

## HR 3159

Ensuring Adversarial Process in the FISA Court Act

**Congress:** 113 (2013–2015, Ended)

**Chamber:** House

**Policy Area:** Crime and Law Enforcement

**Introduced:** Sep 20, 2013

**Current Status:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.

**Latest Action:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations. (Jan 9, 2014)

**Official Text:** <https://www.congress.gov/bill/113th-congress/house-bill/3159>

### Sponsor

**Name:** Rep. Schiff, Adam B. [D-CA-28]

**Party:** Democratic • **State:** CA • **Chamber:** Senate

### Cosponsors (2 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Carney, John C., Jr. [D-DE-At Large]	D · DE		Sep 20, 2013
Rep. Quigley, Mike [D-IL-5]	D · IL		Nov 21, 2013

### Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Referred To	Sep 20, 2013
Judiciary Committee	House	Referred to	Jan 9, 2014
Judiciary Committee	House	Referred to	Jan 9, 2014

### Subjects & Policy Tags

#### Policy Area:

Crime and Law Enforcement

### Related Bills

Bill	Relationship	Last Action
113 HR 3228	Related bill	<b>Oct 15, 2013:</b> Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
113 S 1551	Related bill	<b>Sep 25, 2013:</b> Read twice and referred to the Committee on the Judiciary.

Ensuring Adversarial Process in the FISA Court Act - Amends the Intelligence Reform and Terrorism Prevention Act of 2004 to require the Privacy and Civil Liberties Oversight Board (an independent agency that reviews executive branch actions taken to protect the nation from terrorism in order to ensure a balance with privacy and civil liberties) to appoint: (1) attorneys to serve as public interest advocates in proceedings before the Foreign Intelligence Surveillance Court (FISC), a judge of the petition review pool, the Foreign Intelligence Surveillance Court of Review (FISCR), and the Supreme Court under the Foreign Intelligence Surveillance Act of 1978 (FISA); and (2) technical and subject-matter experts (including experts of computer networks, telecommunications, encryption, and cybersecurity), not employed by the federal government, to be available to assist such advocates in performing their duties.

Requires such courts, in any matter involving a significant interpretation or construction of FISA, to appoint at least one public interest advocate who will: (1) participate fully with the same rights and privileges as the federal government; (2) represent the interests of the people of the United States in preserving privacy and civil liberties, including with respect to rights under the Fourth Amendment to the Constitution; and (3) have access to all relevant evidence as well as the authority to petition the court to order the government to produce other necessary evidence.

Authorizes such advocates to file motions and briefs, respond to motions or filings made by the federal government, and request rehearings or en banc consideration of a decision.

Permits the FISC to request review by the FISCR, and permits the FISCR to request review by the Supreme Court, when matters before such courts in which a public interest advocate has been appointed involve a question of law in which there is substantial ground for difference of opinion.

Requires the United States and the public interest advocate, when a court has requested such a review, to be given an opportunity to provide written briefs or arguments related to a decision by the FISCR or the Supreme Court to review a ruling.

Allows each relevant court, upon a finding that it would benefit from additional views, to permit participation by amicus curiae.

### **Actions Timeline**

---

- **Jan 9, 2014:** Referred to the Subcommittee on the Constitution and Civil Justice.
- **Jan 9, 2014:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Sep 20, 2013:** Introduced in House
- **Sep 20, 2013:** Referred to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.