



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

February 12, 2014

### **S. 1631**

### **FISA Improvements Act of 2013**

*As ordered reported by the Senate Select Committee on Intelligence  
on October 31, 2013*

S. 1631 would amend the Foreign Intelligence Surveillance Act (FISA) to specify the conditions under which the federal government may conduct certain types of surveillance. Since CBO does not provide estimates for classified programs, this estimate addresses only the unclassified aspects of the bill. On that limited basis, CBO estimates enacting S. 1631 would cost about \$7 million over the 2014-2019 period, subject to the availability of appropriated funds.

Enacting S. 1631 could affect direct spending and revenues; therefore, pay-as-you-go procedures apply. However, CBO estimates that any such effects would be insignificant.

Section 4 would authorize the Foreign Intelligence Surveillance Court to appoint an amicus curiae, or “friend of the court,” to assist the court when the government makes an application to conduct surveillance that, in the opinion of the court, presents a novel or significant interpretation of FISA. Similarly, section 12 would authorize the Privacy and Civil Liberties Oversight Board (PCLOB) to conduct assessments of FISA applications when an application represents a significant or novel interpretation of the law and is related to efforts to protect against terrorism. Lastly, section 12 would direct PCLOB to conduct an annual review of the activities of the National Security Agency. Based on information from both the Administrative Office of the United States Courts and PCLOB, CBO estimates that implementing those provisions would cost \$1 million in 2014 and \$7 million over the 2014-2019 period, subject to the availability of appropriated funds.

Section 3 would establish criminal penalties, including fines, imprisonment, or both, for individuals who access repositories of data collected pursuant to FISA without authorization. Any fines collected would be recorded as revenues in the budget, deposited in the Crime Victims Fund, and later spent. Such spending is classified as direct spending. CBO expects that any additional revenues and direct spending would be insignificant.

S. 1631 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Jason Wheelock. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.