

119TH CONGRESS
2D SESSION

S. 3696

To amend section 5 of the Reforming Intelligence and Securing America Act to ensure Member access to the Foreign Intelligence Surveillance Court and Foreign Intelligence Surveillance Court of Review, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 27, 2026

Mr. GRASSLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend section 5 of the Reforming Intelligence and Securing America Act to ensure Member access to the Foreign Intelligence Surveillance Court and Foreign Intelligence Surveillance Court of Review, 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.**

4 This Act may be cited as the “FISA Accountability
5 and Extension Act of 2026”.

1 **SEC. 2. ENSURING MEMBER ACCESS TO THE FOREIGN IN-**
 2 **TELLIGENCE SURVEILLANCE COURT AND**
 3 **FOREIGN INTELLIGENCE SURVEILLANCE**
 4 **COURT OF REVIEW.**

5 Section 5 of the Reforming Intelligence and Securing
 6 America Act (50 U.S.C. 1803 note), is amended—

7 (1) in subsection (d) by striking “on their be-
 8 half, pursuant to such procedures as the Attorney
 9 General, in consultation with the Director of Na-
 10 tional Intelligence may establish” and inserting “in
 11 addition or on their behalf”; and

12 (2) by adding at the end the following:

13 “(e) REVOKING PREVIOUS PROCEDURES.—Any pro-
 14 cedures promulgated by the Attorney General in consulta-
 15 tion with the Director of National Intelligence pursuant
 16 to subsection (d) as in effect before the date of enactment
 17 of this subsection shall be void, including the Attorney
 18 General Procedures for Congressional Attendance at Pro-
 19 ceedings of the Foreign Intelligence Surveillance Court
 20 and the Foreign Intelligence Surveillance Court of Review
 21 dated November 18, 2024.

22 “(f) PROHIBITION ON RESTRICTIONS.—

23 “(1) IN GENERAL.—The Foreign Intelligence
 24 Surveillance Court and the Foreign Intelligence Sur-
 25 veillance Court of Review shall not have any author-
 26 ity to impose any restrictions on Members or des-

1 ignated staff attending proceedings pursuant to sub-
2 section (d) that are not also applied to the Depart-
3 ment of Justice.

4 “(2) REQUIREMENTS.—Each individual and
5 designated staff described in subsection (d) shall be
6 allowed to observe in its entirety any proceeding of
7 the Foreign Intelligence Surveillance Court or the
8 Foreign Intelligence Surveillance Court of Review.

9 “(3) SPACE CONSTRAINTS.—

10 “(A) IN GENERAL.—The Foreign Intel-
11 ligence Surveillance Court and the Foreign In-
12 telligence Surveillance Court of Review shall use
13 all physical space to the maximum extent pos-
14 sible, such that any individual and designated
15 staff described in subsection (d) present in at-
16 tendance shall have physical access to the
17 courtrooms of the Foreign Intelligence Surveil-
18 lance Court and Foreign Intelligence Surveil-
19 lance Court of Review to attend any proceeding
20 of such courts.

21 “(B) ALTERNATIVE IF SPACE UNAVAIL-
22 ABLE.—If the Foreign Intelligence Surveillance
23 Court or the Foreign Intelligence Surveillance
24 Court of Review is unable to accommodate all
25 individuals and staff described in subsection (d)

1 due to courtroom physical space constraints,
 2 such courts shall provide any such present indi-
 3 viduals and staff who are not able to be phys-
 4 ically present in the courtroom during a pro-
 5 ceeding with full visual and audio access to ob-
 6 serve the proceeding.”.

7 **SEC. 3. PENALTIES.**

8 (a) OFFENSES.—Section 109(a) of the Foreign Intel-
 9 ligence Surveillance Act of 1978 (50 U.S.C. 1809) is
 10 amended by adding at the end the following:

11 “(e) INFORMATION ACQUIRED UNDER SECTION
 12 702.—Information acquired under section 702 of this Act
 13 shall be deemed to be information acquired from an elec-
 14 tronic surveillance pursuant to title I for purposes of this
 15 section.”.

16 (b) CIVIL ACTIONS.—Section 110 of the Foreign In-
 17 telligence Surveillance Act of 1978 (50 U.S.C. 1810) is
 18 amended—

19 (1) by redesignating paragraphs (1) and (2) of
 20 subsection (a) as subparagraphs (A) and (B), re-
 21 spectively, and adjusting the margins accordingly;

22 (2) by redesignating subsections (a), (b), and
 23 (c) as paragraphs (1), (2), and (3), respectively, and
 24 adjusting the margins accordingly;

1 (3) in the matter preceding paragraph (1), as
2 so redesignated—

3 (A) by striking “An aggrieved” and insert-
4 ing the following:

5 “(a) IN GENERAL.—An aggrieved”;

6 (4) in subsection (a), as so redesignated, in the
7 matter preceding paragraph (1), as so redesign-
8 nated—

9 (A) by inserting “or in violation of section
10 1623 of title 18, United States Code,” after “in
11 violation of section 109”; and

12 (B) by inserting “, or who knowingly aided
13 or abetted any person in committing such viola-
14 tion,” after “such violation”; and

15 (5) by adding at the end the following:

16 “(b) EXCEPTION.—No cause of action shall lie in any
17 court against a provider of a wire or electronic commu-
18 nication service, landlord, custodian, or other person (in-
19 cluding any officer, employee, agent, or other specified
20 person thereof) that furnishes any information, facilities,
21 or technical assistance in accordance with a court order
22 or request for emergency assistance under this Act.

23 “(c) INFORMATION ACQUIRED UNDER SECTION
24 702.—Information acquired under section 702 of this Act
25 shall be deemed to be information acquired from an elec-

1 tronic surveillance pursuant to title I for purposes of this
2 section.

3 “(d) STATUTE OF LIMITATIONS.—An action under
4 this section may not be commenced later than 5 years
5 after the date the aggrieved party first obtained actual no-
6 tice of the violation.”.

7 (c) CIVIL LIABILITY FOR PHYSICAL SEARCHES.—
8 Section 308 of the Foreign Intelligence Surveillance Act
9 (50 U.S.C. 1828) is amended, in the matter preceding
10 paragraph (1), by inserting “, or who knowingly aided or
11 abetted any person in committing such violation,” after
12 “such violation”.

13 **SEC. 4. AMICUS CURIAE DESIGNATION.**

14 Section 103(i)(1) of the Foreign Intelligence Surveil-
15 lance Act of 1978 (50 U.S.C. 1803(i)(1)) is amended—

16 (1) by striking “The presiding judges” and in-
17 serting the following:

18 “(B) DESIGNATION BY PRESIDING
19 JUDGES.—”;

20 (2) by inserting before subparagraph (B), as so
21 designated, the following:

22 “(A) PROPOSAL FOR DESIGNATION.—

23 “(i) SENATE PROPOSALS.—Not later
24 than 90 days after the date of enactment
25 of the FISA Accountability and Extension

1 Act of 2026, the majority leader of the
2 Senate, with the consent of the minority
3 leader of the Senate and in consultation
4 with the chair and vice chair of the Select
5 Committee on Intelligence of the Senate
6 and the chair and ranking member of the
7 Committee on the Judiciary of the Senate,
8 shall submit a list of not fewer than 6 indi-
9 viduals to the presiding judges of the
10 courts established under subsections (a)
11 and (b) to be considered for designation as
12 amicus curiae under subparagraph (B) of
13 this paragraph.

14 “(ii) HOUSE OF REPRESENTATIVES
15 PROPOSALS.—Not later than 90 days after
16 the date of enactment of the FISA Ac-
17 countability and Extension Act of 2026,
18 the Speaker of the House of Representa-
19 tives, with the consent of the minority
20 leader of the House of Representatives and
21 in consultation with the chair and ranking
22 member of the Permanent Select Com-
23 mittee on Intelligence of the House of Rep-
24 resentatives and the chair and ranking
25 member of the Committee on the Judiciary

of the House of Representatives, shall submit a list of not fewer than 6 individuals to the presiding judges of the courts established under subsections (a) and (b) to be considered for designation as amicus curiae under subparagraph (B) of this paragraph.

“(iii) MODIFICATION OF LISTS.—The majority leader of the Senate or the Speaker of the House of Representatives, with respect to a list submitted under clause (i) or (ii), respectively—

“(I) may modify the list at any time in accordance with the requirements of the respective clause; and

“(II) shall ensure that the list includes not fewer than 6 individuals at all times.”;

(3) in subparagraph (B), as so designated—

(A) in the first sentence, by striking “after the enactment of this subsection, jointly designate not fewer than 5 individuals” and inserting “after the date of enactment of the FISA Accountability and Extension Act of 2026, jointly designate not fewer than 8 individuals

1 from the lists submitted under subparagraph
 2 (A) of this paragraph”; and

3 (B) by striking the second sentence; and
 4 (4) by adding at the end the following:

5 “(C) **TRANSITION.**—On the date of sub-
 6 mission of the list under clause (i) or (ii) of
 7 subparagraph (A), whichever submission occurs
 8 first, any individual serving as *amicus curiae*
 9 shall be removed and all designations shall
 10 occur pursuant to subparagraphs (A) and
 11 (B).”.

12 **SEC. 5. WHISTLEBLOWER DISCLOSURES.**

13 Section 416 of title 5, United States Code, is amend-
 14 ed in subsection (e) by adding at the end the following:

15 “(4) **RULE OF CONSTRUCTION.**—Nothing in
 16 this subsection may be construed to revoke or dimin-
 17 ish any right of an individual provided by section
 18 2303 or 7211 of this title to make a protected dis-
 19 closure to any congressional committee.”.

20 **SEC. 6. EXTENSION OF AUTHORITIES.**

21 (a) **FISA AMENDMENTS ACT OF 2008.**—Section
 22 403(b) of the FISA Amendments Act of 2008 (Public Law
 23 110–261; 122 Stat. 2474) is amended—

24 (1) in paragraph (1), by striking “two years”
 25 and inserting “8 years”; and

1 (2) in paragraph (2) in the matter preceding
2 subparagraph (A), by striking “two years” and in-
3 serting “8 years”.

4 (b) CONFORMING AMENDMENT.—Section 404(b)(1)
5 of the FISA Amendments Act of 2008 (Public Law 110–
6 261; 122 Stat. 2476), is amended in the subsection head-
7 ing by striking “TWO YEARS” and inserting “8 YEARS”.

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