

this preamble as the “championship game”) by defeating the University of Iowa by a score of 87 to 75 in Cleveland, Ohio;

Whereas the Gamecocks led at halftime, 49–46, and never relinquished that lead for the remainder of the game;

Whereas the victory by the Gamecocks in the championship game—

(1) made the Gamecocks 1 of 10 NCAA women’s basketball teams to complete an undefeated season;

(2) marked the second time in 3 years that the Gamecocks won the National Championship; and

(3) earned the highest television ratings for a National Championship Game in the history of college women’s basketball and the highest of any college basketball game, men’s or women’s, for the 2023–2024 season;

Whereas the head coach of the Gamecocks, Dawn Staley, was named the 2024 Werner Ladder Naismith Coach of the Year;

Whereas the Gamecocks displayed outstanding dedication, teamwork, and sportsmanship throughout the 2023–2024 collegiate women’s basketball season in achieving the highest honor in women’s college basketball and earning a record of 38 wins and 0 losses; and

Whereas the Gamecocks have brought pride and honor to the State of South Carolina: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of South Carolina Gamecocks for winning the 2024 National Collegiate Athletic Association Women’s Basketball National Championship;

(2) recognizes the on-court and off-court achievements of the players, coaches, and staff of the University of South Carolina’s women’s basketball team; and

(3) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to—

(A) the President of the University of South Carolina, Michael D. Amiridis;

(B) the Head Coach of the University of South Carolina women’s basketball team, Dawn Staley; and

(C) the Athletics Director of the University of South Carolina, Ray Tanner.

SENATE RESOLUTION 660—SUPPORTING THE GOALS AND IDEALS OF NATIONAL PUBLIC SAFETY TELECOMMUNICATORS WEEK

Ms. KLOBUCHAR (for herself and Mr. BUDD) submitted the following resolution; which was referred to the Committee on Commerce, Science, and Transportation:

S. RES. 660

Whereas public safety telecommunications professionals play a critical role in emergency response;

Whereas the work that public safety telecommunications professionals perform goes far beyond simply relaying information between the public and first responders;

Whereas, when responding to reports of missing, abducted, and sexually exploited children, the information obtained and actions taken by public safety telecommunications professionals form the foundation for an effective response;

Whereas, when a hostage taker or suicidal individual calls 911, the first contact that individual has is with a public safety telecommunications professional, whose negotiation skills can prevent the situation from worsening;

Whereas, during crises, public safety telecommunications professionals, while col-

lecting vital information to provide situational awareness for responding officers—

(1) coach callers through first aid techniques; and

(2) give advice to those callers to prevent further harm;

Whereas the work done by individuals who serve as public safety telecommunications professionals has an extreme emotional and physical toll on those individuals, which is compounded by long hours and the around-the-clock nature of the job;

Whereas public safety telecommunications professionals should be recognized by all levels of government for the lifesaving and protective nature of their work;

Whereas major emergencies and natural disasters highlight the dedication of public safety telecommunications professionals and their important work in protecting the public and police, fire, and emergency medical officials; and

Whereas public safety telecommunications professionals are often called as witnesses to provide important testimony in criminal trials: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the week of April 14 through 20, 2024, as “National Public Safety Telecommunicators Week”;

(2) supports the goals and ideals of National Public Safety Telecommunicators Week;

(3) honors and recognizes the important and lifesaving contributions of public safety telecommunications professionals in the United States; and

(4) encourages the people of the United States to remember the value of the work performed by public safety telecommunications professionals.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1837. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table.

SA 1838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1839. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra; which was ordered to lie on the table.

SA 1840. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra.

SA 1841. Mr. DURBIN (for himself, Mr. CRAMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 7888, supra.

TEXT OF AMENDMENTS

SA 1837. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

Beginning on page 87, strike line 14 and all that follows through page 90, line 4.

SA 1838. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) The term ‘covered query’ means a query conducted—

“(i) using a term associated with a United States person; or

“(ii) for the purpose of finding the information of a United States person.”.

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting “and the limitations and requirements in paragraph (5)” after “Constitution of the United States”; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

“(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

“(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

“(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

“(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

“(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) in order to prevent or mitigate the threat described in subitem (AA), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

“(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

“(iv)(I) the communications content or information is accessed and used for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

“(II) other than malicious software and cybersecurity threat signatures, no communications content or other information are accessed or reviewed; and

“(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

“(C) MATTERS RELATING TO EMERGENCY QUERIES.—

“(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

“(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

“(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

“(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

“(D) FOREIGN INTELLIGENCE PURPOSE.—

“(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of the United States may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

“(ii) EXCEPTIONS.—An officer or employee of the United States may conduct a covered query of information acquired under this section if—

“(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

“(III)(aa) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

“(bb) other than malicious software and cybersecurity threat signatures, no additional contents of communications acquired as a result of the query are accessed or reviewed; and

“(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

“(IV) the query is necessary to identify information that must be produced or pre-

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

“(6) DOCUMENTATION.—No officer or employee of the United States may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

“(7) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that conducts queries shall report to Congress on its compliance with this procedure.”

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking “, including pursuant to subsection (f)(2) of such section.”

(2) Section 706(a)(2)(A)(i) is amended by striking “obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)” and inserting “accessed such information in accordance with section 702(f)(5)”.

SA 1839. Mr. PAUL submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) DEFINITION.—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) The term ‘covered query’ means a query conducted—

“(i) using a term associated with a United States person; or

“(ii) for the purpose of finding the information of a United States person.”

(b) PROHIBITION.—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting “and the limitations and requirements in paragraph (5)” after “Constitution of the United States”; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

“(5) PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.—

“(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no officer or employee of any agency that receives any information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired

under subsection (a) and returned in response to a covered query.

“(B) EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.—Subparagraph (A) shall not apply if—

“(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

“(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

“(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) in order to prevent or mitigate the threat described in subitem (AA), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

“(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

“(iv)(I) the communications content or information is accessed and used for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

“(II) other than malicious software and cybersecurity threat signatures, no communications content or other information are accessed or reviewed; and

“(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

“(C) MATTERS RELATING TO EMERGENCY QUERIES.—

“(i) TREATMENT OF DENIALS.—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

“(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

“(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

“(ii) ASSESSMENT OF COMPLIANCE.—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

“(D) FOREIGN INTELLIGENCE PURPOSE.—

“(i) IN GENERAL.—Except as provided in clause (ii) of this subparagraph, no officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

“(ii) EXCEPTIONS.—An officer or employee of any agency that receives any information obtained through an acquisition under this section may conduct a covered query of information acquired under this section if—

“(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

“(III)(aa) the query is conducted, and the results of the query are used, for the sole purpose of identifying targeted recipients of malicious software and preventing or mitigating harm from such malicious software;

“(bb) other than malicious software and cybersecurity threat signatures, no additional contents of communications acquired as a result of the query are accessed or reviewed; and

“(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

“(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

“(6) DOCUMENTATION.—No officer or employee of any agency that receives any information obtained through an acquisition under this section may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

“(7) QUERY RECORD SYSTEM.—The head of each agency that conducts queries shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the head of each agency that conducts queries shall report to Congress on its compliance with this procedure.”.

(c) CONFORMING AMENDMENTS.—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking “, including pursuant to subsection (f)(2) of such section.”.

(2) Section 706(a)(2)(A)(i) is amended by striking “obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)” and inserting “accessed such information in accordance with section 702(f)(5)”.

SA 1840. Mr. LEE (for himself and Mr. WELCH) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; as follows:

On page 19, strike line 22 and all that follows through page 24, line 10, and insert the following:

(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE SURVEILLANCE COURT PROCEEDINGS.—

(1) EXPANSION OF APPOINTMENT AUTHORITY.—

(A) IN GENERAL.—Section 103(i)(2) is amended—

(i) by striking subparagraph (A) and inserting the following:

“(A) shall, unless the court issues a finding that appointment is not appropriate, appoint 1 or more individuals who have been designated under paragraph (1), not fewer 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;

“(ii) presents significant 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;

“(iii) presents or involves a sensitive investigative matter;

“(iv) presents a request for approval of a new program, a new technology, or a new use of existing technology;

“(v) presents a request for reauthorization of programmatic surveillance; or

“(vi) otherwise presents novel or significant civil liberties issues; and”;

(ii) in subparagraph (B), by striking “an individual or organization” each place the term appears and inserting “1 or more individuals or organizations”.

(B) DEFINITION OF SENSITIVE INVESTIGATIVE MATTER.—Section 103(i) is amended by adding at the end the following:

“(12) DEFINITION.—In this subsection, the term ‘sensitive investigative matter’ means—

“(A) an investigative matter involving the activities of—

“(i) a domestic public official or political candidate, or an individual serving on the staff of such an official or candidate;

“(ii) a domestic religious or political organization, or a known or suspected United States person prominent in such an organization; or

“(iii) the domestic news media; or

“(B) any other investigative matter involving a domestic entity or a known or suspected 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).”.

(2) AUTHORITY TO SEEK REVIEW.—Section 103(i), as amended by paragraph (1) of this subsection, is amended—

(A) in paragraph (4)—

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

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

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

“(A) shall”;

(iv) in subparagraph (A)(i), as so redesignated, 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”;

(v) 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 proposed electronic surveillance with the court, regardless of whether the court has requested assistance on that issue.”;

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

(C) by inserting after paragraph (6) the following:

“(7) AUTHORITY TO SEEK REVIEW OF DECISIONS.—

“(A) FISA COURT DECISIONS.—

“(i) PETITION.—Following issuance of an order under this Act by the Foreign Intelligence Surveillance Court, an amicus curiae appointed under paragraph (2) may petition the Foreign Intelligence Surveillance Court to certify for review to the Foreign Intelligence Surveillance Court of Review a question of law pursuant to subsection (j).

“(ii) WRITTEN STATEMENT OF REASONS.—If the Foreign Intelligence Surveillance Court denies a petition under this subparagraph, the Foreign Intelligence Surveillance Court shall provide for the record a written statement of the reasons for the denial.

“(iii) APPOINTMENT.—Upon certification of any question of law pursuant to this subparagraph, 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) DECLASSIFICATION OF REFERRALS.—For purposes of section 602, a petition filed under subparagraph (A) of this paragraph 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).”.

(3) ACCESS TO INFORMATION.—

(A) APPLICATION AND MATERIALS.—Section 103(i)(6) is amended by striking subparagraph (A) and inserting the following:

“(A) IN GENERAL.—

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

“(I) shall have access, to the extent such information is available to the Government, to—

“(aa) the application, certification, petition, motion, and other information and supporting materials, including any information described in section 901, submitted to the Foreign Intelligence Surveillance Court in connection with the matter in which the amicus curiae has been appointed, including access to any relevant legal precedent (including any such precedent that is cited by the Government, including in such an application);

“(bb) an unredacted 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 motion of an amicus curiae appointed under paragraph (2) or upon its own motion, may require the Government to make available the supporting documentation described in section 902.”.

(B) CLARIFICATION OF ACCESS TO CERTAIN INFORMATION.—Section 103(i)(6) is amended—

(i) in subparagraph (B), by striking “may” and inserting “shall”; and

(ii) by striking subparagraph (C) and inserting the following:

“(C) CLASSIFIED INFORMATION.—An amicus curiae designated or appointed by the court shall have access, to the extent such information is available to the Government, to unredacted 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.”.

(4) DEFINITIONS.—Section 101 is amended by adding at the end the following:

“(q) The term ‘Foreign Intelligence Surveillance Court’ means the court established under section 103(a).

“(r) The term ‘Foreign Intelligence Surveillance Court of Review’ means the court established under section 103(b).”.

(5) TECHNICAL AMENDMENTS RELATING TO STRIKING SECTION 5(C) OF THE BILL.—

(A) Subsection (e) of section 603, as added by section 12(a) of this Act, is amended by striking “section 103(m)” and inserting “section 103(l)”.

(B) Section 110(a), as added by section 15(b) of this Act, is amended by striking “section 103(m)” and inserting “section 103(l)”.

(C) Section 103 is amended by redesignating subsection (m), as added by section 17 of this Act, as subsection (l).

(6) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act and shall apply with respect to proceedings under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) that take place on or after, or are pending on, that date.

(c) REQUIRED DISCLOSURE OF RELEVANT INFORMATION IN FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 APPLICATIONS.—

(1) IN GENERAL.—The Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following:

“TITLE IX—REQUIRED DISCLOSURE OF RELEVANT INFORMATION

“SEC. 901. DISCLOSURE OF RELEVANT INFORMATION.

“The Attorney General or any other Federal officer or employee making an application for a court order under this Act shall provide the court with—

“(1) all information in the possession of the applicant or agency by which the applicant is employed that is material to determining whether the application satisfies the applicable requirements under this Act, including any exculpatory information; and

“(2) all information in the possession of the applicant or agency by which the applicant is employed 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 that are required to be made under the applicable provision of this Act in order for the court order to be issued.

“SEC. 902. CERTIFICATION REGARDING ACCURACY PROCEDURES.

“(a) DEFINITION OF ACCURACY PROCEDURES.—In this section, the term ‘accuracy procedures’ means specific procedures, adopted by the Attorney General, to ensure that an application for a court order under this Act, including any application for renewal of an existing order, is accurate and complete, including procedures that ensure, at a minimum, that—

“(1) the application reflects all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings;

“(2) the application reflects all material information that might reasonably call into question the reliability and reporting of any information from a confidential human source that is used in the application;

“(3) a complete file documenting each factual assertion in an application is maintained;

“(4) the applicant coordinates with the appropriate elements of the intelligence community (as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003)), concerning any prior or existing relationship with the target of any surveillance, search, or other means of investigation, and discloses any such relationship in the application;

“(5) before any application targeting a United States person (as defined in section 101) is made, the applicant Federal officer shall document that the officer has collected and reviewed for accuracy and completeness supporting documentation for each factual assertion in the application; and

“(6) the applicant Federal agency establish compliance and auditing mechanisms on an annual basis to assess the efficacy of the accuracy procedures that have been adopted and report such findings to the Attorney General.

“(b) STATEMENT AND CERTIFICATION OF ACCURACY PROCEDURES.—Any Federal officer making an application for a court order under this Act shall include with the application—

“(1) a description of the accuracy procedures employed by the officer or the officer’s designee; and

“(2) a certification that the officer or the officer’s designee has collected and reviewed for accuracy and completeness—

“(A) supporting documentation for each factual assertion contained in the application;

“(B) all information that might reasonably call into question the accuracy of the information or the reasonableness of any assessment in the application, or otherwise raises doubts about the requested findings; and

“(C) all material information that might reasonably call into question the reliability and reporting of any information from any confidential human source that is used in the application.

“(c) NECESSARY FINDING FOR COURT ORDERS.—A judge may not enter an order under this Act unless the judge finds, in addition to any other findings required under this Act, that the accuracy procedures described in the application for the order, as required under subsection (b)(1), are actually accuracy procedures as defined in this section.”.

(2) TECHNICAL AMENDMENTS TO ELIMINATE AMENDMENTS MADE BY SECTION 10 OF THE BILL.—

(A) Subsection (a) of section 104 is amended—

(i) in paragraph (9), as amended by section 6(d)(1)(B) of this Act, by striking “and” at the end;

(ii) in paragraph (10), as added by section 6(d)(1)(C) of this Act, by adding “and” at the end;

(iii) in paragraph (11), as added by section 6(e)(1) of this Act, by striking “; and” and inserting a period;

(iv) by striking paragraph (12), as added by section 10(a)(1) of this Act; and

(v) by striking paragraph (13), as added by section 10(b)(1) of this Act.

(B) Subsection (a) of section 303 is amended—

(i) in paragraph (8), as amended by section 6(e)(2)(B) of this Act, by adding “and” at the end;

(ii) in paragraph (9), as added by section 6(e)(2)(C) of this Act, by striking “; and” and inserting a period;

(iii) by striking paragraph (10), as added by section 10(a)(2) of this Act; and

(iv) by striking paragraph (11), as added by section 10(b)(2) of this Act.

(C) Subsection (c) of section 402, as amended by subsections (a)(3) and (b)(3) of section 10 of this Act, is amended—

(i) in paragraph (2), by adding “and” at the end;

(ii) in paragraph (3), by striking the semicolon and inserting a period;

(iii) by striking paragraph (4), as added by section 10(a)(3)(C) of this Act; and

(iv) by striking paragraph (5), as added by section 10(b)(3)(C) of this Act.

(D) Subsection (b)(2) of section 502, as amended by subsections (a)(4) and (b)(4) of section 10 of this Act, is amended—

(i) in subparagraph (A), by adding “and” at the end;

(ii) in subparagraph (B), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (E), as added by section 10(a)(4)(C) of this Act; and

(iv) by striking subparagraph (F), as added by section 10(b)(4)(C) of this Act.

(E) Subsection (b)(1) of section 703, as amended by subsections (a)(5)(A) and (b)(5)(A) of section 10 of this Act, is amended—

(i) in subparagraph (I), by adding “and” at the end;

(ii) in subparagraph (J), by striking the semicolon and inserting a period;

(iii) by striking subparagraph (K), as added by section 10(a)(5)(A)(iii) of this Act; and

(iv) by striking subparagraph (L), as added by section 10(b)(5)(A)(iii) of this Act.

(F) Subsection (b) of section 704, as amended by subsections (a)(5)(B) and (b)(5)(B) of section 10 of this Act, is amended—

(i) in paragraph (6), by adding “and” at the end;

(ii) in paragraph (7), by striking the semicolon and inserting a period;

(iii) by striking paragraph (8), as added by section 10(a)(5)(B)(iii) of this Act; and

(iv) by striking paragraph (9), as added by section 10(b)(5)(B)(iii) of this Act.

(G)(i) The Attorney General shall not be required to issue procedures under paragraph (7) of section 10(a) of this Act.

(ii) Nothing in clause (i) shall be construed to modify the requirement for the Attorney General to issue accuracy procedures under section 902(a) of the Foreign Intelligence Surveillance Act of 1978, as added by paragraph (2) of this subsection.

SA 1841. Mr. DURBIN (for himself, Mr. CRAMER, and Ms. HIRONO) submitted an amendment intended to be proposed by him to the bill H.R. 7888, to reform the Foreign Intelligence Surveillance Act of 1978; as follows:

At the appropriate place, insert the following:

SEC. ____ . PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.

(a) **DEFINITION.**—Section 702(f) is amended in paragraph (5), as so redesignated by section 2(a)(2) of this Act—

(1) by redesignating subparagraph (B) as subparagraph (C); and

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

“(B) The term ‘covered query’ means a query conducted—

“(i) using a term associated with a United States person; or

“(ii) for the purpose of finding the information of a United States person.”.

(b) **PROHIBITION.**—Section 702(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1881a(f)) is amended—

(1) by redesignating paragraph (5), as redesignated by section 2(a)(1) of this Act, as paragraph (8);

(2) in paragraph (1)(A) by inserting “and the limitations and requirements in paragraph (5)” after “Constitution of the United States”; and

(3) by inserting after paragraph (4), as added by section 16(a)(1) of this Act, the following:

“(5) **PROHIBITION ON WARRANTLESS ACCESS TO THE COMMUNICATIONS AND OTHER INFORMATION OF UNITED STATES PERSONS.**—

“(A) **IN GENERAL.**—Except as provided in subparagraphs (B) and (C), no officer or employee of the Federal Bureau of Investigation may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, acquired under subsection (a) and returned in response to a covered query.

“(B) **EXCEPTIONS FOR CONCURRENT AUTHORIZATION, CONSENT, EMERGENCY SITUATIONS, AND CERTAIN DEFENSIVE CYBERSECURITY QUERIES.**—Subparagraph (A) shall not apply if—

“(i) the person to whom the query relates is the subject of an order or emergency authorization authorizing electronic surveillance, a physical search, or an acquisition under this section or section 105, section 304, section 703, or section 704 of this Act or a warrant issued pursuant to the Federal Rules of Criminal Procedure by a court of competent jurisdiction;

“(ii)(I) the officer or employee accessing the communications content or information has a reasonable belief that—

“(aa) an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) in order to prevent or mitigate the threat described in item (aa), the communications content or information must be accessed before authorization described in clause (i) can, with due diligence, be obtained; and

“(II) not later than 14 days after the communications content or information is accessed, a description of the circumstances justifying the accessing of the query results is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(iii) such person or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the access on a case-by-case basis; or

“(iv)(I) the communications content or information is accessed and used for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

“(II) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

“(III) the accessing of query results is reported to the Foreign Intelligence Surveillance Court.

“(C) **MATTERS RELATING TO EMERGENCY QUERIES.**—

“(i) **TREATMENT OF DENIALS.**—In the event that communications content or information returned in response to a covered query are accessed pursuant to an emergency authorization described in subparagraph (B)(i) and the subsequent application to authorize electronic surveillance, a physical search, or an acquisition pursuant to section 105(e), section 304(e), section 703(d), or section 704(d) of this Act is denied, or in any other case in which communications content or information returned in response to a covered query are accessed in violation of this paragraph—

“(I) no communications content or information acquired or evidence derived from such access may be used, received in evidence, or otherwise disseminated in any investigation by or in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof; and

“(II) no communications content or information acquired or derived from such access may subsequently be used or disclosed in any other manner without the consent of the person to whom the covered query relates, except in the case that the Attorney General approves the use or disclosure of such information in order to prevent the death of or serious bodily harm to any person.

“(ii) **ASSESSMENT OF COMPLIANCE.**—Not less frequently than annually, the Attorney General shall assess compliance with the requirements under clause (i).

“(D) **FOREIGN INTELLIGENCE PURPOSE.**—

“(i) **IN GENERAL.**—Except as provided in clause (ii) of this subparagraph, no officer or employee of the Federal Bureau of Investigation may conduct a covered query of information acquired under subsection (a) unless the query is reasonably likely to retrieve foreign intelligence information.

“(ii) **EXCEPTIONS.**—An officer or employee of the Federal Bureau of Investigation may conduct a covered query of information acquired under this section if—

“(I)(aa) the officer or employee conducting the query has a reasonable belief that an emergency exists involving an imminent threat of death or serious bodily harm; and

“(bb) not later than 14 days after the query is conducted, a description of the query is provided to the Foreign Intelligence Surveillance Court, the congressional intelligence committees, the Committee on the Judiciary of the House of Representatives, and the Committee on the Judiciary of the Senate;

“(II) the person to whom the query relates or, if such person is incapable of providing consent, a third party legally authorized to consent on behalf of such person, has provided consent for the query on a case-by-case basis;

“(III)(aa) the query is conducted, and the results of the query are used, for defensive cybersecurity purposes, including the protection of a United States person from cyber-related harms;

“(bb) other than for such defensive cybersecurity purposes, no communications content or other information described in subparagraph (A) are accessed or reviewed; and

“(cc) the query is reported to the Foreign Intelligence Surveillance Court; or

“(IV) the query is necessary to identify information that must be produced or preserved in connection with a litigation matter or to fulfill discovery obligations in a criminal matter under the laws of the United States or any State thereof.

“(6) **DOCUMENTATION.**—No officer or employee of the Federal Bureau of Investigation may access communications content, or information the compelled disclosure of which would require a probable cause warrant if sought for law enforcement purposes inside the United States, returned in response to a covered query unless an electronic record is created that includes a statement of facts showing that the access is authorized pursuant to an exception specified in paragraph (5)(B).

“(7) **QUERY RECORD SYSTEM.**—The Director of the Federal Bureau of Investigation shall ensure that a system, mechanism, or business practice is in place to maintain the records described in paragraph (6). Not later than 90 days after the date of enactment of the Reforming Intelligence and Securing America Act, the Director of the Federal Bureau of Investigation shall report to Congress on its compliance with this procedure.”.

(c) **CONFORMING AMENDMENTS.**—

(1) Section 603(b)(2) is amended, in the matter preceding subparagraph (A), by striking “, including pursuant to subsection (f)(2) of such section,”.

(2) Section 706(a)(2)(A)(i) is amended by striking “obtained an order of the Foreign Intelligence Surveillance Court to access such information pursuant to section 702(f)(2)” and inserting “accessed such information in accordance with section 702(f)(5)”.

ORDERS FOR SATURDAY, APRIL 20, 2024

Mr. SCHUMER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m. on Saturday, April 20; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; and that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to Calendar No. 211, H.R. 3935.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SCHUMER. Mr. President, if there is no further business to come before the Senate, I ask that it stand adjourned under the previous order.

There being no objection, the Senate, at 1:29 a.m., adjourned until Saturday, April 20, 2024, at 9 a.m.