant to subparagraph (B)  
18 shall be in unclassified form but may include a  
19 classified annex.

20 (D) ASSESSMENTS OF FINAL REPORT.—  
21 Not later than 1 year after receipt of the final  
22 report under subparagraph (B), the Director of  
23 National Intelligence and the Attorney General  
24 shall each submit to the appropriate committees

1 of Congress and congressional leadership an as-  
2 sessment of such report.

3 (2) TERMINATION.—

4 (A) IN GENERAL.—The Commission, and  
5 all the authorities of this section, shall termi-  
6 nate on the date that is 2 years after the date  
7 on which the final report is submitted under  
8 paragraph (1)(B).

9 (B) WIND-DOWN PERIOD.—The Commis-  
10 sion may use the 120-day period referred to in  
11 subparagraph (A) for the purposes of con-  
12 cluding its activities, including providing testi-  
13 mony to Congress concerning the final report  
14 referred to in that paragraph and disseminating  
15 the report.

16 (k) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE  
17 PROVISIONS.—

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

22 (2) FREEDOM OF INFORMATION ACT.—The pro-  
23 visions of section 552 of title 5, United States Code  
24 (commonly referred to as the “Freedom of Informa-  
25 tion Act”), shall not apply to the activities, records,

1 and proceedings of the Commission under this sec-  
2 tion.

3 (l) FUNDING.—

4 (1) AUTHORIZATION OF APPROPRIATIONS.—

5 There is authorized to be appropriated funds to the  
6 extent and in such amounts as specifically provided  
7 in advance in appropriations acts for the purposes  
8 detailed in this section.

9 (2) AVAILABILITY IN GENERAL.—Subject to  
10 paragraph (1), the Director of National Intelligence  
11 shall make available to the Commission such  
12 amounts as the Commission may require for pur-  
13 poses of the activities of the Commission under this  
14 section.

15 (3) DURATION OF AVAILABILITY.—Amounts  
16 made available to the Commission under paragraph  
17 (2) shall remain available until expended or upon  
18 termination under subsection (i)(2), whichever oc-  
19 curs first.

20 (m) CONGRESSIONAL INTELLIGENCE COMMITTEES

21 DEFINED.—In this section, the term “congressional intel-  
22 ligence committees” means—

23 (1) the Select Committee on Intelligence of the  
24 Senate; and

1           (2) the Permanent Select Committee on Intel-  
2           ligence of the House of Representatives.

3 **SEC. 511. EXTENSION OF CERTAIN AUTHORITIES; SUNSET.**

4           (a) FISA AMENDMENTS ACT OF 2008.—Section  
5 403(b) of the FISA Amendments Act of 2008 (Public Law  
6 110-261; 122 Stat. 2474) is amended—

7           (1) in paragraph (1)—

8           (A) by striking “December 31, 2023” and  
9           inserting “December 31, 2031”; and

10           (B) by inserting “and the FISA Reform  
11           and Reauthorization Act of 2023” after “the  
12           FISA Amendments Reauthorization Act of  
13           2017”;

14           (2) in paragraph (2) in the matter preceding  
15           subparagraph (A), by striking “December 31, 2023”  
16           and inserting “December 31, 2031”.

17           (b) CONFORMING AMENDMENTS.—Section 404(b) of  
18 the FISA Amendments Act of 2008 (Public Law 110-261;  
19 122 Stat. 2476), is amended—

20           (1) in paragraph (1)—

21           (A) in the heading, by striking “DECEM-  
22           BER 31, 2023” and inserting “DECEMBER 31,  
23           2031”; and

24           (B) by inserting “and the FISA Reform  
25           and Reauthorization Act of 2023” after “the

1 FISA Amendments Reauthorization Act of  
2 2017”;

3 (2) in paragraph (2), by inserting “and the  
4 FISA Reform and Reauthorization Act of 2023”  
5 after “the FISA Amendments Reauthorization Act  
6 of 2017”; and

7 (3) in paragraph (4), by inserting “and the  
8 FISA Reform and Reauthorization Act of 2023”  
9 after “the FISA Amendments Reauthorization Act  
10 of 2017” in each place it appears.

11 (c) SUNSET.—Effective December 31, 2031, the For-  
12 eign Intelligence Surveillance Act of 1978 is amended so  
13 that section 702 reads as it read on the day before the  
14 date of enactment of this Act.

15 **SEC. 512. SEVERABILITY; APPLICABILITY DATE.**

16 (a) SEVERABILITY.—If any provision of this Act, any  
17 amendment made by this Act, or the application thereof  
18 to any person or circumstances is held invalid, the validity  
19 of the remainder of the Act, of any such amendments, and  
20 of the application of such provisions to other persons and  
21 circumstances shall not be affected thereby.

22 (b) APPLICABILITY DATE.—Subsection (f) of section  
23 702 of the Foreign Intelligence Surveillance Act of 1978  
24 (50 U.S.C. 1881a), as amended by this Act, shall apply  
25 with respect to certifications submitted under subsection

- 1 (h) of such section to the Foreign Intelligence Surveillance
- 2 Court after January 1, 2024.

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