

HR 3228

FISA Court Reform Act of 2013

Congress: 113 (2013–2015, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Oct 1, 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. (Oct 15, 2013)

Official Text: <https://www.congress.gov/bill/113th-congress/house-bill/3228>

Sponsor

Name: Rep. Van Hollen, Chris [D-MD-8]

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

Cosponsors (3 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Jordan, Jim [R-OH-4]	R · OH		Oct 1, 2013
Rep. Himes, James A. [D-CT-4]	D · CT		Nov 15, 2013
Rep. Cummings, Elijah E. [D-MD-7]	D · MD		Jan 27, 2014

Committee Activity

Committee	Chamber	Activity	Date
Intelligence (Permanent Select) Committee	House	Referred To	Oct 1, 2013
Judiciary Committee	House	Referred to	Oct 15, 2013

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

Bill	Relationship	Last Action
113 HR 3361	Related bill	Jun 5, 2014: Select Committee on Intelligence. Hearings held.
113 HR 3159	Related bill	Jan 9, 2014: Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
113 S 1551	Related bill	Sep 25, 2013: Read twice and referred to the Committee on the Judiciary.
113 S 1467	Related bill	Aug 1, 2013: Read twice and referred to the Committee on the Judiciary.

FISA Court Reform Act of 2013 - Establishes within the judicial branch an Office of the Constitutional Advocate to protect individual rights by advocating before courts and judges of the petition review pool established by the Foreign Intelligence Surveillance Act of 1978 (FISA) in support of legal interpretations that minimize the scope of surveillance and the extent of data collection and retention.

Directs the Chief Justice to appoint a Constitutional Advocate to serve as the head of such Office from a list of candidates submitted by the Privacy and Civil Liberties Oversight Board.

Requires the Advocate to: (1) review each application to the FISA Court by the Attorney General (DOJ) and each decision of the FISA Court, the petition review pool (FISA Court judges designated to review petitions challenging certain FISA production orders, nondisclosure orders, and targeting directives delivered to electronic communication service providers), or the FISA Court of Review; and (2) participate in proceedings before the FISA Court when appointed to participate by such Court.

Requires the Advocate to consider requests for assistance from electronic communication service providers served with an order, certification, or directive compelling the provider to assist the government or release customer information.

Authorizes the Advocate to participate in petition review proceedings when participation is requested by a party to the proceeding or the petition review pool.

Permits the Advocate to request to participate in such proceedings, request reconsideration of FISA Court decisions, and appeal or seek review of FISA Court, petition review pool, or FISA Court of Review decisions.

Directs such Courts and the petition review pool to promulgate rules to provide the public with information sufficient to allow interested parties to participate as amicus curiae.

Authorizes the Advocate to seek a writ of certiorari from the Supreme Court for review of any decision of the FISA Court of Review.

Requires the Attorney General to publicly disclose: (1) all decisions issued by the FISA Court, the petition review pool, or the FISA Court of Review after July 10, 2003, that include a significant construction or interpretation of law; (2) any decision of the FISA Court or petition review pool appealed by the Advocate; and (3) any FISA Court of Review decision issued after an appeal by the Advocate. Provides for the release of as much information regarding the facts and analysis in such decisions as is consistent with legitimate national security concerns.

Permits the Advocate to petition the FISA Court, petition review pool, or FISA Court of Review for the public disclosure of decisions and related documents previously designated as classified or for the release of an unclassified summary of such materials.

Actions Timeline

- **Oct 15, 2013:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Oct 1, 2013:** Introduced in House
- **Oct 1, 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.

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