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AN ACT

To reform the Foreign Intelligence Surveillance Act of 1978.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reforming Intelligence and Securing America Act''.

SEC. 2. QUERY PROCEDURE REFORM.

(a) STRICTLY LIMITING FEDERAL BUREAU OF INVESTIGATION PERSONNEL AUTHORIZING UNITED STATES PERSON QUERIES.—Subsection (f) of section 702 is amended—

(1) by redesignating paragraph (3) as paragraph (5); and

(2) by inserting after paragraph (2) the following new paragraph:

''(3) RESTRICTIONS IMPOSED ON FEDERAL BUREAU OF INVESTIGATION.—

''(A) LIMITS ON AUTHORIZATIONS OF UNITED STATES PERSON QUERIES.—

''(i) IN GENERAL.—Federal Bureau of Investigation personnel must obtain prior approval from a Federal Bureau of Investigation supervisor (or employee of equivalent or greater rank) or attorney who is authorized to access unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) for any query of such unminimized contents or

noncontents made using a United States person query term.

"(ii) EXCEPTION.—A United States person query to be conducted by the Federal Bureau of Investigation of unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) using a United States person query term may be conducted without obtaining prior approval as specified in clause (i) only if the person conducting the United States person query has a reasonable belief that conducting the query could assist in mitigating or eliminating a threat to life or serious bodily harm.".

(b) PROHIBITION ON INVOLVEMENT OF POLITICAL APPOINTEES IN PROCESS TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—Subparagraph (D) of section 702(f)(3), as added by subsection (d) of this section, is amended by inserting after clause (v) the following:

"(vi) PROHIBITION ON POLITICAL APPOINTEES WITHIN THE PROCESS TO APPROVE FEDERAL BUREAU OF INVESTIGATION QUERIES.—The proce-

dures shall prohibit any political personnel, such as those classified by the Office of Personnel Management as Presidential Appointment with Senate Confirmation, Presidential Appointment (without Senate Confirmation), Noncareer Senior Executive Service Appointment, or Schedule C Excepted Appointment, from inclusion in the Federal Bureau of Investigation's prior approval process under clause (ii).''.

(c) MANDATORY AUDITS OF UNITED STATES PERSON QUERIES CONDUCTED BY FEDERAL BUREAU OF INVESTIGATION.—

(1) AUDITS REQUIRED.—For each query identified by the Federal Bureau of Investigation as a United States person query against information acquired pursuant to subsection (a) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) conducted by the Federal Bureau of Investigation, not later than 180 days after the conduct of such query, the Department of Justice shall conduct an audit of such query.

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

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

(A) The date that is 2 years after the date of the enactment of this Act.

(B) The date on which the Attorney General submits to the appropriate congressional committees a certification that the Federal Bureau of Investigation has implemented a process for the internal audit of all queries referred to in paragraph (1).

(4) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this section, the term ''appropriate congressional committees'' means—

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

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

(d) RESTRICTIONS RELATING TO CONDUCT OF CERTAIN QUERIES BY FEDERAL BUREAU OF INVESTIGATION.—Paragraph (3) of section 702(f), as added by subsection (a)(2) of this section, is amended by adding after subparagraph (C), as added by subsection (f) of this section, the following:

"(D) QUERYING PROCEDURES APPLICABLE TO FEDERAL BUREAU OF INVESTIGATION.—For any procedures adopted under paragraph (1) applicable to the Federal Bureau of Investigation, the Attorney General, in consultation with the Director of National Intelligence, shall include the following requirements:

"(i) TRAINING.—A requirement that, prior to conducting any query, personnel of the Federal Bureau of Investigation successfully complete training on the querying procedures on an annual basis.

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

"(I) Approval from the Deputy Director of the Federal Bureau of Investigation if the query uses a query term reasonably believed to identify a United States elected official, an appointee of the President or a State governor, a United States political candidate, a United States political organization or a United States person prominent in such organization, or a United States media organization or a United States person who is a member of such organization.

"(II) Approval from an attorney of the Federal Bureau of Investigation if the query uses a query term reasonably believed to identify a United States religious organization or a United States person who is prominent in such organization.

"(III) Approval from an attorney of the Federal Bureau of Investigation if such conduct involves batch job technology (or successor tool).

"(iii) PRIOR WRITTEN JUSTIFICATION.—A requirement that, prior to conducting a query using a United States person query term, personnel of the Federal Bureau of Investigation provide a written statement of the specific factual basis to support the reasonable belief that such query meets the standards required by the procedures adopted under paragraph (1). For each United States person query, the Federal Bureau of Investigation shall keep a record of the query term, the date of the conduct of the query, the identifier of the personnel conducting the query, and such written statement.

"(iv) STORAGE OF CERTAIN CONTENTS AND NONCONTENTS.—Any system of the Federal Bureau of Investigation that stores unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) together with contents or noncontents obtained through other lawful means shall be configured in a manner that—

"(I) requires personnel of the Federal Bureau of Investigation to affirmatively elect to include such unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) when running a query; or

"(II) includes other controls reasonably expected to prevent inadvertent queries of such unminimized contents or noncontents.

"(v) WAIVER AUTHORITY FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—If the Foreign Intelligence Surveillance Court finds that the procedures adopted under paragraph (1) include measures that are reasonably expected to result in similar compliance outcomes as the measures specified in clauses (i) through (iv) of this subparagraph, the Foreign Intelligence Surveillance Court may waive one or more of the requirements specified in such clauses.".

(e) NOTIFICATION FOR CERTAIN QUERIES CONDUCTED BY FEDERAL BUREAU OF INVESTIGATION.—

Paragraph (3) of section 702(f), as added by subsection (a) of this section, is amended by adding at the end the following:

"(B) NOTIFICATION REQUIREMENT FOR CERTAIN FBI QUERIES.—

"(i) REQUIREMENT.—The Director of the Federal Bureau of Investigation shall promptly notify appropriate congressional leadership of any query conducted by the Federal Bureau of Investigation using a query term that is reasonably believed to be the name or other personally identifying information of a member of Congress, and shall also notify the member who is the subject of such query.

"(ii) APPROPRIATE CONGRESSIONAL LEADERSHIP DEFINED.—In this subparagraph, the term 'appropriate congressional leadership' means the following:

"(I) The chairs and ranking minority members of the congressional intelligence committees.

"(II) The Speaker and minority leader of the House of Representatives.

"(III) The majority and minority leaders of the Senate.

"(iii) NATIONAL SECURITY CONSIDERATIONS.—In submitting a notification under clause (i), the Director shall give due regard to the protection of classified information, sources and methods, and national security.

"(iv) WAIVER.—

"(I) IN GENERAL.—The Director may waive a notification required under clause (i) if the Director determines such notification would impede an ongoing national security or law enforcement investigation.

"(II) TERMINATION.—A waiver under subclause (I) shall terminate on the date the Director determines the relevant notification would not impede the relevant national security or law enforcement investigation or on the date that such investigation ends, whichever is earlier.".

(f) REQUIREMENT FOR CONGRESSIONAL CONSENT PRIOR TO CERTAIN FEDERAL BUREAU OF INVESTIGA-

TION QUERIES FOR PURPOSE OF DEFENSIVE BRIEFINGS.—Paragraph (3) of section 702(f), as added by subsection (a) of this section, is amended by adding after subparagraph (B), as added by subsection (e) of this section, the following:

"(C) CONSENT REQUIRED FOR FBI TO CONDUCT CERTAIN QUERIES FOR PURPOSE OF DEFENSIVE BRIEFING.—

"(i) CONSENT REQUIRED.—The Federal Bureau of Investigation may not, for the exclusive purpose of supplementing the contents of a briefing on the defense against a counterintelligence threat to a member of Congress, conduct a query using a query term that is the name or restricted personal information (as such term is defined in section 119 of title 18, United States Code) of that member unless—

"(I) the member provides consent to the use of the query term; or

"(II) the Deputy Director of the Federal Bureau of Investigation determines that exigent circumstances exist sufficient to justify the conduct of such query.

"(ii) NOTIFICATION.—

"(I) NOTIFICATION OF CONSENT SOUGHT.—Not later than three business days after submitting a request for consent from a member of Congress under clause (i), the Director of the Federal Bureau of Investigation shall notify the appropriate congressional leadership, regardless of whether the member provided such consent.

"(II) NOTIFICATION OF EXCEPTION USED.—Not later than three business days after the conduct of a query under clause (i) without consent on the basis of the existence of exigent circumstances determined under subclause (II) of such clause, the Director of the Federal Bureau of Investigation shall notify the appropriate congressional leadership.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph may be construed as—

"(I) applying to matters outside of the scope of the briefing on the de-

fense against a counterintelligence threat to be provided or supplemented under clause (i); or

''(II) limiting the lawful investigative activities of the Federal Bureau of Investigation other than supplementing the contents of a briefing on the defense against a counterintelligence threat to a member of Congress.

''(iv) APPROPRIATE CONGRESSIONAL LEADERSHIP DEFINED.—In this subparagraph, the term 'appropriate congressional leadership' means the following:

''(I) The chairs and ranking minority members of the congressional intelligence committees.

''(II) The Speaker and minority leader of the House of Representatives.

''(III) The majority and minority leaders of the Senate.''.

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

(a) REVOKING FEDERAL BUREAU OF INVESTIGATION AUTHORITY TO CONDUCT QUERIES UNRELATED TO NATIONAL SECURITY.—Subsection (f)(2) of section 702 is amended to read as follows:

"(2) PROHIBITION ON CONDUCT OF QUERIES THAT ARE SOLELY DESIGNED TO FIND AND EXTRACT EVIDENCE OF A CRIME.—

"(A) LIMITS ON AUTHORIZATIONS OF UNITED STATES PERSON QUERIES.—The querying procedures adopted pursuant to paragraph (1) for the Federal Bureau of Investigation shall prohibit queries of information acquired under subsection (a) that are solely designed to find and extract evidence of criminal activity.

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

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

"(ii) such query is necessary to identify information that must be produced or

preserved in connection with a litigation matter or to fulfill discovery obligations in criminal matters under the laws of the United States or any State thereof.''.

(b) RESTRICTION ON CERTAIN INFORMATION AVAILABLE TO FEDERAL BUREAU OF INVESTIGATION.—Section 702 is amended by adding at the end the following new subsection:

''(n) RESTRICTION ON CERTAIN INFORMATION AVAILABLE TO FEDERAL BUREAU OF INVESTIGATION.—

''(1) RESTRICTION.—The Federal Bureau of Investigation may not ingest unminimized information acquired under this section into its analytic repositories unless the targeted person is relevant to an existing, open, predicated full national security investigation by the Federal Bureau of Investigation.

''(2) EXCEPTION FOR EXIGENT CIRCUMSTANCES.—Paragraph (1) does not apply if the Director of the Federal Bureau of Investigation decides it is necessary due to exigent circumstances and provides notification within three business days to the congressional intelligence committees, the Speaker and minority leader of the House of Representatives, and the majority and minority leaders of the Senate.

"(3) EXCEPTION FOR ASSISTANCE TO OTHER AGENCIES.—Paragraph (1) does not apply where the Federal Bureau of Investigation has agreed to provide technical, analytical, or linguistic assistance at the request of another Federal agency.".

SEC. 4. TARGETING DECISIONS UNDER SECTION 702.

(a) SENSE OF CONGRESS ON THE TARGETED COLLECTION OF UNITED STATES PERSON INFORMATION.—It is the sense of Congress that, as proscribed in section 702(b)(2), section 702 of the Foreign Intelligence Surveillance Act of 1978 has always prohibited, and continues to prohibit, the intelligence community from targeting a United States person for collection of foreign intelligence information. If the intelligence community intends to target a United States person for collection of foreign intelligence information under the Foreign Intelligence Surveillance Act of 1978, the Government must first obtain an individualized court order based upon a finding of probable cause that the United States person is a foreign power, an agent of a foreign power, or an officer or employee of a foreign power, in order to conduct surveillance targeting that United States person.

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

(1) MANDATORY REVIEW.—Not less frequently than annually, the Department of Justice National Security Division shall review each person targeted under section 702 of the Foreign Intelligence Surveillance Act of 1978 in the preceding year to ensure that the purpose of each targeting decision is not to target a known United States person. The results of this review shall be submitted to the Department of Justice Office of the Inspector General, the congressional intelligence committees, and the Committees on the Judiciary of the House of Representatives and of the Senate, subject to a declassification review.

(2) INSPECTOR GENERAL AUDIT.—Not less frequently than annually, the Department of Justice Office of the Inspector General shall audit a sampling of the targeting decisions reviewed by the National Security Division under paragraph (1) and submit a report to the congressional intelligence committees and the Committees on the Judiciary of the House of Representatives and of the Senate.

(3) CERTIFICATION.—Within 180 days of enactment of this Act, and annually thereafter, each agency authorized to target non-United States persons under section 702 shall certify to Congress that

the purpose of each targeting decision made in the prior year was not to target a known United States person.

(4) APPLICATION.—The requirements under this subsection apply for any year to the extent that section 702 of the Foreign Intelligence Surveillance Act of 1978 was in effect during any portion of the previous year.

SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORM.

(a) REQUIREMENT FOR SAME JUDGE TO HEAR EXTENSION APPLICATIONS.—Subsection (d) of section 105 is amended by adding at the end the following new paragraph:

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

(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE SURVEILLANCE COURT PROCEEDINGS.—Subsection (i) of section 103 is amended—

(1) in paragraph (2)—

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

(B) by striking ''A court established'' and inserting the following subparagraph:

''(A) IN GENERAL.—A court established'';

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

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

(I) by striking ''appoint an individual who has'' and inserting ''appoint one or more individuals who have''; and

(II) by striking ''; and'' and inserting a semicolon;

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

(I) by striking ''appoint an individual or organization'' and inserting ''appoint one or more individuals or organizations''; and

(II) by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new clause:

''(iii) shall appoint one or more individuals who have been designated under

paragraph (1) to serve as amicus curiae to assist such court in the consideration of any certification or procedures submitted for review pursuant to section 702, including any amendments to such certifications or procedures, if the court established under subsection (a) has not appointed an individual under clause (i) or (ii), unless the court issues a finding that such appointment is not appropriate or is likely to result in undue delay.''; and

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

''(B) EXPERTISE.—In appointing one or more individuals under subparagraph (A)(iii), the court shall, to the maximum extent practicable, appoint an individual who possesses expertise in both privacy and civil liberties and intelligence collection.

''(C) TIMING.—In the event that the court appoints one or more individuals or organizations pursuant to this paragraph to assist such court in a proceeding under section 702, notwithstanding subsection (j)(1)(B) of such section, the court shall issue an order pursuant to

subsection (j)(3) of such section as expeditiously as possible consistent with subsection (k)(1) of such section, but in no event later than 60 days after the date on which such certification, procedures, or amendments are submitted for the court's review, or later than 60 days after the court has issued an order appointing one or more individuals pursuant to this paragraph, whichever is earlier, unless a judge of that court issues an order finding that extraordinary circumstances necessitate additional time for review and that such extension of time is consistent with the national security.''; and

(2) in paragraph (4)—

(A) by striking ''paragraph (2)(A)'' and inserting ''paragraph (2)'';

(B) by striking ''provide to the court, as appropriate'';

(C) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively;

(D) by inserting before clause (i) the following new subparagraphs:

''(A) be limited to addressing the specific issues identified by the court; and

''(B) provide to the court, as appropriate—''; and

(E) in subparagraph (B)(i), as redesignated, by inserting ''of United States persons'' after ''civil liberties''.

(c) DESIGNATION OF COUNSEL TO SCRUTINIZE APPLICATIONS FOR UNITED STATES PERSONS.—Section 103 is amended by adding at the end the following new subsection:

''(l) DESIGNATION OF COUNSEL FOR CERTAIN APPLICATIONS.—To assist the court in the consideration of any application for an order pursuant to section 104 that targets a United States person, the presiding judge designated under subsection (a) shall designate one or more attorneys to review such applications, and provide a written analysis to the judge considering the application, of—

''(1) the sufficiency of the evidence used to make the probable cause determination under section 105(a)(2);

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

''(3) a recommendation as to the following, which the judge shall consider during a proceeding

on the application in which such attorney is present, as appropriate—

"(A) that the application should be approved, denied, or modified;

"(B) that the Government should supply additional information in connection with such application; or

"(C) that any requirements or conditions should be imposed on the Government for the approval of such application.".

(d) MEMBER ACCESS TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The chair and ranking minority member of each of the congressional intelligence committees, the chairs and ranking members of the Committees on the Judiciary of the House of Representatives and of the Senate, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of Representatives shall be entitled to attend any proceeding of the Foreign Intelligence Surveillance Court or any proceeding of the Foreign Intelligence Surveillance Court of Review. Each person entitled to attend a proceeding pursuant to this paragraph may designate not more than 2 staff members of such committee or office to attend on

their behalf, pursuant to such procedures as the Attorney General, in consultation with the Director of National Intelligence may establish.

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

(a) REQUIREMENT FOR SWORN STATEMENTS FOR FACTUAL ASSERTIONS.—

(1) TITLE I.—Subsection (a)(3) of section 104 is amended by striking ''a statement of'' and inserting ''a sworn statement of''.

(2) TITLE III.—Subsection (a)(3) of section 303 is amended by striking ''a statement of'' and inserting ''a sworn statement of''.

(3) SECTION 703.—Subsection (b)(1)(C) of section 703 is amended by striking ''a statement of'' and inserting ''a sworn statement of''.

(4) SECTION 704.—Subsection (b)(3) of section 704 is amended by striking ''a statement of'' and inserting ''a sworn statement of''.

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

(b) PROHIBITION ON USE OF POLITICALLY DERIVED INFORMATION IN APPLICATIONS FOR CERTAIN ORDERS

BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

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

(A) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E)(ii), by striking the semicolon and inserting ''; and''; and

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

''(F) that none of the information included in the statement described in paragraph (3) was solely produced by, derived from information produced by, or obtained using the funds of, a political organization (as such term is defined in section 527 of the Internal Revenue Code of 1986), unless—

''(i) the political organization is clearly identified in the body of the statement described in paragraph (3);

''(ii) the information has been corroborated; and

''(iii) the investigative techniques used to corroborate the information are clearly

identified in the body of the statement described in paragraph (3); and''.

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

(A) in subparagraph (D), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E), by striking the semicolon and inserting ''; and''; and

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

''(F) that none of the information included in the statement described in paragraph (3) was solely produced by, derived from information produced by, or obtained using the funds of, a political organization (as such term is defined in section 527 of the Internal Revenue Code of 1986), unless—

''(i) the political organization is clearly identified in the body of the statement described in paragraph (3);

''(ii) the information has been corroborated; and

''(iii) the investigative techniques used to corroborate the information are clearly

identified in the body of the statement described in paragraph (3); and''.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to applications made on or after the date that is 120 days after the date of enactment of this Act.

(c) PROHIBITION ON USE OF PRESS REPORTS IN APPLICATIONS FOR CERTAIN ORDERS BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—

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

''(G) that none of the information included in the statement described in paragraph (3) is attributable to or derived from the content of a media source unless the statement includes a clear identification of each author of that content, and where applicable, the publisher of that content, information to corroborate that which was derived from the media source, and an explanation of the investigative techniques used to corroborate the information;''.

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

"(G) that none of the information included in the statement described in paragraph (3) is attributable to or derived from the content of a media source unless the statement includes a clear identification of each author of that content, where applicable, the publisher of that content, information to corroborate that which was derived from the media source, and an explanation of the investigative techniques used to corroborate the information;".

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to applications made on or after the date that is 120 days after the date of enactment of this Act.

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

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

(A) in paragraph (8), by striking "; and" and inserting a semicolon;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

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

"(10) with respect to a target who is a United States person, a statement summarizing the investigative techniques carried out before making the application;".

(2) APPLICABILITY.—The amendments made by this subsection shall apply with respect to applications made on or after the date that is 120 days after the date of enactment of this Act.

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

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

"(11) in the case of an application for an extension of an order under this title for a surveillance targeted against a United States person, a summary statement of the foreign intelligence information obtained pursuant to the original order (and any preceding extension thereof) as of the date of the application for the extension, or a reasonable explanation of the failure to obtain such information; and".

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

(A) in paragraph (7), by striking ''; and'' and inserting a semicolon;

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

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

''(9) in the case of an application for an extension of an order under this title in which the target of the physical search is a United States person, a summary statement of the foreign intelligence information obtained pursuant to the original order (and any preceding extension thereof) as of the date of the application for the extension, or a reasonable explanation of the failure to obtain such information; and''.

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to applications made on or after the date that is 120 days after the date of enactment of this Act.

(f) REQUIREMENT FOR JUSTIFICATION OF UNDERLYING CRIMINAL OFFENSE IN CERTAIN APPLICATIONS.—

(1) TITLE I.—Subsection (a)(3)(A) of section 104 is amended by inserting before the semicolon at the end the following: '', and, in the case of a target that is a United States person alleged to be acting

as an agent of a foreign power (as described in section 101(b)(2)(B)), that a violation of the criminal statutes of the United States as referred to in section 101(b)(2)(B) has occurred or is about to occur''.

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

(3) APPLICABILITY.—The amendments made by this subsection shall apply with respect to applications made on or after the date that is 120 days after the date of enactment of this Act.

(g) MODIFICATION TO DURATION OF APPROVED PERIOD UNDER CERTAIN ORDERS FOR NON-UNITED STATES PERSONS.—

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

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''against a foreign power, as defined in section 101(a), (1), (2), or (3),'' and inserting ''against a foreign power''; and

(ii) in subparagraph (B), by striking ''120 days'' and inserting ''one year''; and

(B) by striking paragraph (2); and

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

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

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''against a foreign power, as defined in paragraph (1), (2), or (3) of section 101(a),'' and inserting ''against a foreign power''; and

(ii) in subparagraph (B), by striking ''120 days'' and inserting ''one year''; and

(B) by striking paragraph (2); and

(C) by redesignating paragraph (3) as paragraph (2).

SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF CERTAIN DOCUMENTS.

Subsection (a) of section 602 is amended by inserting after ''shall conduct a declassification review'' the following: '', to be concluded as soon as practicable, but not later than 180 days after the commencement of such review,''.

SEC. 8. TRANSCRIPTIONS OF PROCEEDINGS.

(a) REQUIREMENT FOR TRANSCRIPTS OF PROCEEDINGS.—Subsection (c) of section 103 is amended—

(1) by inserting '', and hearings shall be transcribed'' before the first period;

(2) by inserting '', transcriptions of hearings,'' after ''applications made''; and

(3) by adding at the end the following new sentence: ''Transcriptions and any related records, including testimony and affidavits, shall be stored in a file associated with the relevant application or order.''.

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

(1) in paragraph (1), by striking ''; and'' and inserting a semicolon;

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

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

''(3) for any hearing, oral argument, or other proceeding before the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review for which a court reporter produces a transcript, not later than 45 days after the government receives the final transcript or the date on which the matter of the hearing, oral argument, or other proceeding is resolved, whichever is later, a notice of the existence of such transcript. Not later than three business days after a committee referred to in subsection (a) requests to review an existing transcript, the Attorney General shall facilitate such request; and

''(4) a copy of each declassified document that has undergone review under section 602.''.

SEC. 9. AUDIT OF FISA COMPLIANCE BY INSPECTOR GENERAL.

(a) INSPECTOR GENERAL REPORT ON FEDERAL BUREAU OF INVESTIGATION QUERYING PRACTICES.—

(1) REPORT.—Not later than 545 days after the date of enactment of this Act, the Inspector General of the Department of Justice shall submit to the appropriate congressional committees a report

on the querying practices of the Federal Bureau of Investigation under section 702.

(2) MATTERS INCLUDED.—The report under paragraph (1) shall include, at a minimum, the following:

(A) An evaluation of compliance by personnel of the Federal Bureau of Investigation with the querying procedures adopted under section 702(f), with a particular focus on compliance by such personnel with the procedures governing queries using United States person query terms.

(B) An analysis of each specific reform that, in the view of the Inspector General, is responsible for any identified improvement in the Federal Bureau of Investigation's record of compliance with the querying procedures, including an identification of whether such reform was—

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

(ii) required by the Foreign Intelligence Surveillance Court or the Attorney General; or

(iii) voluntarily adopted by the Director of the Federal Bureau of Investigation.

(C) An assessment of the status of the implementation by the Federal Bureau of Investigation of all reforms related to querying that are required by this Act.

(D) An evaluation of the effectiveness of the Office of Internal Auditing of the Federal Bureau of Investigation with respect to monitoring and improving query compliance by personnel of the Federal Bureau of Investigation.

(E) Recommendations to further improve compliance with querying procedures by personnel of the Federal Bureau of Investigation, particularly with respect to compliance with the procedures governing queries using United States person query terms.

(F) Any other relevant matter the Inspector General determines appropriate.

(3) FORM.—The report under paragraph (1) shall be submitted in unclassified form and may include a classified annex.

(4) DEFINITIONS.—In this subsection:

(A) IN GENERAL.—Except as provided in this subsection, terms used in this subsection

have the meanings given such terms in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

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

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

SEC. 10. ACCURACY AND COMPLETENESS OF APPLICATIONS.

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

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

''(12) a certification by the applicant or declarant that, to the best knowledge of the applicant or declarant, the Attorney General or a designated at-

torney for the Government has been apprised of all information that might reasonably—

"(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

"(B) otherwise raise doubts with respect to the findings required under section 105(a).".

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

"(10) a certification by the applicant that, to the best knowledge of the applicant, the Attorney General or a designated attorney for the Government has been apprised of all information that might reasonably—

"(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

"(B) otherwise raise doubts with respect to the findings required under section 304(a).".

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

(A) in paragraph (2), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (3), by striking the period at the end and inserting ''; and''; and

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

''(4) a certification by the Federal Officer seeking to use the pen register or trap and trace device covered by the application that, to the best knowledge of the Federal Officer, the Attorney General or a designated attorney for the Government has been apprised of all information that might reasonably—

''(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(B) otherwise raise doubts with respect to the findings required under subsection (d).''.

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

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

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

''(E) a statement by the applicant that, to the best knowledge of the applicant, the application fairly reflects all information that might reasonably—

''(i) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(ii) otherwise raise doubts with respect to the findings required under subsection (c).''.

(5) TITLE VII.—

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

(i) in subparagraph (I), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (J), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(K) a certification by the applicant that, to the best knowledge of the applicant, the Attorney General or a designated attorney for the Government has been apprised of all information that might reasonably—

''(i) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

''(ii) otherwise raise doubts with respect to the findings required under subsection (c).''.

(B) SECTION 704.—Subsection (b) of section 704 is amended—

(i) in paragraph (6), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (7), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(8) a certification by the applicant that, to the best knowledge of the applicant, the Attorney General or a designated attorney for the Government

has been apprised of all information that might reasonably—

"(A) call into question the accuracy of the application or the reasonableness of any assessment in the application conducted by the department or agency on whose behalf the application is made; or

"(B) otherwise raise doubts with respect to the findings required under subsection (c).".

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

(7) ACCURACY PROCEDURES.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, in consultation with the Director of the Federal Bureau of Investigation, shall issue procedures governing the review of case files, as appropriate, to ensure that applications to the Foreign Intelligence Surveillance Court under title I or III of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that target United States persons are accurate and complete.

(b) DISCLOSURE OF EXCULPATORY INFORMATION.—

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

''(13) non-cumulative information known to the applicant or declarant that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

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

''(11) non-cumulative information known to the applicant or declarant that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

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

(A) in paragraph (3), by striking ''; and'' and inserting a semicolon;

(B) in paragraph (4), by striking the period at the end and inserting ''; and''; and

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

''(5) non-cumulative information known to the Federal officer seeking to use the pen register or trap and trace device covered by the application,

that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

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

(A) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (E)(ii), by striking the period at the end and inserting ''; and''; and

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

''(F) non-cumulative information known to the applicant that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

(5) TITLE VII.—

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

(i) in subparagraph (J), by striking ''; and'' and inserting a semicolon;

(ii) in subparagraph (K), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new subparagraph:

''(L) non-cumulative information known to the applicant or declarant that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

(B) SECTION 704.—Subsection (b) of section 704, as amended by this Act, is further amended—

(i) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(ii) in paragraph (8), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following new paragraph:

''(9) non-cumulative information known to the applicant or declarant that is potentially exculpatory regarding the requested legal findings or any assessment in the application.''.

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

SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF INVESTIGATION AND QUARTERLY REPORT TO CONGRESS.

(a) REVOCATION OF STATUTORY REPORTING EXEMPTION AND ADDITIONAL REPORTING REQUIREMENT FOR FEDERAL BUREAU OF INVESTIGATION.—

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

(A) in subsection (b)(2)(B) by inserting ''(or combined unminimized contents and non-contents information)'' after ''unminimized contents'';

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

''(2) NONAPPLICABILITY TO ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS.—Paragraph (3)(B) of subsection (b) shall not apply to orders resulting in the acquisition of information by the Federal Bureau of Investigation that does not include electronic mail addresses or telephone numbers.''; and

(C) by inserting the following new subsection:

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

''(1) ANNUAL REPORT.—The Director of the Federal Bureau of Investigation shall annually submit to the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate a report that includes—

''(A) the number of United States person queries by the Federal Bureau of Investigation of unminimized contents or noncontents acquired pursuant to section 702(a);

''(B) the number of approved queries using the Federal Bureau of Investigation's batch job technology, or successor tool;

''(C) the number of queries using the Federal Bureau of Investigation's batch job technology, or successor tool, conducted by the Federal Bureau of Investigation against information acquired pursuant to section 702(a) for which pre-approval was not obtained due to emergency circumstances;

''(D) the number of United States person queries conducted by the Federal Bureau of Investigation of unminimized contents or noncon-

tents acquired pursuant to section 702(a) solely to retrieve evidence of a crime;

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

''(F) a good faith estimate of the number of United States person query terms used by the Federal Bureau of Investigation to conduct queries of unminimized contents or noncontents acquired pursuant to section 702(a) where the United States person who is the subject of the query is a target or subject of an investigation by the Federal Bureau of Investigation.

''(2) PUBLIC AVAILABILITY.—Subject to declassification review by the Attorney General and the Director of National Intelligence, each annual report submitted pursuant to paragraph (1) shall be available to the public during the first April following the calendar year covered by the report.

''(3) QUARTERLY REPORT.—Beginning on the date that is not later than 1 year after the effective

date of this paragraph, the Director of the Federal Bureau of Investigation shall submit a quarterly report to the congressional intelligence committees and to the Committees on the Judiciary of the House of Representatives and of the Senate that includes the number of U.S. person queries conducted during that quarter.''.

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

SEC. 12. ADVERSE PERSONNEL ACTIONS FOR FEDERAL BUREAU OF INVESTIGATION.

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

(1) by redesignating subsection (e) as subsection (g); and

(2) by inserting the following new subsection:

''(e) MANDATORY REPORTING BY DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION.—The Director of the Federal Bureau of Investigation shall annually submit to the Permanent Select Committee on Intelligence and the Committee on Judiciary of the House of Representatives and the Select Committee on Intelligence and the Committee on the Judiciary of the Senate, a report de-

scribing the accountability actions taken by the Federal Bureau of Investigation in the preceding 12-month period for noncompliant querying of information acquired under section 702 and any such actions taken pursuant to section 103(m), to include the number of ongoing personnel investigations, the outcome of any completed personnel investigations and any related adverse personnel actions taken.''.

(b) ACCOUNTABILITY MEASURES FOR EXECUTIVE LEADERSHIP OF FEDERAL BUREAU OF INVESTIGATION.—

(1) MEASURES REQUIRED.—The Director of the Federal Bureau of Investigation shall ensure that, as soon as practicable following the date of enactment of this Act, there are in effect measures for holding the executive leadership of each covered component appropriately accountable for ensuring compliance with covered procedures by the personnel of the Federal Bureau of Investigation assigned to that covered component. Such measures shall include a requirement for an annual evaluation of the executive leadership of each such covered component with respect to ensuring such compliance during the preceding year.

(2) BRIEFINGS REQUIRED.—

(A) BRIEFINGS.—Not later than December 31 of each calendar year, the Federal Bureau of Investigation shall provide to the appropriate congressional committees a briefing on the implementation of paragraph (1).

(B) MATTERS.—Each briefing under subparagraph (A) shall include, with respect to the period covered by the briefing, the following:

(i) A description of specific measures under paragraph (1) that the Federal Bureau of Investigation has implemented.

(ii) A description of specific measures under such subsection that the Federal Bureau of Investigation has proposed to be implemented or modified, and the timeline for such proposed implementation or modification.

(iii) A summary of compliance with covered procedures by the personnel of the Federal Bureau of Investigation, disaggregated by covered component, and a description of any adverse personnel actions taken against, or other actions taken to ensure the appropriate accountability of, the executive leadership of covered compo-

nents that underperformed with respect to ensuring such compliance.

(3) DEFINITIONS.—In this subsection:

(A) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(i) the congressional intelligence committees, as such term is defined in subsection (b) of section 701 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881) on the date of enactment of this Act; and

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

(B) COVERED COMPONENT.—The term ''covered component'' means a field office, Headquarters division, or other element of the Federal Bureau of Investigation with personnel who, for any period during which section 702 is in effect, have access to the unminimized contents of communications obtained through acquisitions authorized under section 702(a).

(C) COVERED PROCEDURE.—The term ''covered procedure''—

(i) means any procedure governing the use of authorities under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.); and

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

(D) EXECUTIVE LEADERSHIP.—The term ''executive leadership'' includes—

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

(ii) with respect to a division of the Federal Bureau of Investigation Headquarters, an Assistant Director of the division.

SEC. 13. CRIMINAL PENALTIES FOR VIOLATIONS OF FISA.

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

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

(A) in the matter preceding paragraph (1), by striking ''intentionally'';

(B) in paragraph (1)—

(i) by inserting ''intentionally'' before ''engages in''; and

(ii) by striking ''; or'' and inserting a semicolon;

(C) in paragraph (2)—

(i) by striking ''disclose'' and inserting ''intentionally discloses''; and

(ii) by striking the period at the end and inserting ''; or''; and

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

''(3) knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States an application, in whole or in part, for an order for electronic surveillance under this Act.''.

(2) CONFORMING AMENDMENT.—Subsection (b) of such section is amended by striking ''under subsection (a)'' and inserting ''under paragraph (1) or (2) of subsection (a)''.

(b) INCREASED CRIMINAL PENALTIES FOR OFFENSE UNDER FISA.—Subsection (c) of section 109 is amended to read as follows:

"(c) PENALTY.—A person guilty of an offense in this section shall be fined under title 18, imprisoned for not more than 10 years, or both.".

(c) CRIMINAL PENALTIES FOR UNAUTHORIZED DISCLOSURE OF CERTAIN INCIDENTALLY COLLECTED UNITED STATES PERSON INFORMATION.—Title VII is amended by inserting the following new section:

"SEC. 709. PENALTIES FOR UNAUTHORIZED DISCLOSURE.

"(a) OFFENSE.—A person is guilty of an offense under this section if that person knowingly and willfully communicates, furnishes, transmits, or otherwise makes available to an unauthorized person, or publishes, or uses in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States any classified information that contains the contents of any communication acquired under this title to which a known United States person is a party.

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

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

(d) SENTENCING ENHANCEMENT FOR FALSE DECLARATIONS BEFORE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Subsection (a) of section 1623 of title 18, United States Code, is amended by inserting before ", or both" the following: "or, if such proceedings are before or ancillary to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), imprisoned not more than ten years".

SEC. 14. CONTEMPT POWER OF FISC AND FISC–R.

(a) CONTEMPTS CONSTITUTING CRIMES.—Section 402 of title 18, United States Code, is amended by inserting after "any district court of the United States" the following: ", including the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803),".

(b) ANNUAL REPORTING ON CONTEMPT.—Subsection (a)(1) of section 603 is amended—

(1) in subparagraph (E), by striking ''; and'' and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(G) the number of times the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review exercised authority under chapter 21 of title 18, United States Code and a description of each use of such authority.''.

SEC. 15. INCREASED PENALTIES FOR CIVIL ACTIONS.

(a) INCREASED PENALTIES.—Subsection (a) of section 110 is amended to read as follows:

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

''(1) if the aggrieved person is a United States person, $10,000 or $1,000 per day for each day of violation; or

''(2) for any other aggrieved person, $1,000 or $100 per day for each day of violation;''.

(b) REPORTING REQUIREMENT.—Title I of the Foreign Intelligence Surveillance Act of 1978 is amended by inserting after section 110 the following:

"SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL ACTIONS.

"(a) REPORT TO CONGRESS.—If a court finds that a person has violated this Act in a civil action under section 110, the head of the agency that employs that person shall report to Congress on the administrative action taken against that person pursuant to section 103(m) or any other provision of law.

"(b) REPORT TO FOREIGN INTELLIGENCE SURVEILLANCE COURT.—If a court finds that a person has violated this Act in a civil action under section 110, the head of the agency that employs that person shall report the name of such person to the Foreign Intelligence Surveillance Court. The Foreign Intelligence Surveillance Court shall maintain a list of each person about whom it received a report under this subsection.".

SEC. 16. ACCOUNTABILITY STANDARDS FOR INCIDENTS RELATING TO QUERIES CONDUCTED BY THE FEDERAL BUREAU OF INVESTIGATION.

(a) REQUIREMENT FOR ADOPTION OF CERTAIN MINIMUM ACCOUNTABILITY STANDARDS.—

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

"(4) MINIMUM ACCOUNTABILITY STANDARDS.—The Director of the Federal Bureau of Investigation shall issue minimum accountability standards that set forth escalating consequences for noncompliant querying of United States person terms within the contents of communications that were acquired under this section. Such standards shall include, at minimum, the following:

"(A) Zero tolerance for willful misconduct.

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

"(C) Consequences for supervisors who oversee users that engage in noncompliant queries.".

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

(3) REPORTS.—

(A) SUBMISSION OF STANDARDS.—Not later than 90 days after the date of the enactment of this Act, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees the minimum accountability standards issued under paragraph (1).

(B) ANNUAL REPORT ON IMPLEMENTATION.—Not later than December 1, 2024, and annually thereafter for 3 years, the Director of the Federal Bureau of Investigation shall submit to the appropriate congressional committees a report detailing each adverse personnel action taken pursuant to the minimum accountability standards and a description of the conduct that led to each such action.

(4) DEFINITION OF APPROPRIATE CONGRESSIONAL COMMITTEES.—In this section, the term ''appropriate congressional committees'' means—

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

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

SEC. 17. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE FOREIGN INTELLIGENCE SURVEILLANCE COURT.—Section 103, as amended by this Act, is further amended by adding at the end the following new subsection:

''(m) REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE COURTS.—An officer or employee of the United States Government who engages in intentional misconduct with respect to proceedings before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review shall be subject to appropriate adverse actions, including, at minimum, suspension without pay or removal, up to and including termination.''.

SEC. 18. REPORTS AND OTHER MATTERS.

(a) NOTIFICATION TO CONGRESS OF CERTAIN UNAUTHORIZED DISCLOSURES.—If the Director of National Intelligence becomes aware of an actual or potential significant unauthorized disclosure or compromise of informa-

tion acquired under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as soon as practicable, but not later than 7 days after the date on which the Director becomes so aware, the Director shall notify the congressional intelligence committees of such actual or potential disclosure or compromise.

(b) REPORT ON TECHNOLOGY NEEDED FOR NEAR-REAL TIME MONITORING OF FEDERAL BUREAU OF INVESTIGATION COMPLIANCE.—

(1) STUDY REQUIRED.—The Director of National Intelligence, in coordination with the National Security Agency and in consultation with the Federal Bureau of Investigation, shall conduct a study on technological enhancements that would enable the Federal Bureau of Investigation to conduct near-real time monitoring of compliance in any system of the Federal Bureau of Investigation that stores information acquired under section 702. Such study shall consider the potential cost and assess the feasibility of implementation within a period of one year of each technological enhancement under consideration.

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

(3) DEFINITIONS.—In this section the term ''appropriate congressional committees'' means—

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

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

(c) FISA REFORM COMMISSION.—

(1) ESTABLISHMENT.—

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

(B) DESIGNATION.—The commission established under subparagraph (A) shall be known as the ''FISA Reform Commission'' (in this section the ''Commission'').

(2) MEMBERSHIP.—

(A) COMPOSITION.—

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

(I) The Principal Deputy Director of National Intelligence.

(II) The Deputy Attorney General.

(III) The Deputy Secretary of Defense.

(IV) The Deputy Secretary of State.

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

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

(VII) Three members appointed by the minority leader of the Senate, in consultation with the Vice Chairman of the Select Committee on Intelligence of the Senate and the Ranking Member of the Committee on the Judiciary of the Senate, 1 of whom shall

be a member of the Senate and 2 of whom shall not be.

(VIII) Three members appointed by the Speaker of the House of Representatives, in consultation with the Chairman of the Permanent Select Committee on Intelligence of the House of Representatives and the Chairman of the Committee on the Judiciary of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(IX) Three members appointed by the minority leader of the House of Representatives, in consultation with the Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives and the Ranking Member of the Committee on the Judiciary of the House of Representatives, 1 of whom shall be a member of the House of Representatives and 2 of whom shall not be.

(ii) NONMEMBERS OF CONGRESS.—

(I) QUALIFICATIONS.—The members of the Commission who are not members of Congress and who are appointed under subclauses (VI) through (IX) of clause (i) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(aa) use of intelligence information by the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), national policymakers, and military leaders;

(bb) the implementation, funding, or oversight of the national security laws of the United States;

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

(dd) laws and policies governing methods of electronic surveillance.

(II) CONFLICTS OF INTEREST.—An official who appoints members of

the Commission may not appoint an individual as a member of the Commission if such individual possesses any personal or financial interest in the discharge of any of the duties of the Commission.

(III) SECURITY CLEARANCES.—All members of the Commission described in subclause (I) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(B) CO-CHAIRS.—

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

(ii) AGREEMENT.—The individuals who serve as the co-chairs of the Commission shall be agreed upon by the members of the Commission.

(3) APPOINTMENT; INITIAL MEETING.—

(A) APPOINTMENT.—Members of the Commission shall be appointed not later than 90

days after the date of the enactment of this Act.

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

(4) MEETINGS; QUORUM; VACANCIES.—

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

(B) QUORUM.—Nine members of the Commission shall constitute a quorum for purposes of conducting business, except that 2 members of the Commission shall constitute a quorum for purposes of receiving testimony.

(C) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

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

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

(A) To review the effectiveness of the current implementation of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(B) To develop recommendations for legislative action to reform the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that provide for the effective conduct of United States intelligence activities and the protection of privacy and civil liberties.

(6) POWERS OF COMMISSION.—

(A) IN GENERAL.—

(i) HEARINGS.—The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

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

(II) require, by subpoena or otherwise, the attendance and testimony

of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member considers necessary.

(ii) ISSUANCE AND ENFORCEMENT OF SUBPOENAS.—

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

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

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

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

(B) INFORMATION FROM FEDERAL AGENCIES.—

(i) IN GENERAL.—The Commission may secure directly from any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality of the Federal Government information, suggestions, estimates, and statistics for the purposes of this section.

(ii) FURNISHING INFORMATION.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality described in clause (i) shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request of the co-chairs of the Commission.

(iii) PROTECTION OF CLASSIFIED INFORMATION.—The Commission shall handle and protect all classified information provided to it under this section in accordance with applicable provisions of law.

(C) ASSISTANCE FROM FEDERAL AGENCIES.—

(i) DIRECTOR OF NATIONAL INTELLIGENCE.—The Director of National Intelligence shall provide to the Commission, on a nonreimbursable basis, such administrative services, funds, staff, facilities, and other support services as are necessary for the performance of the duties of the Commission under this section.

(ii) ATTORNEY GENERAL.—The Attorney General may provide the Commission, on a nonreimbursable basis, with such administrative services, staff, and other support services as the Commission may request.

(iii) OTHER DEPARTMENTS AND AGENCIES.—In addition to the assistance set forth in clauses (i) and (ii), other departments and agencies of the United States may provide the Commission such services, funds, facilities, staff, and other support as such departments and agencies consider advisable and as may be authorized by law.

(iv) COOPERATION.—The Commission shall receive the full and timely cooperation

of any official, department, or agency of the Federal Government whose assistance is necessary, as jointly determined by the co-chairs selected under paragraph (2)(B), for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(D) POSTAL SERVICES.—The Commission may use the United States postal services in the same manner and under the same conditions as the departments and agencies of the Federal Governments.

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

(7) STAFF OF COMMISSION.—

(A) APPOINTMENT AND COMPENSATION OF STAFF.—The co-chairs of the Commission, in accordance with rules agreed upon by the Commission, shall appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its duties, without regard to the provisions of title 5, United States Code, governing

appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of such title.

(B) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(C) SECURITY CLEARANCES.—All staff of the Commission and all experts and consultants employed by the Commission shall possess a security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(8) COMPENSATION AND TRAVEL EXPENSES.—

(A) COMPENSATION OF MEMBERS.—

(i) IN GENERAL.—Except as provided in subparagraph (B), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission under this title.

(ii) EXCEPTION.—Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Commission.

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

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

(A) IN GENERAL.—The Director of National Intelligence shall assume responsibility for the handling and disposition of any information related to the national security of the United States that is received, considered, or used by the Commission under this title.

(B) INFORMATION PROVIDED BY CONGRESSIONAL INTELLIGENCE COMMITTEES.—Any information related to the national security of the United States that is provided to the Commission by a congressional intelligence committee may not be further provided or released without the approval of the chairman of such committee.

(C) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under paragraph (10)(B), only the members and designated staff of the congressional intelligence committees, the Director of National Intelligence (and the designees of the Director), and such other officials of the executive branch of the Federal Government as the President

may designate shall have access to information related to the national security of the United States that is received, considered, or used by the Commission.

(10) FINAL REPORT; TERMINATION.—

(A) FINAL REPORT.—

(i) DEFINITIONS.—In this subparagraph:

(I) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(aa) the congressional intelligence committees;

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

(cc) the Committee on the Judiciary of the House of Representatives.

(II) CONGRESSIONAL LEADERSHIP.—The term ''congressional leadership'' means—

(aa) the majority leader of the Senate;

(bb) the minority leader of the Senate;

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

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

(ii) FINAL REPORT REQUIRED.—Not later than 5 years from the date of enactment of this Act, the Commission shall submit to the appropriate committees of Congress, congressional leadership, the Director of National Intelligence, and the Attorney General a final report on the findings of the Commission.

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

(iv) ASSESSMENTS OF FINAL REPORT.—Not later than 1 year after receipt of the final report under clause (ii), the Director of National Intelligence and the Attorney General shall each submit to the appropriate committees of Congress and

congressional leadership an assessment of such report.

(B) TERMINATION.—

(i) IN GENERAL.—The Commission, and all the authorities of this section, shall terminate on the date that is 2 years after the date on which the final report is submitted under subparagraph (A)(ii).

(ii) WIND-DOWN PERIOD.—The Commission may use the 2-year period referred to in clause (i) for the purposes of concluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(11) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

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

(B) FREEDOM OF INFORMATION ACT.—The provisions of section 552 of title 5, United States Code (commonly referred to as the

''Freedom of Information Act''), shall not apply to the activities, records, and proceedings of the Commission under this section.

(12) FUNDING.—

(A) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated funds to the extent and in such amounts as specifically provided in advance in appropriations acts for the purposes detailed in this subsection.

(B) AVAILABILITY IN GENERAL.—Subject to subparagraph (A), the Director of National Intelligence shall make available to the Commission such amounts as the Commission may require for purposes of the activities of the Commission under this section.

(C) DURATION OF AVAILABILITY.—Amounts made available to the Commission under subparagraph (B) shall remain available until expended or upon termination under paragraph (10)(B), whichever occurs first.

(13) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this subsection, the term ''congressional intelligence committees'' means—

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

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

(d) SEVERABILITY; APPLICABILITY DATE.—

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

(2) APPLICABILITY DATE.—Subsection (f) of section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a), as amended by this Act, shall apply with respect to certifications submitted under subsection (h) of such section to the Foreign Intelligence Surveillance Court after January 1, 2024.

SEC. 19. EXTENSION OF CERTAIN AUTHORITIES.

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

(1) in paragraph (1)—

(A) by striking ''April 19, 2024'' and inserting ''two years after the date of enactment

of the Reforming Intelligence and Securing America Act''; and

(B) by inserting ''and the Reforming Intelligence and Securing America Act'' after ''the FISA Amendments Reauthorization Act of 2017''; and

(2) in paragraph (2) in the matter preceding subparagraph (A), by striking ''April 19, 2024'' and inserting ''two years after the date of enactment of the Reforming Intelligence and Securing America Act''.

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

(1) in paragraph (1)—

(A) in the heading, by striking ''APRIL 19, 2024'' and inserting ''TWO YEARS AFTER THE DATE OF ENACTMENT OF THE REFORMING INTELLIGENCE AND SECURING AMERICA ACT''; and

(B) by inserting ''and the Reforming Intelligence and Securing America Act'' after ''the FISA Amendments Reauthorization Act of 2017'';

(2) in paragraph (2), by inserting ''and the Reforming Intelligence and Securing America Act'' after ''the FISA Amendments Reauthorization Act of 2017''; and

(3) in paragraph (4), by inserting ''and the Reforming Intelligence and Securing America Act'' after ''the FISA Amendments Reauthorization Act of 2017'' in each place it appears.

SEC. 20. AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) REFERENCES TO FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

(b) EFFECT OF CERTAIN AMENDMENTS ON CONFORMING CHANGES TO TABLES OF CONTENTS.—When an amendment made by this Act adds a section or larger organizational unit to the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), repeals or transfers a section or larger organizational unit in such Act, or amends the designation or heading of a section or larger

organizational unit in such Act, that amendment also shall have the effect of amending the table of contents in such Act to alter the table to conform to the changes made by the amendment.

SEC. 21. REQUIREMENT FOR RECERTIFICATION.

Notwithstanding any orders or authorizations issued or made under section 702 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a) during the period beginning on January 1, 2024 and ending on April 30, 2024, no later than 90 days after the date of enactment of this Act, the Attorney General and the Director of National Intelligence shall be required to seek new orders consistent with the provisions of the Foreign Intelligence Surveillance Act of 1978, as amended by this Act, and thereafter to issue new authorizations consistent with such new orders.

SEC. 22. REPEAL OF AUTHORITY FOR THE RESUMPTION OF ABOUTS COLLECTION.

(a) IN GENERAL.—Section 702(b)(5) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(b)(5)) is amended by striking ", except as provided under section 103(b) of the FISA Amendments Reauthorization Act of 2017".

(b) CONFORMING AMENDMENTS.—

(1) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 702(m) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(m)) is amended—

(A) in the subsection heading, by striking "REVIEWS, AND REPORTING" and inserting "AND REVIEWS"; and

(B) by striking paragraph (4).

(2) FISA AMENDMENTS REAUTHORIZATION ACT OF 2017.—Section 103 of the FISA Amendments Reauthorization Act of 2017 (Public Law 115–118; 50 U.S.C. 1881a note) is amended—

(A) by striking subsection (b); and

(B) by striking "(a) IN GENERAL.—".

SEC. 23. INCLUSION OF COUNTERNARCOTICS IN DEFINITION OF FOREIGN INTELLIGENCE.

Section 101(e)(1) is amended—

(1) in subparagraph (B), by striking "; or" and inserting a semicolon; and

(2) by adding at the end the following new subparagraph:

"(D) international production, distribution, or financing of illicit synthetic drugs, opioids, cocaine, or other drugs driving overdose deaths, or precursors of any aforementioned; or".

SEC. 24. VETTING OF NON-UNITED STATES PERSONS.

Subsection (f) of section 702, as amended by this Act, is further amended by adding at the end the following new paragraph:

"(6) VETTING OF NON-UNITED STATES PERSONS.—For any procedures for one or more agencies adopted under paragraph (1)(A), the Attorney General, in consultation with the Director of National Intelligence, shall ensure that the procedures enable the vetting of all non-United States persons who are being processed for travel to the United States using terms that do not qualify as United States person query terms under this Act.".

SEC. 25. DEFINITION OF ELECTRONIC COMMUNICATION SERVICE PROVIDER.

(a) Section 701(b)(4) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F);

(2) in subparagraph (D), by striking "; or" and inserting a semicolon;

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic

communications, but not including any entity that serves primarily as— https://archive.ada.gov/ada_title_III.htm

"(i) a public accommodation facility, as that term is defined in section 501(4);

"(ii) a dwelling, as that term is defined in section 802 of the Fair Housing Act (42 U.S.C. 3602); https://www.law.cornell.edu/uscode/text/42/3602

"(iii) a community facility, as that term is defined in section 315 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592n); or https://www.law.cornell.edu/uscode/text/42/1592n

"(iv) a food service establishment, as that term is defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638); or"; https://www.law.cornell.edu/uscode/text/7/1638

(4) in subparagraph (F), as redesignated—

(A) by inserting "custodian," after "employee,";

(B) by striking "or" before "(D)"; and

(C) by inserting ", or (E)" after "(D)".

(b) Paragraph (6) of section 801 of the Foreign Intelligence Surveillance Act of 1978 is amended—

(1) by redesignating subparagraphs (E) and (F) as subparagraphs (F) and (G), respectively;

(2) in subparagraph (F), as redesignated, by striking ''; or'' and inserting a semicolon;

(3) by inserting after subparagraph (D) the following new subparagraph:

''(E) any other service provider who has access to equipment that is being or may be used to transmit or store wire or electronic communications, but not including any entity that serves primarily as—

''(i) a public accommodation facility, as that term is defined in section 501(4);

''(ii) a dwelling, as that term is defined in section 802 of the Fair Housing Act (42 U.S.C. 3602);

''(iii) a community facility, as that term is defined in section 315 of the Defense Housing and Community Facilities and Services Act of 1951 (42 U.S.C. 1592n); or

''(iv) a food service establishment, as that term is defined in section 281 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638);''; and

(4) in subparagraph (G), as redesignated—

(A) by inserting ''custodian,'' after ''employee,'';

(B) by striking ''or'' before ''(E)''; and

(C) by inserting '', or (F)'' after ''(E)''.

Passed the House of Representatives April 12, 2024.

Attest: KEVIN F. MCCUMBER,

Clerk.

Calendar No. 365

118TH CONGRESS
2D SESSION

H. R. 7888

AN ACT

To reform the Foreign Intelligence Surveillance Act of 1978.

APRIL 15, 2024

Read the second time and placed on the calendar