

115TH CONGRESS  
2D SESSION

# H. R. 5120

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

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 27, 2018

Mr. GAETZ (for himself and Mr. POE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Presidential Appoint-  
5 ment of FISA Court Judges Act”.

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

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

8 (1) in subsection (a)(1)—

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

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

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

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

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

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

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

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