

## **56 Key Reforms in the House's *Reforming Intelligence and Securing America Act***

### **Reforming U.S. Person Queries**

1. Requires FBI personnel who conduct 702 queries to undergo annual training.
2. Requires prior approval from Deputy Director of FBI for queries involving sensitive matters such as involving a U.S. elected official, prominent political organizations, or media organizations.
3. Requires prior approval from an FBI attorney for queries involving a religious organization or someone prominent in a religious organization.
4. Requires prior approval from an FBI attorney for queries involving “batch” technologies.
5. Requires FBI to prepare prior written statement of factual basis supporting U.S. person query search.
6. Requires FBI to maintain records of each U.S. person query term used, date of query, identifier of person conducting query, and written justification.
7. Imposes certain data storage requirements related to unminimized information.
8. Requires FBI personnel to opt in to certain unminimized contents or noncontents.
9. Prohibits U.S. person query terms solely designed to find and extract evidence of a crime.
10. Requires FBI personnel to obtain supervisor or attorney approval to access unminimized contents or noncontents when using a U.S. person query term.
11. Prohibits political appointees from approving 702 queries by FBI.
12. Requires data configuration with “controls reasonably expected to prevent inadvertent queries of unminimized contents or noncontents.”
13. Prohibits FBI from adding unminimized information into FBI data repositories unless targeted person is relevant to an existing, open, predicated full national security investigation.
14. Requires Department of Justice (DOJ) National Security Division (NSD) to undertake an audit not less than annually to ensure each targeting decision is not in relation to a known U.S. person.
15. Requires DOJ Inspector General (IG) to undertake a random sample audit of the DOJ-NSD audit.
16. Requires DOJ-NSD to annually audit all U.S. person queries conducted by FBI.
17. Requires annual certification to Congress by agencies authorized to target non-U.S. persons that their targeting decisions were not known to target U.S. persons.
18. Requires FBI to notify Congressional leadership if a query term uses the name of, or other information related to, a Member of Congress.
19. Requires FBI to notify a Member of Congress if a query term uses his/her name or other information related to that Member.
20. Prohibits the FBI from running a query in relation to a Member of Congress for purposes of a defensive briefing without the Member’s consent.
21. Requires two separate DOJ IG reports related to the querying practices of the FBI.

### **Ensuring Heightened Scrutiny for Warrant Applications**

22. Requires Foreign Intelligence Surveillance Court (FISC) renewals to be submitted to the original judge, unless the judge has left the court, providing a greater level of oversight and review.
23. Expands use of amicus curiae to assist the FISC.
24. Requires FISC to appoint an attorney to review applications involving U.S. persons to ensure evidence is sufficient to make a probable cause determination, identify material weaknesses or other flaws, and make recommendations such as approval, denial, or requiring additional information.
25. Requires a person submitting an application to FISC to provide sworn statement on the application’s basis and factual assertions, such as if the target is a foreign power or agent of a foreign power.
26. Prohibits use of politically derived information in FISC applications unless the organization is identified, information is corroborated, and corroboration steps are identified.
27. Prohibits use of press reports in applications to FISC unless information is fully sourced and independently corroborated.
28. Requires summary of investigative techniques used prior to targeting U.S. person.
29. Requires application for renewal orders involving U.S. person to include summary of information obtained under prior orders or explanation why no information was obtained.

30. Requires certification in relation to applications involving U.S. person and allegation that such person is acting as agent of foreign power and that there is an underlying criminal offense.
31. Requires applications include certification that Attorney General or designee has notice of all information that might raise doubts about accuracy and reasonableness of assessments.
32. Requires applications disclose potentially exculpatory information regarding legal findings and assessments.

#### **Holding Agencies to Higher Standards, Strengthening Accountability**

33. Mandates disciplinary action, including termination or suspension without pay, for intentional misconduct in FISC or FISC-R proceedings.
34. Requires FBI to establish minimum accountability standards for employees including:(1) zero tolerance for willful misconduct;(2) escalating consequences for unintentional noncompliance; and (3) consequences for supervisors who oversee employees conducting noncompliant queries.
35. Makes FBI leadership compensation contingent upon compliance with U.S. person query requirements.
36. Sunsets existing orders and requires, within 90 days of enactment, that government go through new certification subject to each reform in this bill.

#### **Enhancing Congressional Oversight, Improving Transparency and Advancing Reforms**

37. Requires a copy of the Sec. 4(b)(1) review to be sent to Congressional committees and the IG.
38. Requires completion of a declassification review within 180 days.
39. Requires submission of each declassified document to Congress upon completion of the 180 day declassification review process.
40. Requires transcripts for FISC proceedings and establishes records retention standards.
41. Requires Congressional notification when a FISC or FISC-R transcript is produced. Congress must be allowed to review within three business days after request.
42. Requires FBI to submit annual report to Judiciary and Intelligence committees as to: (1) number of U.S. person queries of unminimized contents or noncontents; and (2) approved queries using batch technology. Requires FBI to make reports available to public following declassification.
43. Requires an annual report from the FBI Director on accountability actions taken annually for non-compliant querying, including ongoing personnel investigations and adverse actions taken.
44. Establishes reporting requirement if FISC or FISC-R holds someone in contempt.
45. Requires report to Congress and FISC of any person who violates Sec. 110 (unauthorized collection or disclosure).
46. Requires a report to Congress within 90 days of enactment detailing the establishment of minimum accountability standards for FBI employees.
47. Requires annual report to Congress detailing each adverse personnel action taken in response to noncompliant queries.
48. Requires DNI to notify Congress within 7 days of a significant unauthorized disclosure or compromise of 702-acquired information.
49. Requires a new study by the DNI working with NSA and FBI about the feasibility of the FBI to conduct near-real-time compliance monitoring as to the use of 702.
50. Establishes a FISA reform commission.

#### **New Criminal and Civil Penalties for Non-Compliance**

51. Adds criminal offense for knowing and willful disclosure or use of application materials.
52. Establishes new criminal offense for knowing and willful disclosure or use of classified contents of 702-acquired information to which a US person is a party.
53. Provides sentencing enhancement for false material declarations to FISC and FISC-R.
54. Adds FISC and FISC-R as courts that can hold individuals in contempt of court.
55. Increases liquidated damages by 10x for violations of FISA involving a U.S. person to \$10,000 (from \$1,000) or \$1,000 per day (from \$100), such as with unauthorized collection or disclosure.
56. Increases criminal penalties for unauthorized collection or disclosure in violation of FISA.