118TH CONGRESS  
1ST SESSION  
S. 3351

To amend the Foreign Intelligence Surveillance Act of 1978 to extend certain expiring authorities, to restore certain expired authorities, and to institute reforms to protect the civil liberties of United States persons, and for other purposes.

IN THE SENATE OF THE UNITED STATES  
NOVEMBER 28, 2023

Mr. Warner (for himself, Mr. Rubio, Mr. Graham, Mr. Wicker, Ms. Collins, Mr. King, Mr. Bennett, Mr. Casey, Mrs. Gillibrand, Mr. Rounds, Mr. Kelly, Ms. Klobuchar, Mr. Moran, Mr. Lankford, and Mr. Whitehouse) introduced the following bill; which was read twice and referred to the Committee on the Judiciary.

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to extend certain expiring authorities, to restore certain expired authorities, and to institute reforms to protect the civil liberties of United States persons, 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 “Foreign Intelligence Surveillance Act of 1978 Reform
and Reauthorization Act of 2023” or the “FISA Reform
and Reauthorization Act of 2023”.

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

Sec. 1. Short title; table of contents.

TITLE I—REFORM AND REAUTHORIZATION OF TITLE VII OF
FISA

Sec. 101. Extension of title VII of FISA.
Sec. 102. Expanded protections for United States person queries.
Sec. 103. Federal Bureau of Investigation compliance requirements.
Sec. 104. Additional reporting regarding the FBI’s use of section 702 of FISA.
Sec. 105. Increased oversight of activities involving Members of Congress.
Sec. 106. Exception for consensual queries.
Sec. 107. Procedures to enable travel vetting of non-United States persons.

TITLE II—ACCURACY AND INTEGRITY OF FISA PROCESS

Sec. 201. Certifications regarding accuracy of FISA applications.
Sec. 202. Submission of court transcripts to Congress.
Sec. 203. Enhanced authorities for amicus curiae.
Sec. 204. Prohibition on use of politically derived information in applications
for certain orders by the Foreign Intelligence Surveillance Court.
Sec. 205. Investigations relating to Federal candidates and elected Federal officials.
Sec. 206. Removal or suspension of Federal officers for misconduct before Foreign Intelligence Surveillance Court.
Sec. 207. Additional penalties for offenses relating to FISA.
Sec. 208. Contempts constituting crimes before the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.
Sec. 209. Effective and independent advice for the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.
Sec. 210. Enhancements to congressional oversight.
Sec. 211. Establishment of compliance officers.
Sec. 212. FISA Reform Commission.
TITLE I—REFORM AND REAUTHORIZATION OF TITLE VII OF FISA

SEC. 101. EXTENSION OF TITLE VII OF FISA.

(a) EXTENSION.—Section 403(b) of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 is amended—

(1) in paragraph (1) (Public Law 110–261; 50 U.S.C. 1881 note)—

(A) by striking “December 31, 2023” and inserting “December 31, 2035”; and

(B) by striking “and by the FISA Amendments Reauthorization Act of 2017” and inserting “, the FISA Amendments Reauthorization Act of 2017, and the Foreign Intelligence Surveillance Act of 1978 Reform and Reauthorization Act of 2023”; and

(2) in paragraph (2) (Public Law 110–261; 18 U.S.C. 2511 note), in the matter preceding subparagraph (A), by striking “December 31, 2023” and inserting “December 31, 2035”.

(b) CONFORMING AMENDMENTS.—Section 404(b) of the Foreign Intelligence Surveillance Act of 1978 Amendments Act of 2008 is amended—

(1) in paragraph (1)—
(A) in the paragraph heading, by striking “DECEMBER 31, 2023” and inserting “DECEMBER 31, 2035”; and

(B) by striking “and by the FISA Amendments Reauthorization Act of 2017” and inserting “, the FISA Amendments Reauthorization Act of 2017, and the Foreign Intelligence Surveillance Act of 1978 Reform and Reauthorization Act of 2023”;

(2) in paragraph (2), by striking “and by the FISA Amendments Reauthorization Act of 2017” and inserting “, the FISA Amendments Reauthorization Act of 2017, and the Foreign Intelligence Surveillance Act of 1978 Reform and Reauthorization Act of 2023”; and

(3) in paragraph (4), by striking “and by the FISA Amendments Reauthorization Act of 2017” each place it appears and inserting “, the FISA Amendments Reauthorization Act of 2017, and the Foreign Intelligence Surveillance Act of 1978 Reform and Reauthorization Act of 2023”.
SEC. 102. EXPANDED PROTECTIONS FOR UNITED STATES PERSON QUERIES.

Paragraph (2) of section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended to read as follows:

“(2) Prohibition of queries that are solely designed to find and extract evidence of a crime.—

“(A) Prohibition.—Except as provided by subparagraph (B), the querying procedures adopted under paragraph (1) shall prohibit queries of information collected pursuant to an authorization under subsection (a) that are solely designed to find and extract evidence of criminal activity.

“(B) Exceptions.—The restriction under subparagraph (A) prohibiting certain queries of information collected pursuant to an authorization under subsection (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.”.

SEC. 103. FEDERAL BUREAU OF INVESTIGATION COMPLIANCE REQUIREMENTS.

Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as amended by section 102, is further amended—

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

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

“(3) REQUIREMENTS RELATING TO FEDERAL BUREAU OF INVESTIGATION.—

“(A) IN GENERAL.—For any procedures adopted under paragraph (1) for the Federal Bureau of Investigation, the Attorney General, in consultation with the Director of National Intelligence, shall also ensure that the procedures—

“(i) prohibit personnel of the Bureau from conducting any query, unless such personnel successfully complete relevant training;
“(ii) require that all systems of the Bureau that store unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) together with contents or noncontents obtained through other lawful means must—

“(I) be configured such that personnel of the Bureau must affirmatively opt-in in order to include such unminimized contents or noncontents obtained through acquisitions authorized under subsection (a) when running a query; or

“(II) contain other controls reasonably expected to prevent inadvertent queries of unminimized contents or noncontents obtained through acquisitions authorized under subsection (a);

“(iii) require prior approval from an attorney of the Bureau for any query using the Bureau’s batch job technology or a successor tool, absent exigent circumstances;
“(iv) require prior approval, absent exigent circumstances, from the Director of the Bureau, the Deputy Director of the Bureau, or the Executive Assistant Director for the National Security Branch of the Bureau, in coordination with the General Counsel of the Bureau or an attorney designated by the General Counsel to provide appropriate legal review, for any query term reasonably believed to identify—

“(I) a United States elected official;

“(II) an appointee of the President or a State Governor;

“(III) a United States political candidate;

“(IV) a United States political organization or an individual prominent in such organization;

“(V) a United States news media or a member of a United States news media; or

“(VI) a United States religious organization or an individual prominent in such organization; and
“(v) require that, prior to conducting a query using a United States person query term, personnel of the Bureau provide a written statement of the specific factual basis to believe that such query meets the standard required by the procedures adopted under paragraph (1).

“(B) RECORD OF WRITTEN STATEMENTS.—The Director of the Federal Bureau of Investigation shall develop a technical procedure whereby a record is kept of each written statement provided pursuant to subparagraph (A)(v).

“(C) WAIVER AUTHORITY FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—If the Foreign Intelligence Surveillance Court finds that the procedures adopted under paragraph (1) for the Federal Bureau of Investigation include measures that are reasonably expected to result in similar compliance outcomes as the measures specified in clauses (i) through (v) of subparagraph (A), the Foreign Intelligence Surveillance Court may waive one or more of the requirements specified in such clauses.
“(4) ACCOUNTABILITY PROCEDURES FOR FEDERAL BUREAU OF INVESTIGATION.—

“(A) IN GENERAL.—The Director of the Federal Bureau of Investigation shall adopt accountability procedures which shall be reasonably designed to ensure investigation, consequences, and disciplinary action, where appropriate, for query compliance incidents.

“(B) REQUIREMENT TO PROVIDE NOTIFICATION OF MATERIAL CHANGES.—The Director of the Federal Bureau of Investigation shall—

“(i) provide the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives the procedures adopted in accordance with subparagraph (A); and

“(ii) promptly provide to such committees notice whenever any material change is made to the procedures adopted in accordance with subparagraph (A).”.
SEC. 104. ADDITIONAL REPORTING REGARDING THE FBI'S USE OF SECTION 702 OF FISA.

(a) In General.—Section 603 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1873) is amended by—

(1) in subsection (b)(2)(B), inserting ``(or combination of unminimized contents and noncontents information)'' after ``unminimized contents'';

(2) in subsection (d)(2), by striking ``TO CERTAIN INFORMATION'' and all that follows through “ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS’’ and inserting “TO ELECTRONIC MAIL ADDRESS AND TELEPHONE NUMBERS’’;

(3) redesignating subsection (e) as subsection (f); and

(4) inserting after subsection (d) the following:

“(e) MANDATORY REPORTING BY DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION.—

“(1) Annual report.—Each year, the Director of the Federal Bureau of Investigation shall submit to the Select Committee on Intelligence and the Committee on the Judiciary of the Senate and the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representa—
“(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 noncontents 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.”.

(b) Effective Date.—The amendments made by this section shall take effect on January 1, 2025.

SEC. 105. INCREASED OVERSIGHT OF ACTIVITIES INVOLVING MEMBERS OF CONGRESS.

Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)(1)), as amended by sections 102 and 103, is further amended—

(1) by redesignating paragraph (5) as paragraph (6); and
(2) by inserting after subparagraph (4), the follow- 

“(5) ADDITIONAL NOTIFICATION REQUIREMENT 
FOR CERTAIN FEDERAL BUREAU OF INVESTIGATION 
QUERIES.—

“(A) IN GENERAL.—If the Federal Bureau 
of Investigation knowingly conducts 1 or more 
queries using query terms reasonably likely to 
identify 1 or more specific individuals who are 
Members of Congress, the Director of the Fed-

eral Bureau of Investigation shall promptly no-
tify each Member of Congress specified in sub-

paragraph (B), as well as each Member who is 
the subject of the query, of such query.

“(B) MEMBERS SPECIFIED.—The Mem-
bers of Congress specified in this clause are the 
following:

“(i) The chairperson and ranking 
Member of each of the following:

“(I) The Select Committee on In-
telligence of the Senate.

“(II) The Committee on the Ju-
diciary of the Senate.
“(III) The Permanent Select Committee on Intelligence of the House of Representatives.

“(IV) The Committee on the Judiciary of the House of Representatives.

“(ii) The majority leader of the Senate.

“(iii) The minority leader of the Senate.

“(iv) The Speaker of the House of Representatives.

“(v) The minority leader of the House of Representatives.

“(C) NATIONAL SECURITY CONSIDERATIONS.—In submitting a notification under subparagraph (A), the Director shall give due regard to the protection of classified information, sources and methods, and national security.

“(D) WAIVER.—

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

“(ii) TERMINATION.—A waiver under clause (i) shall terminate on the earliest of—

“(I) the date the Director determines the relevant notification would not impede the relevant national security or law enforcement investigation; or

“(II) the date that such investigation ends.”.

SEC. 106. EXCEPTION FOR CONSENSUAL QUERIES.

Section 702(f)(1) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)(1)) is amended by adding at the end the following:

“(D) CONSENSUAL QUERIES.—The query standard set forth in the procedures adopted pursuant to subparagraph (A) shall include an exception for cases in which the subject of the query, or a third party authorized to consent on behalf of the subject, has provided consent for the query.”.
SEC. 107. PROCEDURES TO ENABLE TRAVEL VETTING OF NON-UNITED STATES PERSONS.

Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)), as amended by section 105, is further amended—

(1) by redesignating paragraph (6) as paragraph (7); and

(2) by inserting after subparagraph (5) the following:

“(6) TRAVEL VETTING OF NON-UNITED STATES PERSONS.—For any procedures 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 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.”.

TITLE II—ACCURACY AND INTEGRITY OF FISA PROCESS

SEC. 201. CERTIFICATIONS REGARDING ACCURACY OF FISA APPLICATIONS.

(a) Title I.—Subsection (a) of section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is amended—
(1) in paragraph (8), by striking “; and” and inserting a semicolon;

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

(3) by adding at the end the following:

“(10) a certification by the applicant or declarant that, to the best knowledge of the applicant or declarant, the attorney for the Government and the Department of Justice 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).”.

(b) Title III.—Subsection (a) of section 303 of such Act (50 U.S.C. 1823) is amended—

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

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

(3) by adding at the end the following:
“(9) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice 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).”.

(c) TITLE IV.—Subsection (c) of section 402 of such Act (50 U.S.C. 1842) is amended—

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

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

(3) by adding at the end the following:

“(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 for the Government and the Department of Justice 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).”.

(d) TITLE V.—Subsection (b) of section 502 of such Act (50 U.S.C. 1862) is amended—

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

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

(3) by adding at the end the following:

“(3) shall include a statement by the applicant that, to the best knowledge of the applicant, the application fairly reflects 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 (e).”.
(e) Title VII.—

(1) Section 703.—Subsection (b)(1) of section 703 of such Act (50 U.S.C. 1881b) is amended—

(A) in subparagraph (I), by striking ‘‘; and’’ and inserting a semicolon;

(B) in subparagraph (J), by striking the period at the end and inserting ‘‘; and’’; and

(C) by adding at the end the following:

‘‘(K) a certification by the applicant that, to the best knowledge of the applicant, the attorney for the Government and the Department of Justice 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).’’.

(2) Section 704.—Subsection (b) of section 704 of such Act (50 U.S.C. 1881c) is amended—

(A) in paragraph (6), by striking ‘‘; and’’ and inserting a semicolon;
(B) in paragraph (7), by striking the period at the end and inserting “; and”; and

(C) 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 for the Government and the Department of Justice 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 (e).”.

(f) **Review of Case Files To Ensure Accuracy.**—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.
SEC. 202. SUBMISSION OF COURT TRANSCRIPTS TO CONGRESS.

Section 601(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871(c)) is amended—

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

(2) in paragraph (2), by striking the period at the end and inserting "; and"; and

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

"(3) for any matter at which a court reporter is present and creates a transcript of a hearing or oral argument before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review, a copy of each such transcript not later than 45 days after the government’s receipt of the transcript or the date on which the matter concerning such hearing or oral argument is resolved, whichever is later.”.

SEC. 203. ENHANCED AUTHORITIES FOR AMICUS CURIAE.

(a) EXPANSION OF APPOINTMENT AUTHORITY.—

(1) IN GENERAL.—Section 103(i)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(i)(2)) is amended—

(A) by striking subparagraph (A) and inserting the following:
“(A) shall appoint 1 or more individuals who have been designated under paragraph (1), not less than 1 of whom possesses privacy and civil liberties expertise, unless the court finds that such a qualification is inappropriate, to serve as amicus curiae to assist the court in the consideration of any application or motion for an order or review that, in the opinion of the court—

“(i) presents a novel or significant interpretation of the law, unless the court issues a finding that such appointment is not appropriate;

“(ii) presents exceptional concerns with respect to the activities of a United States person that are protected by the first amendment to the Constitution of the United States, unless the court issues a finding that such appointment is not appropriate;

“(iii) targets a United States person and presents or involves a sensitive investigative matter, unless—

“(I) the matter represents an immediate danger to human life; and
“(II) the court issues a finding that such appointment is not appropriate;

“(iv) targets a United States person and presents a request for approval of a new programmatic surveillance or reauthorization of it, unless the court issues a finding that such appointment is not appropriate; or

“(v) targets a United States person and otherwise presents novel or exceptional civil liberties issues, unless the court issues a finding that such appointment is not appropriate; and”;

(B) in subparagraph (B), by striking “an individual or organization” each place the term appears and inserting “one or more individuals or organizations”.

(2) Definition of sensitive investigative matter.—Subsection (i) of section 103 of such Act (50 U.S.C. 1803) is amended by adding at the end the following:

“(12) Definition of sensitive investigative matter.—In this subsection, the term ‘sensitive investigative matter’ means—
“(A) an investigative matter that targets a United States person who is—

“(i) a United States elected official;

“(ii) an appointee of the President or a State Governor;

“(iii) a United States political candidate;

“(iv) a United States political organization or an individual prominent in such organization;

“(v) a United States news media or member of a United States news media; or

“(vi) a United States religious organization or an individual prominent in such organization; or

“(B) any other investigative matter involving a domestic entity or a known or presumed United States person that, in the judgment of the applicable court established under subsection (a) or (b), is as sensitive as an investigative matter described in subparagraph (A).”.

(b) Authority To Seek Review.—Subsection (i) of such section (50 U.S.C. 1803), as amended by subsection (a) of this section, is amended—
(1) in paragraph (4)—

(A) in the paragraph heading, by inserting “; AUTHORITY” after “DUTIES”;

(B) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and adjusting the margins accordingly;

(C) in the matter preceding clause (i), as so designated, by striking “the amicus curiae shall” and inserting the following: “the amicus curiae—

“(A) shall”;

(D) in subparagraph (A)(i), as so designated, by inserting before the semicolon at the end the following: “, including legal arguments regarding any privacy or civil liberties interest of any United States person that would be significantly impacted by the application or motion”; and

(E) by striking the period at the end and inserting the following: “; and

“(B) may seek leave to raise any novel or significant privacy or civil liberties issue relevant to the application or motion or other issue directly impacting the legality of the pro-
posed electronic surveillance with the court, re-
gardless of whether the court has requested as-
sistance on that issue.”;

(2) by redesignating paragraphs (7) through (12) as paragraphs (8) through (13), respectively; and

(3) by inserting after paragraph (6) the fol-
lowing:

“(7) Authority to seek review of deci-
sions.—

“(A) FISA court decisions.—Following
issuance of a final order under this Act by the
Foreign Intelligence Surveillance Court in a
matter in which an amicus curiae was ap-
pointed under paragraph (2), that amicus cu-
riae may petition the Foreign Intelligence Sur-
veillance Court to certify for review to the For-
egn Intelligence Surveillance Court of Review a
question of law pursuant to subsection (j). If
the court denies such petition, the court shall
provide for the record a written statement of
the reasons for such denial. Upon certification
of any question of law pursuant to this sub-
paragraph, the Court of Review shall appoint
the amicus curiae to assist the Court of Review
in its consideration of the certified question, unless the Court of Review issues a finding that such appointment is not appropriate.

“(B) FISA COURT OF REVIEW DECISIONS.—An amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court of Review to certify for review to the Supreme Court of the United States any question of law pursuant to section 1254(2) of title 28, United States Code, in the matter in which that amicus curiae was appointed.

“(C) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, if the Foreign Intelligence Surveillance Court or Foreign Intelligence Surveillance Court of Review denies a petition filed under subparagraph (A) or (B) of this paragraph, that petition and all of its content shall be considered a decision, order, or opinion issued by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review described in paragraph (2) of section 602(a).”.

(c) ACCESS TO INFORMATION.—
(1) **APPLICATION AND MATERIALS.**—Subpara-
graph (A) of section 103(i)(6) of such Act (50
U.S.C. 1803(i)(6)) is amended to read as follows:

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“(A) IN GENERAL.—

“(i) RIGHT OF AMICUS.—If a court
established under subsection (a) or (b) ap-
points an amicus curiae under paragraph
(2), the amicus curiae—

“(I) shall have access to, to the
extent such information is available to
the Government and the court estab-
lished under subsection (a) or (b) de-
termines it is necessary to fulfill the
duties of the amicus curiae—

“(aa) the application, certifi-
cation, petition, motion, and
other information and supporting
materials submitted to the For-
eign Intelligence Surveillance
Court in connection with the
matter in which the amicus cu-
riae has been appointed, includ-
ing access to any relevant legal
precedent (including any such
precedent that is cited by the

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Government, including in such an application);

“(bb) a copy of each relevant decision made by the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review in which the court decides a question of law, without regard to whether the decision is classified; and

“(cc) any other information or materials that the court determines are relevant to the duties of the amicus curiae; and

“(II) may make a submission to the court requesting access to any other particular materials or information (or category of materials or information) that the amicus curiae believes to be relevant to the duties of the amicus curiae.

“(ii) SUPPORTING DOCUMENTATION REGARDING ACCURACY.—The Foreign Intelligence Surveillance Court, upon the mo-
tion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation if the court determines the information is relevant to the duties of the amicus curiae.”.

(2) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Such section is further amended by striking subparagraph (C) and inserting the following:

“(C) CLASSIFIED INFORMATION.—An amicus curiae appointed by the court shall have access, to the extent such information is available to the Government and the court determines such information is relevant to the duties of the amicus curiae in the matter in which the amicus curiae was appointed, to copies of each opinion, order, transcript, pleading, or other document of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review, including, if the individual is eligible for access to classified information, any classified documents, information, and other materials or proceedings, but only to the
extent consistent with the national security of the United States.”.

(3) CONSULTATION AMONG AMICI CURIAE.— Such section is further amended—

(A) by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively; and

(B) by inserting after subparagraph (A) the following new subparagraph:

“(B) CONSULTATION.—If the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review determines that it is relevant to the duties of an amicus curiae appointed by the court under paragraph (2), the amicus curiae may consult with 1 or more of the other individuals designated by the court to serve as amicus curiae pursuant to paragraph (1) regarding any of the information relevant to any assigned proceeding.”.

(d) TERM LIMITS.—

(1) REQUIREMENT.—Paragraph (1) of section 103(i) of such Act (50 U.S.C. 1803(i)) is amended by adding at the end the following new sentence:

“An individual may serve as an amicus curiae for a
5-year term, and the presiding judges may, for good cause, jointly reappoint the individual to a single additional term.”.

(2) APPLICATION.—The amendment made by paragraph (1) shall apply with respect to the service of an amicus curiae appointed under section 103(i) of such Act (50 U.S.C. 1803(i)) that occurs on or after the date of the enactment of this Act, regardless of the date on which the amicus curiae is appointed.

SEC. 204. PROHIBITION ON USE OF POLITICALLY DERIVED INFORMATION IN APPLICATIONS FOR CERTAIN ORDERS BY THE FOREIGN INTELLIGENCE SURVEILLANCE COURT.

(a) TITLE I ORDERS.—Section 104(a)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(6)) is amended—

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

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

(3) 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, or collected using funds of, a political organization (as defined in section 527 of the Internal Revenue Code of 1986) for the purpose of gaining an advantage against, or otherwise conducting research on, an opposing political candidate, unless—

“(i) the political organization that produced the information is clearly identified in the body of the statement;

“(ii) the information has been corroborated by other investigative techniques; and

“(iii) the investigative techniques used to corroborate the information are clearly identified in the body of the statement.”.

(b) Title III Orders.—Section 303(a)(6) of such Act (50 U.S.C. 1823(a)(6)) is amended—

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

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

(3) 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, or collected using funds of, a political organization (as defined in section 527 of the Internal Revenue Code of 1986) for the purpose of gaining an advantage against, or otherwise conducting research on, an opposing political candidate, unless—

“(i) the political organization that produced the information is clearly identified in the body of the statement;

“(ii) the information has been corroborated by other investigative techniques; and

“(iii) the investigative techniques used to corroborate the information are clearly identified in the body of the statement.”.

SEC. 205. INVESTIGATIONS RELATING TO FEDERAL CANDIDATES AND ELECTED FEDERAL OFFICIALS.

(a) TITLE I.—Section 104(a)(6) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804(a)(6)), as amended by section 204, is further amended by adding at the end the following new subparagraph:
“(G) if the target of the electronic surveil-
ance is an elected Federal official or a can-
didate in a Federal election, that the Attorney
General has approved in writing of the inves-
tigation;”.

(b) TITLE III.—Section 303(a)(6) of such Act (50
U.S.C. 1823(a)(6)), as amended by section 204, is further
amended by adding at the end the following new subpara-
graph:

“(G) if the target of the physical search is
an elected Federal official or a candidate in a
Federal election, that the Attorney General has
approved in writing of the investigation;”.

SEC. 206. REMOVAL OR SUSPENSION OF FEDERAL OFFI-
CERS FOR MISCONDUCT BEFORE FOREIGN
INTELLIGENCE SURVEILLANCE COURT.

Section 103 of the Foreign Intelligence Surveillance
Act of 1978 (50 U.S.C. 1803) is amended by adding at
the end the following new subsection:

“(l) REMOVAL OR SUSPENSION OF FEDERAL OFFI-
cers for Misconduct Before Courts.—An employee,
officer, or contractor of the United States Government
who knowingly engages in misconduct with respect to pro-
ceedings before the Foreign Intelligence Surveillance
Court or the Foreign Intelligence Surveillance Court of
Review shall be subject to appropriate adverse actions, including, as appropriate, suspension without pay or removal.”.

SEC. 207. ADDITIONAL PENALTIES FOR OFFENSES RELATING TO FISA.

(a) FALSE DECLARATIONS BEFORE FISC AND FISCR.—Section 1623(a) 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 10 years”.

(b) INCREASED PENALTY FOR UNAUTHORIZED USE.—Section 109(c) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(c)) is amended by striking “five years” and inserting “10 years”.

(c) UNAUTHORIZED DISCLOSURE OF APPLICATIONS.—

(1) IN GENERAL.—Subsection (a) of section 109 of such Act (50 U.S.C. 1809) 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 inserting “intentionally” before “disclose or uses”; and

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

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

“(3) is an employee, officer, or contractor of the United States Government and intentionally discloses an application, in whole or in part, for an order under any title of this Act to any person not entitled to receive classified information.”.

(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)”.

SEC. 208. CONTEMPTS CONSTITUTING CRIMES BEFORE THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW. Section 402 of title 18, United States Code, is amended by inserting after “any district court of the United States” the following: “, 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),”.

SEC. 209. EFFECTIVE AND INDEPENDENT ADVICE FOR THE FOREIGN INTELLIGENCE SURVEILLANCE COURT AND THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW. Section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), as amended by section 206, is further amended by adding at the end the following new subsection:

“(m) INDEPENDENT LEGAL ADVISORS.—

“(1) AUTHORITY.—The Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review may jointly employ legal advisors to assist the courts in all aspects of considering any matter before the courts, including with respect to—
“(A) providing advice on issues of law or fact presented by any application for an order under this Act;

“(B) requesting information from the Government in connection with any such application;

“(C) identifying any concerns with any such application; and

“(D) proposing requirements or conditions for the approval of any such application.

“(2) DIRECTION.—The legal advisors employed under paragraph (1) shall be subject solely to the direction of the presiding judges of the Foreign Intelligence Surveillance Court and the Foreign Intelligence Surveillance Court of Review.”.

SEC. 210. ENHANCEMENTS TO CONGRESSIONAL OVERSIGHT.

(a) IN GENERAL.—Section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is amended—

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

(2) by inserting after subsection (d) the following new subsection (e):
“(e) Congressional Oversight.—In a manner consistent with the protection of the national security, nothing in this Act or any other provision of law may be construed to preclude the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives from receiving in a timely manner, upon request, applications submitted under this Act to the Foreign Intelligence Surveillance Court, orders of the court, and relevant materials relating to such applications and orders.”.

(b) Conforming Amendment.—Section 602(a) of such Act (50 U.S.C. 1872(a)) is amended by striking “in section 601(e)” and inserting “in section 601(f)”.

SEC. 211. ESTABLISHMENT OF COMPLIANCE OFFICERS.

(a) In General.—Title VI of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871 et seq.) is amended by adding at the end the following new section:

“SEC. 605. COMPLIANCE OFFICERS.

“(a) Definitions.—In this section:

“(1) Appropriate Congressional Committees.—The term ‘appropriate congressional committees’ means—

“(A) the Select Committee on Intelligence and the Committee on the Judiciary of the Senate; and
“(B) the Permanent Select Committee on Intelligence and the Committee on the Judiciary of the House of Representatives.

“(2) COVERED AGENCY.—The term ‘covered agency’ means a department or agency of the United States Government that has the authority to submit applications to the Foreign Intelligence Surveillance Court under this Act and which receives unminimized collection pursuant to orders issued under this Act.

“(3) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term ‘Foreign Intelligence Surveillance Court’ has the meaning given that term in section 101.

“(b) APPOINTMENT.—The head of each covered agency shall appoint a single Federal officer to serve as the Compliance Officer for that agency.

“(c) COMPLIANCE.—Each Compliance Officer appointed under subsection (b) shall be responsible for overseeing the compliance of the relevant covered agency with the requirements of this Act.

“(d) AUDITS.—Each Compliance Officer shall oversee routine audits of the compliance by the relevant covered agency with—
“(1) the requirements of this Act regarding submitting applications to the Foreign Intelligence Surveillance Court, including with respect to the accuracy of such applications; and

“(2) the minimization, targeting, querying, and accuracy procedures required by this Act.

“(e) ASSESSMENTS.—Each Compliance Officer shall—

“(1) conduct on a routine basis assessments of the efficacy of the minimization, targeting, querying, and accuracy procedures adopted by the Attorney General pursuant to this Act; and

“(2) annually submit to the Assistant Attorney General designated as the Assistant Attorney General for National Security under section 507A of title 28, United States Code, and the head of the relevant covered agency the findings of such assessments, including any recommendations of the Compliance Officer with respect to improving such procedures.

“(f) REMEDIATION.—Each Compliance Officer shall ensure the appropriate remediation of any compliance issues of the relevant covered agency identified pursuant to this section or the rules of the Foreign Intelligence Surveillance Court.
“(g) Inspectors General Assessments.—On an annual basis, and consistent with the protection of sources and methods, each Inspector General of a covered agency shall submit to the Foreign Intelligence Surveillance Court and the appropriate congressional committees an assessment of the implementation of this section by the covered agency.”.

(b) Clerical Amendment.—The table of sections at the beginning of the Foreign Intelligence Surveillance Act of 1978 is amended by inserting after the item relating to section 604 the following new item:

“Sec. 605. Compliance officers.”.

SEC. 212. FISA REFORM COMMISSION.

(a) Establishment.—

(1) 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.).

(2) Designation.—The commission established under paragraph (1) shall be known as the “FISA Reform Commission” (in this section the “Commission”).

(b) Membership.—

(1) Composition.—
(A) In general.—Subject to subparagraph (B), 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 Intelli-
gence 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 Represent-
atives, in consultation with the Ranking
Member of the Permanent Select Com-
mittee on Intelligence of the House of Rep-
resentatives 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 Representa-
tives and 2 of whom shall not be.

(B) NONMEMBERS OF CONGRESS.—

(i) QUALIFICATIONS.—The members
of the Commission who are not Members
of Congress and who are appointed under clauses (iv) through (vii) of subparagraph (A) shall be individuals who are nationally recognized for expertise, knowledge, or experience in—

(I) 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;

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

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

(IV) 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 clause (i) shall possess an appropriate security clearance in accordance with applicable provisions of law concerning the handling of classified information.

(2) Co-chairs.—

(A) In general.—The Commission shall have 2 co-chairs, selected from among the members of the Commission.

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

(c) Appointment; Initial Meeting.—

(1) Appointment.—Members of the Commission shall be appointed not later than 90 days after the date of the enactment of this Act.

(2) 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.

(d) Meetings; Quorum; Vacancies.—

(1) In general.—After its initial meeting, the Commission shall meet upon the call of the co-chairs of the Commission.
(2) 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.

(3) 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.

(4) 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.

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

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

(2) 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.
(f) Powers of Commission.—

(1) In general.—

(A) 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.

(B) Issuance and enforcement of subpoenas.—

(i) Issuance.—A subpoena issued under subparagraph (A)(ii) shall—

(I) bear the signature of the co-chairs of the Commission; and
(II) 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.

(2) Information from Federal Agencies.—

(A) 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.

(B) Furnishing Information.—Each such department, agency, bureau, board, commission, office, establishment, or instrumentality described in subparagraph (A) 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.

(C) 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.

(3) Assistance from federal agencies.—

(A) 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.

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

(C) Other departments and agencies.—In addition to the assistance set forth in subparagraphs (A) and (B), 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.

(D) 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 subsection (b)(2), for the fulfillment of the duties of the Commission, including the provision of full and current briefings and analyses.

(4) 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.

(5) 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.

(g) STAFF OF COMMISSION.—

(1) 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 di-
rector 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 competi-
tive 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.

(2) 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.

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

(h) COMPENSATION AND TRAVEL EXPENSES.—
(1) **Compensation of members.**—

(A) **In general.**—Except as provided in paragraph (2), 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.

(B) **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.

(2) **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.

(i) **Treatment of information relating to national security.**—
(1) 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.

(2) 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.

(3) ACCESS AFTER TERMINATION OF COMMISSION.—Notwithstanding any other provision of law, after the termination of the Commission under subsection (j)(2), 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.
(j) Final Report; Termination.—

(1) Final report.—

(A) Definitions.—In this paragraph:

(i) Appropriate Committees of Congress.—The term “appropriate committees of Congress” means—

(I) the congressional intelligence committees;

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

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

(ii) Congressional Leadership.—The term “congressional leadership” means—

(I) the majority leader of the Senate;

(II) the minority leader of the Senate;

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

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

(B) Final Report Required.—Not later than 7 years from the date of enactment of this
Act, the Commission shall submit to the appropri-
ate committees of Congress, congressional
leadership, the Director of National Intel-
ligence, and the Attorney General a final report
on the findings of the Commission.

(C) Form of Final Report.—The final
report submitted pursuant to subparagraph (B)
shall be in unclassified form but may include a
classified annex.

(D) Assessments of Final Report.—
Not later than 1 year after receipt of the final
report under subparagraph (B), the Director of
National Intelligence and the Attorney General
shall each submit to the appropriate committees
of Congress and congressional leadership an as-
essment of such report.

(2) Termination.—

(A) In General.—The Commission, and
all the authorities of this section, shall termin-
nate on the date that is 2 years after the date
on which the final report is submitted under
paragraph (1)(B).

(B) Wind-Down Period.—The Commis-
sion may use the 120-day period referred to in
subparagraph (A) for the purposes of con-
cluding its activities, including providing testimony to Congress concerning the final report referred to in that paragraph and disseminating the report.

(k) INAPPLICABILITY OF CERTAIN ADMINISTRATIVE PROVISIONS.—

(1) 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.

(2) 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.

(l) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

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

(3) **Duration of Availability.**—Amounts made available to the Commission under paragraph (2) shall remain available until expended or upon termination under subsection (i)(2), whichever occurs first.

(m) **Congressional Intelligence Committees Defined.**—In this section, the term “congressional intelligence committees” means—

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

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