

[DISCUSSION DRAFT]

118TH CONGRESS
1ST SESSION

H. R. _____

To establish a FISA Oversight Office for applications under the Foreign
Intelligence Surveillance Act of 1978.

IN THE HOUSE OF REPRESENTATIVES

Mr. LIEU introduced the following bill; which was referred to the Committee
on _____

A BILL

To establish a FISA Oversight Office for applications under
the Foreign Intelligence Surveillance Act of 1978.

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 “Protecting Americans
5 from Undue Surveillance Act of 2024”.

6 **SEC. 2. FISA OVERSIGHT OFFICE.**

7 (a) IN GENERAL.—Title I of the Foreign Intelligence
8 Surveillance Act of 1978 is amended by adding at the end
9 the following:

1 **“SEC. 113. FISA OVERSIGHT OFFICE.**

2 “(a) IN GENERAL.—There is established an office, to
3 be known as the ‘FISA Oversight Office’, within the De-
4 partment of Justice (hereinafter in this section referred
5 to as the ‘Office’). The Office—

6 “(1) shall evaluate each application under this
7 title;

8 “(2) excepted as provided in paragraph (3), if
9 the Office determines based on the evaluation under
10 paragraph (1) that the probable cause standard
11 under section 105(a)(2) may not be met, may—

12 “(A) petition to be joined as a party; and

13 “(B) file a motion with the court alleging
14 that such standard has not been met; and

15 “(3) if the application is for the surveillance of
16 a United States person and if the Office determines
17 based on the evaluation under paragraph (1) that
18 the probable cause standard under section 105(a)(2)
19 has not been clearly met, shall—

20 “(A) petition to be joined as a party; and

21 “(B) file a motion with the court alleging
22 that such standard has not been met.

23 “(b) ACCESS TO INFORMATION.—The Federal office
24 filing the application shall provide the Office all available
25 evidence that pertains to an investigation into a United
26 States person. That officer is required to notify the Office

1 each time an application is filed with the court established
2 under section 103(a).

3 “(c) REPORT REQUIRED.—Not later than 365 days
4 after the effective date of this section, the Attorney Gen-
5 eral and the Director shall submit to the appropriate com-
6 mittees of Congress a report detailing—

7 “(1) the number of applications for which the
8 FISA Oversight Office has filed a motion under sub-
9 section (a)(2)(B) or (a)(3)(B) and information re-
10 garding the subject of such applications and the in-
11 formation sought to be collected;

12 “(2) the number of such applications that the
13 FISA Oversight Office has declined to challenge,
14 and information regarding the subject of such appli-
15 cations and the information sought to be collected,
16 as well as information regarding the Office’s decision
17 not to challenge.”.

18 (b) CLERICAL AMENDMENT.—The table of contents
19 for such Act is amended by inserting after the item per-
20 taining to section 112 the following:

“Sec. 113. FISA Oversight Office.”.