

116TH CONGRESS  
2D SESSION

# H. R. 6172

To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 10, 2020

Mr. NADLER (for himself and Mr. SCHIFF) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), Oversight and Reform, and Homeland Security, 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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## A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “USA FREEDOM Reauthorization Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

#### TITLE I—FISA BUSINESS RECORDS

- Sec. 101. Repeal of authority to access on an ongoing basis call detail records.
- Sec. 102. Protection of certain information.
- Sec. 103. Use of information.
- Sec. 104. Limitation on retention of business record information.
- Sec. 105. Effective date.

#### TITLE II—ACCURACY AND INTEGRITY OF FISA PROCESS

- Sec. 201. Certifications regarding accuracy of FISA applications.
- Sec. 202. Description of techniques carried out before targeting United States person.
- Sec. 203. Investigations relating to Federal candidates and elected Federal officials.
- Sec. 204. Removal or suspension of Federal officers for misconduct before Foreign Intelligence Surveillance Court.
- Sec. 205. Penalties for offenses related to FISA.
- Sec. 206. Contempts constituting crimes.
- Sec. 207. Effective date.

#### TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE COURT

- Sec. 301. Declassification of significant decisions, orders, and opinions.
- Sec. 302. Appointment of amici curiae and access to information.
- Sec. 303. Effective and independent advice for Foreign Intelligence Surveillance Court.
- Sec. 304. Transcripts of proceedings and communications regarding applications.
- Sec. 305. Information provided in annual reports.

#### TITLE IV—TRANSPARENCY, SUNSETS, AND OTHER MATTERS

- Sec. 401. Congressional oversight.
- Sec. 402. Establishment of compliance officers.
- Sec. 403. Public reports on information obtained or derived under FISA and protection of First Amendment activities.
- Sec. 404. Mandatory reporting on certain orders.
- Sec. 405. Report on use of FISA authorities regarding protected activities and protected classes.
- Sec. 406. Improvements to Privacy and Civil Liberties Oversight Board.
- Sec. 407. Sunsets.
- Sec. 408. Technical amendments.

### **1 SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE 2 SURVEILLANCE ACT OF 1978.**

3 Except as otherwise expressly provided, whenever in  
4 this Act an amendment or repeal is expressed in terms  
5 of an amendment to, or a repeal of, a section or other

1 provision, the reference shall be considered to be made to  
 2 a section or other provision of the Foreign Intelligence  
 3 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

## 4 **TITLE I—FISA BUSINESS** 5 **RECORDS**

### 6 **SEC. 101. REPEAL OF AUTHORITY TO ACCESS ON AN ONGO-** 7 **ING BASIS CALL DETAIL RECORDS.**

8 (a) CALL DETAIL RECORDS.—

9 (1) REPEAL.—Subsection (b)(2) of section 501  
 10 (50 U.S.C. 1861) is amended—

11 (A) by striking subparagraph (C);

12 (B) in subparagraph (B)—

13 (i) in the matter preceding clause (i),  
 14 by striking “in the case of” and all that  
 15 follows through “in subparagraph (C)),”;  
 16 and

17 (ii) in clause (iii), by striking the  
 18 semicolon at the end and inserting “;  
 19 and”; and

20 (C) by redesignating subparagraph (D) as  
 21 subparagraph (C).

22 (2) PROHIBITION.—Section 501(a) (50 U.S.C.  
 23 1861) is amended by adding at the end the following  
 24 new paragraph:

1 “(4) An application under paragraph (1) may not  
2 seek an order authorizing or requiring the production on  
3 an ongoing basis of call detail records.”.

4 (b) CONFORMING AMENDMENTS.—

5 (1) ORDERS.—Subsection (c) of section 501 (50  
6 U.S.C. 1861) is amended—

7 (A) in paragraph (1), by striking “with  
8 subsection (b)(2)(D)” and inserting “with sub-  
9 section (b)(2)(C)”; and

10 (B) in paragraph (2), by striking subpara-  
11 graph (F) and inserting the following:

12 “(F) in the case of an application for call  
13 detail records, shall direct the Government—

14 “(i) to adopt minimization procedures  
15 that require the prompt destruction of all  
16 call detail records produced under the  
17 order that the Government determines are  
18 not foreign intelligence information; and

19 “(ii) to destroy all call detail records  
20 produced under the order as prescribed by  
21 such procedures.”;

22 (2) COMPENSATION.—Subsection (j) of section  
23 501 (50 U.S.C. 1861) is amended to read as follows:

24 “(j) COMPENSATION.—The Government shall com-  
25 pensate a person for reasonable expenses incurred for pro-

1 viding technical assistance to the Government under this  
2 section.”.

3 (3) DEFINITIONS.—Subsection (k)(4)(B) of sec-  
4 tion 501 (50 U.S.C. 1861) is amended by striking  
5 “For purposes of an application submitted under  
6 subsection (b)(2)(C)” and inserting “In the case of  
7 an application for a call detail record”.

8 (4) OVERSIGHT.—Section 502(b) (50 U.S.C.  
9 1862(b)) is amended—

10 (A) by striking paragraph (4); and

11 (B) by redesignating paragraphs (5)  
12 through (8) as paragraphs (4) through (7), re-  
13 spectively;

14 (5) ANNUAL REPORTS.—Section 603 (50  
15 U.S.C. 1873) is amended—

16 (A) in subsection (b)—

17 (i) by transferring subparagraph (C)  
18 of paragraph (6) to the end of paragraph  
19 (5);

20 (ii) in paragraph (5)—

21 (I) in subparagraph (A), by strik-  
22 ing “; and” and inserting a semicolon;

23 (II) in subparagraph (B), by  
24 striking the semicolon and inserting “;  
25 and”; and

1 (III) in subparagraph (C), as  
 2 transferred by clause (i) of this sub-  
 3 paragraph, by striking “any database  
 4 of”;

5 (iii) by striking paragraph (6) (as  
 6 amended by clause (i) of this subpara-  
 7 graph); and

8 (iv) by redesignating paragraph (7) as  
 9 paragraph (6); and

10 (B) in subsection (d)—

11 (i) in paragraph (1), by striking “any  
 12 of paragraphs (3), (5), or (6)” and insert-  
 13 ing “either of paragraph (3) or (5)”; and

14 (ii) in paragraph (2)(A), by striking  
 15 “Paragraphs (2)(B), (2)(C), and (6)(C)”  
 16 and inserting “Paragraphs (2)(B) and  
 17 (2)(C)”.

18 (6) PUBLIC REPORTING.—Section 604(a)(1)(F)  
 19 (50 U.S.C. 1874(a)(1)(F)) is amended—

20 (A) in clause (i), by striking the semicolon  
 21 and inserting “; and”;

22 (B) in clause (ii), by striking “; and” and  
 23 inserting a period; and

24 (C) by striking clause (iii).

1 **SEC. 102. PROTECTION OF CERTAIN INFORMATION.**

2 (a) PROTECTION.—Subsection (a) of section 501 (50  
3 U.S.C. 1861), as amended by section 101, is further  
4 amended by adding at the end the following new para-  
5 graph:

6 “(5)(A) An application under paragraph (1) may not  
7 seek an order authorizing or requiring the production of  
8 a tangible thing under circumstances in which a person  
9 has a reasonable expectation of privacy and a warrant  
10 would be required for law enforcement purposes.

11 “(B) An application under paragraph (1) may not  
12 seek an order authorizing or requiring the production of  
13 cell site location or global positioning system informa-  
14 tion.”.

15 (b) CLARIFICATION OF EMERGENCY AUTHORITY FOR  
16 CELL SITE LOCATION OR GLOBAL POSITIONING SYSTEM  
17 INFORMATION.—The Attorney General may treat the pro-  
18 duction of cell site location or global positioning system  
19 information as electronic surveillance rather than business  
20 records for purposes of authorizing the emergency produc-  
21 tion of such information pursuant to section 105(e) of the  
22 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
23 1805(e)).

24 (c) CONFORMING AMENDMENT.—Subsection (a) of  
25 section 501 (50 U.S.C. 1861) is further amended by strik-

1 ing “Subject to paragraph (3)” and inserting “Subject to  
2 paragraphs (3), (4), and (5)”.

3 **SEC. 103. USE OF INFORMATION.**

4 Section 501(h) (50 U.S.C. 1861(h)) is amended—

5 (1) by striking “Information acquired” and in-  
6 serting the following:

7 “(1) IN GENERAL.—Information acquired”; and

8 (2) by adding at the end the following new  
9 paragraphs:

10 “(2) USE IN TRIALS, HEARINGS, OR OTHER  
11 PROCEEDINGS.—For purposes of subsections (b)  
12 through (h) of section 106—

13 “(A) information obtained or derived from  
14 the production of tangible things pursuant to  
15 an investigation conducted under this section  
16 shall be deemed to be information acquired  
17 from an electronic surveillance pursuant to title  
18 I, unless the court or other authority of the  
19 United States finds, in response to a motion  
20 from the Government, that providing notice to  
21 an aggrieved person would harm the national  
22 security of the United States; and

23 “(B) in carrying out subparagraph (A), a  
24 person shall be deemed to be an aggrieved per-  
25 son if—



1 “(i) the person is the target of such  
2 an investigation; and

3 “(ii) the activities or communications  
4 of the person are described in the tangible  
5 things that the Government intends to use  
6 or disclose in any trial, hearing, or other  
7 proceeding.”.

8 **SEC. 104. LIMITATION ON RETENTION OF BUSINESS**  
9 **RECORD INFORMATION.**

10 (a) REQUIREMENT.—Section 501(g) (50 U.S.C.  
11 1861(g)) is amended—

12 (1) in paragraph (2), by striking “In this sec-  
13 tion” and inserting “In accordance with paragraph  
14 (3), in this section”;

15 (2) by redesignating paragraph (3) as para-  
16 graph (4); and

17 (3) by inserting after paragraph (2) the fol-  
18 lowing new paragraph (3):

19 “(3) LIMITATION ON RETENTION.—The mini-  
20 mization procedures under paragraph (1) shall en-  
21 sure that tangible things, and information therein,  
22 received under this section may not be retained in  
23 excess of 5 years, unless—

24 “(A) the tangible thing or information has  
25 been affirmatively determined, in whole or in

1 part, to constitute foreign intelligence or coun-  
2 terintelligence or to be necessary to understand  
3 or assess foreign intelligence or counterintel-  
4 ligence;

5 “(B) the tangible thing or information is  
6 reasonably believed to constitute evidence of a  
7 crime and is retained by a law enforcement  
8 agency;

9 “(C) the tangible thing or information is  
10 enciphered or reasonably believed to have a se-  
11 cret meaning;

12 “(D) retention is necessary to protect  
13 against an imminent threat to human life;

14 “(E) retention is necessary for technical  
15 assurance or compliance purposes, including a  
16 court order or discovery obligation, in which  
17 case access to the tangible thing or information  
18 retained for technical assurance or compliance  
19 purposes shall be reported to the Permanent  
20 Select Committee on Intelligence and the Com-  
21 mittee on the Judiciary of the House of Rep-  
22 resentatives and the Select Committee on Intel-  
23 ligence and the Committee on the Judiciary of  
24 the Senate on an annual basis; or

1 “(F) retention for a period in excess of 5  
2 years is approved by the Director of the Fed-  
3 eral Bureau of Investigation, based on a deter-  
4 mination that retention is necessary to protect  
5 the national security of the United States, in  
6 which case the Director shall provide to such  
7 committees a written certification describing—

8 “(i) the reasons extended retention is  
9 necessary to protect the national security  
10 of the United States;

11 “(ii) the duration for which the Direc-  
12 tor is authorizing retention;

13 “(iii) generally the tangible things or  
14 information to be retained; and

15 “(iv) the measures the Director is tak-  
16 ing to protect the privacy interests of  
17 United States persons or persons located  
18 inside the United States.”.

19 (b) OVERSIGHT.—Section 502(b) (50 U.S.C.  
20 1862(b)) is amended—

21 (1) in paragraph (7), by striking “; and” and  
22 inserting a semicolon;

23 (2) in paragraph (8)(E), by striking the period  
24 and inserting “; and”; and

1 (3) by adding at the end the following new  
2 paragraph:

3 “(9) a description of each time that an excep-  
4 tion to the 5-year limitation on the retention of in-  
5 formation was made pursuant to any of subpara-  
6 graphs (C) through (E) of subsection (g)(3) of sec-  
7 tion 501, including an explanation for each such ex-  
8 ception.”.

9 **SEC. 105. EFFECTIVE DATE.**

10 The amendments made by this title shall take effect  
11 on the date of the enactment of this Act and shall apply  
12 with respect to applications made under section 501 of the  
13 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
14 1861) on or after such date.

15 **TITLE II—ACCURACY AND**  
16 **INTEGRITY OF FISA PROCESS**

17 **SEC. 201. CERTIFICATIONS REGARDING ACCURACY OF FISA**  
18 **APPLICATIONS.**

19 (a) TITLE I.—Subsection (a) of section 104 (50  
20 U.S.C. 1804) is amended—

21 (1) in paragraph (8), by striking “; and” and  
22 inserting a semicolon;

23 (2) in paragraph (9), by striking the period at  
24 the end and inserting “; and”; and

1           (3) by adding at the end the following new  
2 paragraph:

3           “(10) a certification by the applicant that, to  
4 the best knowledge of the applicant, the attorney for  
5 the Government and the Department of Justice has  
6 been apprised of all information that might reason-  
7 ably—

8           “(A) call into question the accuracy of the  
9 application or the reasonableness of any assess-  
10 ment in the application conducted by the de-  
11 partment or agency on whose behalf the appli-  
12 cation is made; or

13           “(B) otherwise raise doubts with respect to  
14 the findings required under section 105(a).”.

15       (b) TITLE III.—Subsection (a) of section 303 (50  
16 U.S.C. 1823) is amended—

17           (1) in paragraph (7), by striking “; and” and  
18 inserting a semicolon;

19           (2) in paragraph (8), by striking the period at  
20 the end and inserting “; and”; and

21           (3) by adding at the end the following new  
22 paragraph:

23           “(9) a certification by the applicant that, to the  
24 best knowledge of the applicant, the attorney for the

1 Government and the Department of Justice has been  
2 apprised of all information that might reasonably—

3 “(A) call into question the accuracy of the  
4 application or the reasonableness of any assess-  
5 ment in the application conducted by the de-  
6 partment or agency on whose behalf the appli-  
7 cation is made; or

8 “(B) otherwise raise doubts with respect to  
9 the findings required under section 304(a).”.

10 (c) TITLE IV.—Subsection (c) of section 402 (50  
11 U.S.C. 1842) is amended—

12 (1) in paragraph (2), by striking “; and” and  
13 inserting a semicolon;

14 (2) in paragraph (3), by striking the period at  
15 the end and inserting “; and”; and

16 (3) by adding at the end the following new  
17 paragraph:

18 “(4) a certification by the applicant that, to the  
19 best knowledge of the applicant, the attorney for the  
20 Government and the Department of Justice has been  
21 apprised of all information that might reasonably—

22 “(A) call into question the accuracy of the  
23 application or the reasonableness of any assess-  
24 ment in the application conducted by the de-

1           partment or agency on whose behalf the appli-  
2           cation is made; or

3           “(B) otherwise raise doubts with respect to  
4           the findings required under subsection (d).”.

5       (d) TITLE V.—Subsection (b)(2) of section 501 (50  
6 U.S.C. 1861), as amended by section 101, is further  
7 amended—

8           (1) in subparagraph (B), by striking “; and”  
9       and inserting a semicolon;

10          (2) in subparagraph (C), by striking the period  
11       at the end and inserting “; and”; and

12          (3) by adding at the end the following new sub-  
13       paragraph:

14               “(D) a statement by the applicant that, to  
15               the best knowledge of the applicant, the appli-  
16               cation fairly reflects all information that might  
17               reasonably—

18                       “(i) call into question the accuracy of  
19                       the application or the reasonableness of  
20                       any assessment in the application con-  
21                       ducted by the department or agency on  
22                       whose behalf the application is made; or

23                       “(ii) otherwise raise doubts with re-  
24                       spect to the findings required under sub-  
25                       section (c).”.

1 (e) TITLE VII.—

2 (1) SECTION 703.—Subsection (b)(1) of section  
3 703 (50 U.S.C. 1881b) is amended—

4 (A) in subparagraph (I), by striking “;  
5 and” and inserting a semicolon;

6 (B) in subparagraph (J), by striking the  
7 period at the end and inserting “; and”; and

8 (C) by adding at the end the following new  
9 subparagraph:

10 “(K) a certification by the applicant that,  
11 to the best knowledge of the applicant, the at-  
12 torney for the Government and the Department  
13 of Justice has been apprised of all information  
14 that might reasonably—

15 “(i) call into question the accuracy of  
16 the application or the reasonableness of  
17 any assessment in the application con-  
18 ducted by the department or agency on  
19 whose behalf the application is made; or

20 “(ii) otherwise raise doubts with re-  
21 spect to the findings required under sub-  
22 section (c).”.

23 (2) SECTION 704.—Subsection (b) of section  
24 704 (50 U.S.C. 1881c) is amended—



1 (A) in paragraph (6), by striking “; and”  
2 and inserting a semicolon;

3 (B) in paragraph (7), by striking the pe-  
4 riod at the end and inserting “; and”; and

5 (C) by adding at the end the following new  
6 paragraph:

7 “(8) a certification by the applicant that, to the  
8 best knowledge of the applicant, the attorney for the  
9 Government and the Department of Justice has been  
10 apprised of all information that might reasonably—

11 “(A) call into question the accuracy of the  
12 application or the reasonableness of any assess-  
13 ment in the application conducted by the de-  
14 partment or agency on whose behalf the appli-  
15 cation is made; or

16 “(B) otherwise raise doubts with respect to  
17 the findings required under subsection (c).”.

18 (f) REVIEW OF CASE FILES TO ENSURE ACCU-  
19 RACY.—Not later than 180 days after the date of the en-  
20 actment of this Act, the Attorney General, in consultation  
21 with the Director of the Federal Bureau of Investigation,  
22 shall prescribe regulations regarding case files to ensure  
23 that applications submitted by the Federal Bureau of In-  
24 vestigation to the Foreign Intelligence Surveillance Court  
25 are accurate and complete.

1 **SEC. 202. DESCRIPTION OF TECHNIQUES CARRIED OUT BE-**  
2 **FORE TARGETING UNITED STATES PERSON.**

3 (a) TITLE I.—Section 104(a)(6) (50 U.S.C.  
4 1804(a)(6)) is amended—

5 (1) in subparagraph (D), by striking “; and”  
6 and inserting a semicolon; and

7 (2) by adding at the end the following new sub-  
8 paragraph:

9 “(F) with respect to a target who is a  
10 United States person, including a statement de-  
11 scribing the investigative techniques carried out  
12 before making the application; and”.

13 (b) TITLE III.—Section 303(a)(6) (50 U.S.C.  
14 1823(a)(6)) is amended—

15 (1) in subparagraph (D), by striking “; and”  
16 and inserting a semicolon; and

17 (2) by adding at the end the following new sub-  
18 paragraph:

19 “(F) with respect to a target who is a  
20 United States person, includes a statement de-  
21 scribing the investigative techniques carried out  
22 before making the application; and”.

1 **SEC. 203. INVESTIGATIONS RELATING TO FEDERAL CAN-**  
 2 **DIDATES AND ELECTED FEDERAL OFFICIALS.**

3 (a) TITLE I.—Section 104(a)(6) (50 U.S.C.  
 4 1804(a)(6)), as amended by section 202, is further amend-  
 5 ed by adding at the end the following new subparagraph:

6 “(G) if the target of the electronic surveil-  
 7 lance is an elected Federal official or a can-  
 8 didate in a Federal election, that the Attorney  
 9 General has approved in writing of the inves-  
 10 tigation;”.

11 (b) TITLE III.—Section 303(a)(6) (50 U.S.C.  
 12 1823(a)(6)), as amended by section 202, is further amend-  
 13 ed by adding at the end the following new subparagraph:

14 “(G) if the target of the physical search is  
 15 an elected Federal official or a candidate in a  
 16 Federal election, that the Attorney General has  
 17 approved in writing of the investigation;”.

18 **SEC. 204. REMOVAL OR SUSPENSION OF FEDERAL OFFI-**  
 19 **CERS FOR MISCONDUCT BEFORE FOREIGN**  
 20 **INTELLIGENCE SURVEILLANCE COURT.**

21 Section 103 (50 U.S.C. 1803) is amended by adding  
 22 at the end the following new subsection:

23 “(I) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
 24 CERS FOR MISCONDUCT BEFORE COURTS.—An employee,  
 25 officer, or contractor of the United States Government  
 26 who engages in deliberate misconduct with respect to pro-

ceedings before the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review shall be subject to appropriate adverse actions, including, as appropriate, suspension without pay or removal.”.

**SEC. 205. PENALTIES FOR OFFENSES RELATED TO FISA.**

(a) FALSE DECLARATIONS BEFORE FISC AND FISCER.—Section 1623(a) of title 18, United States Code, is amended by inserting before “, or both” the following: “or, if such proceedings are before or ancillary to the Foreign Intelligence Surveillance Court or the Foreign Intelligence Surveillance Court of Review established by section 103 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803), imprisoned not more than eight years”.

(b) INCREASED PENALTY FOR UNAUTHORIZED USE.—Section 109(c) (50 U.S.C. 1809(c)) is amended by striking “five years” and inserting “eight years”.

(c) UNAUTHORIZED DISCLOSURE OF APPLICATIONS.—

(1) IN GENERAL.—Subsection (a) of section 109 (50 U.S.C. 1809) is amended—

(A) in the matter preceding paragraph (1), by striking “intentionally”;

(B) in paragraph (1)—

1 (i) by inserting “intentionally” before  
2 “engages in”; and

3 (ii) by striking “; or” and inserting a  
4 semicolon;

5 (C) in paragraph (2)—

6 (i) by inserting “intentionally” before  
7 “disclose or uses”; and

8 (ii) by striking the period at the end  
9 and inserting “; or”; and

10 (D) by adding at the end the following new  
11 paragraph:

12 “(3) is an employee, officer, or contractor of the  
13 United States Government and intentionally dis-  
14 closes an application, or classified information con-  
15 tained therein, for an order under any title of this  
16 Act to any person not entitled to receive classified  
17 information.”.

18 (2) CONFORMING AMENDMENT.—Subsection (b)  
19 of such section is amended by striking “under sub-  
20 section (a)” and inserting “under paragraph (1) or  
21 (2) of subsection (a)”.

22 **SEC. 206. CONTEMPTS CONSTITUTING CRIMES.**

23 Section 402 of title 18, United States Code, is  
24 amended by inserting after “any district court of the  
25 United States” the following: “, the Foreign Intelligence

1 Surveillance Court or the Foreign Intelligence Surveillance  
 2 Court of Review established by section 103 of the Foreign  
 3 Intelligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

4 **SEC. 207. EFFECTIVE DATE.**

5       The amendments made by this title shall take effect  
 6 on the date of the enactment of this Act and shall apply  
 7 with respect to applications made under section 501 of the  
 8 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
 9 1861) on or after such date.

10 **TITLE       III—FOREIGN       INTEL-**  
 11 **LIGENCE       SURVEILLANCE**  
 12 **COURT**

13 **SEC. 301. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**  
 14 **ORDERS, AND OPINIONS.**

15       (a) **TIMING OF DECLASSIFICATION.**—Subsection (a)  
 16 of section 602 (50 U.S.C. 1872) is amended by adding  
 17 at the end the following new sentence: “The Director shall  
 18 complete the declassification review and public release of  
 19 each such decision, order, or opinion by not later than 180  
 20 days after the date on which the Foreign Intelligence Sur-  
 21 veillance Court or the Foreign Intelligence Surveillance  
 22 Court of Review issues such decision, order, or opinion.”.

23       (b) **MATTERS COVERED.**—Such subsection is further  
 24 amended—

1           (1) by striking “Subject to subsection (b)” and  
 2           inserting “(1) Subject to subsection (b)”;

3           (2) by striking “includes a significant” and all  
 4           that follows through “, and,” and inserting “is de-  
 5           scribed in paragraph (2) and,”; and

6           (3) by adding at the end the following new  
 7           paragraph:

8           “(2) The decisions, orders, or opinions issued by the  
 9           Foreign Intelligence Surveillance Court or the Foreign In-  
 10          telligence Surveillance Court of Review described in this  
 11          paragraph are such decisions, orders, or opinions that—

12               “(A) include a significant construction or inter-  
 13               pretation of any provision of law, including any  
 14               novel or significant construction or interpretation  
 15               of—

16                       “(i) the term ‘specific selection term’; or

17                       “(ii) section 501(a)(5); or

18               “(B) result from a proceeding in which an ami-  
 19               cus curiae has been appointed pursuant to section  
 20               103(i).”.

21          (c) APPLICATION OF REQUIREMENT.—Section 602 of  
 22          the Foreign Intelligence Surveillance Act of 1978 (50  
 23          U.S.C. 1872) shall apply with respect to each decision,  
 24          order, or opinion issued by the Foreign Intelligence Sur-  
 25          veillance Court or the Foreign Intelligence Surveillance

1 Court of Review before, on, or after the date of the enact-  
2 ment of such section. With respect to such decisions, or-  
3 ders, or opinions issued before or on such date, the Direc-  
4 tor of National Intelligence shall complete the declassifica-  
5 tion review and public release of each such decision, order,  
6 or opinion pursuant to such section by not later than one  
7 year after the date of the enactment of this Act.

8 **SEC. 302. APPOINTMENT OF AMICI CURIAE AND ACCESS TO**  
9 **INFORMATION.**

10 (a) EXPANSION OF APPOINTMENT AUTHORITY.—  
11 Subparagraph (A) of section 103(i)(2) (50 U.S.C.  
12 1803(i)(2)) is amended to read as follows:

13 “(A) shall appoint an individual who has  
14 been designated under paragraph (1) to serve  
15 as amicus curiae to assist such court in the  
16 consideration of any application for an order or  
17 review that, in the opinion of the court—

18 “(i) presents a novel or significant in-  
19 terpretation of the law, unless the court  
20 issues a finding that such appointment is  
21 not appropriate; or

22 “(ii) presents exceptional concerns  
23 about the protection of the rights of a  
24 United States person under the first  
25 amendment to the Constitution, unless the



1 court issues a finding that such appoint-  
2 ment is not appropriate; and”.

3 (b) AUTHORITY TO SEEK REVIEW.—Subsection (i)  
4 of section 103 (50 U.S.C. 1803) is amended—

5 (1) by redesignating paragraphs (7) through  
6 (11) as paragraphs (8) through (12), respectively;  
7 and

8 (2) by inserting after paragraph (6) the fol-  
9 lowing new paragraph:

10 “(7) AUTHORITY TO SEEK REVIEW OF DECI-  
11 SIONS.—

12 “(A) FISA COURT DECISIONS.—Following  
13 issuance of an order under this Act by the For-  
14 eign Intelligence Surveillance Court, an amicus  
15 curiae appointed under paragraph (2) may peti-  
16 tion the court to certify for review to the For-  
17 eign Intelligence Surveillance Court of Review a  
18 question of law pursuant to subsection (j). If  
19 the court denies such petition, the court shall  
20 provide for the record a written statement of  
21 the reasons for such denial. Upon certification  
22 of any question of law pursuant to this sub-  
23 paragraph, the Court of Review shall appoint  
24 the amicus curiae to assist the Court of Review  
25 in its consideration of the certified question, un-

1 less the Court of Review issues a finding that  
2 such appointment is not appropriate.

3 “(B) FISA COURT OF REVIEW DECISIONS.—An amicus curiae appointed under  
4 paragraph (2) may petition the Foreign Intel-  
5 ligence Surveillance Court of Review to certify  
6 for review to the Supreme Court of the United  
7 States any question of law pursuant to section  
8 1254(2) of title 28, United States Code.”.

9  
10 (c) ACCESS TO INFORMATION.—

11 (1) APPLICATION AND MATERIALS.—Subpara-  
12 graph (A) of section 103(i)(6) (50 U.S.C.  
13 1803(i)(6)) is amended by striking clause (ii) and  
14 inserting the following new clause:

15 “(ii) may make a submission to the  
16 court requesting access to any particular  
17 materials or information (or category of  
18 materials or information) that the amicus  
19 curiae believes to be relevant to the duties  
20 of the amicus curiae.”.

21 (2) CONSULTATION AMONG AMICI CURIAE.—

22 Such section is further amended—

23 (A) by redesignating subparagraphs (B),  
24 (C), and (D) as subparagraphs (C), (D), and  
25 (E), respectively; and

1 (B) by inserting after subparagraph (A)  
2 the following new subparagraph:

3 “(B) CONSULTATION.—If the Foreign In-  
4 telligence Surveillance Court or the Foreign In-  
5 telligence Surveillance Court of Review deter-  
6 mines that it is relevant to the duties of an  
7 amicus curiae appointed by the court under  
8 paragraph (2), the amicus curiae may consult  
9 with one or more of the other individuals des-  
10 ignated by the court to serve as amicus curiae  
11 pursuant to paragraph (1) regarding any of the  
12 information relevant to any assigned pro-  
13 ceeding.”.

14 (d) TERM LIMITS.—

15 (1) REQUIREMENT.—Paragraph (1) of section  
16 103(i) (50 U.S.C. 1803(i)) is amended by adding at  
17 the end the following new sentence: “An individual  
18 may serve as an amicus curiae for a 5-year term,  
19 and the presiding judges may, for good cause, jointly  
20 reappoint the individual to a single additional  
21 term.”.

22 (2) APPLICATION.—The amendment made by  
23 paragraph (1) shall apply with respect to the service  
24 of an amicus curiae appointed under section 103(i)  
25 of the Foreign Intelligence Surveillance Act of 1978

1 (50 U.S.C. 1803(i)) that occurs on or after the date  
2 of the enactment of this Act, regardless of the date  
3 on which the amicus curiae is appointed.

4 **SEC. 303. EFFECTIVE AND INDEPENDENT ADVICE FOR FOR-**  
5 **EIGN INTELLIGENCE SURVEILLANCE COURT.**

6 Section 103 (50 U.S.C. 1803), as amended by section  
7 204, is further amended by adding at the end the following  
8 new subsection:

9 “(m) INDEPENDENT LEGAL ADVISORS.—

10 “(1) AUTHORITY.—The Foreign Intelligence  
11 Surveillance Court and the Foreign Intelligence Sur-  
12 veillance Court of Review may jointly employ legal  
13 advisors to assist the courts in all aspects of consid-  
14 ering any matter before the courts, including with  
15 respect to—

16 “(A) providing advice on issues of law or  
17 fact presented by any application for an order  
18 under this Act;

19 “(B) requesting information from the Gov-  
20 ernment in connection with any such applica-  
21 tion;

22 “(C) identifying any concerns with any  
23 such application; and

24 “(D) proposing requirements or conditions  
25 for the approval of any such application.

1           “(2) DIRECTION.—The legal advisors employed  
2           under paragraph (1) shall be subject solely to the di-  
3           rection of the presiding judges of the Foreign Intel-  
4           ligence Surveillance Court and the Foreign Intel-  
5           ligence Surveillance Court of Review.”.

6 **SEC. 304. TRANSCRIPTS OF PROCEEDINGS AND COMMU-**  
7 **NICATIONS REGARDING APPLICATIONS.**

8           (a) TRANSCRIPTS.—Subsection (c) of section 103 (50  
9 U.S.C. 1803) is amended—

10           (1) by striking “Proceedings under this Act”  
11           and inserting “(1) Proceedings under this Act”;

12           (2) by inserting “, and shall be transcribed” be-  
13           fore the first period;

14           (3) by inserting “, transcriptions of pro-  
15           ceedings,” after “applications made”; and

16           (4) by adding at the end the following new sen-  
17           tence: “Transcriptions of proceedings shall be stored  
18           in a file associated with the relevant application or  
19           order.”.

20           (b) REQUIREMENT FOR WRITTEN RECORDS OF  
21 INTERACTIONS WITH COURT.—Such subsection, as  
22 amended by paragraph (1) of this section, is further  
23 amended by adding at the end the following new para-  
24 graph:

1       “(2) The Attorney General and the Foreign Intel-  
 2       ligence Surveillance Court shall maintain all written sub-  
 3       stantive communications between the Department of Jus-  
 4       tice and the court, including the identity of the employees  
 5       of the court to or from whom the communications were  
 6       made, regarding an application or order made under this  
 7       title in a file associated with the application or order.”.

8       (c) CONFORMING AMENDMENT.—Subsection (i)(2) of  
 9       section 103 (50 U.S.C. 1803) is amended by striking  
 10      “subsection (c)” and inserting “subsection (c)(1)”.

11      **SEC. 305. INFORMATION PROVIDED IN ANNUAL REPORTS.**

12      (a) REPORTS BY DIRECTOR OF THE ADMINISTRA-  
 13      TIVE OFFICE OF THE UNITED STATES COURTS.—Sub-  
 14      section (a)(1) of section 603 (50 U.S.C. 1873) is amend-  
 15      ed—

16              (1) in subparagraph (E), by striking “; and”  
 17              and inserting a semicolon;

18              (2) in subparagraph (F), by striking the period  
 19              at the end and inserting a semicolon; and

20              (3) by adding at the end the following new sub-  
 21      paragraphs:

22                      “(G) the number of times the Attorney  
 23              General required the emergency production of  
 24              tangible things pursuant to section 501(i)(1)

1 and the application under subparagraph (D) of  
 2 such section was denied;

3 “(H) the number of certifications by the  
 4 Foreign Intelligence Surveillance Court of Re-  
 5 view pursuant to section 103(j); and

6 “(I) the number of requests to certify a  
 7 question made by an amicus curiae to the For-  
 8 eign Intelligence Surveillance Court or the For-  
 9 eign Intelligence Surveillance Court of Review  
 10 pursuant to section 103(i)(7).”.

11 (b) REPORTS BY DIRECTOR OF NATIONAL INTEL-  
 12 LIGENCE.—Subsection (b)(5)(B) of such section, as  
 13 amended by section 101, is amended by inserting before  
 14 the semicolon at the end the following: “, including infor-  
 15 mation received electronically and through hardcopy and  
 16 portable media”.

## 17 **TITLE IV—TRANSPARENCY,** 18 **SUNSETS, AND OTHER MATTERS**

### 19 **SEC. 401. CONGRESSIONAL OVERSIGHT.**

20 (a) IN GENERAL.—Section 601 (50 U.S.C. 1871) is  
 21 amended—

22 (1) by redesignating subsection (e) as sub-  
 23 section (f); and

24 (2) by inserting after subsection (d) the fol-  
 25 lowing new subsection (e):

1       “(e) CONGRESSIONAL OVERSIGHT.—In a manner  
2 consistent with the protection of the national security,  
3 nothing in this Act or any other provision of law may be  
4 construed to preclude the Permanent Select Committee on  
5 Intelligence of the House of Representatives and the Se-  
6 lect Committee on Intelligence of the Senate from receiv-  
7 ing in a timely manner, upon request, applications sub-  
8 mitted under this Act to the Foreign Intelligence Surveil-  
9 lance Court, orders of the court, and relevant materials  
10 relating to such applications and orders.”.

11       (b) CONFORMING AMENDMENT.—Section 602(a) (50  
12 U.S.C. 1872(a)) is amended by striking “in section  
13 601(e)” and inserting “in section 601(f)”.

14 **SEC. 402. ESTABLISHMENT OF COMPLIANCE OFFICERS.**

15       (a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.)  
16 is amended by adding at the end the following new section:

17 **“SEC. 605. COMPLIANCE OFFICERS.**

18       “(a) APPOINTMENT.—The head of each covered  
19 agency shall appoint a single Federal officer to serve as  
20 the Compliance Officer for that agency.

21       “(b) COMPLIANCE.—Each Compliance Officer ap-  
22 pointed under subsection (a) shall be responsible for over-  
23 seeing the compliance of the relevant covered agency with  
24 the requirements of this Act.



1       “(c) AUDITS.—Each Compliance Officer shall con-  
2     duct routine audits of the compliance by the relevant cov-  
3     ered agency with—

4               “(1) the requirements of this Act regarding  
5     submitting applications to the Foreign Intelligence  
6     Surveillance Court, including with respect to the ac-  
7     curacy of such applications; and

8               “(2) the minimization, targeting, querying, and  
9     accuracy procedures required by this Act.

10       “(d) ASSESSMENTS.—Each Compliance Officer  
11     shall—

12               “(1) conduct on a routine basis assessments of  
13     the efficacy of the minimization, targeting, querying,  
14     and accuracy procedures adopted by the Attorney  
15     General pursuant to this Act; and

16               “(2) annually submit to the Assistant Attorney  
17     General designated as the Assistant Attorney Gen-  
18     eral for National Security under section 507A of  
19     title 28, United States Code, and the head of the  
20     relevant covered agency the findings of such assess-  
21     ments, including any recommendations of the Com-  
22     pliance Officer with respect to improving such proce-  
23     dures.

24       “(e) REMEDIATION.—Each Compliance Officer shall  
25     ensure the remediation of any compliance issues of the rel-

1 evant covered agency identified pursuant to this section  
2 or the rules of the Foreign Intelligence Surveillance Court.

3 “(f) INSPECTOR GENERALS ASSESSMENT.—On an  
4 annual basis, and consistent with the protection of sources  
5 and methods, each Inspector General of a covered agency  
6 shall submit to the Foreign Intelligence Surveillance Court  
7 and the appropriate congressional committees an assess-  
8 ment of the implementation of this section by the covered  
9 agency.

10 “(g) DEFINITIONS.—In this section:

11 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
12 TEES.—The term ‘appropriate congressional com-  
13 mittees’ means—

14 “(A) the Permanent Select Committee on  
15 Intelligence and the Committee on the Judici-  
16 ary of the House of Representatives; and

17 “(B) the Select Committee on Intelligence  
18 and the Committee on the Judiciary of the Sen-  
19 ate.

20 “(2) COVERED AGENCY.—The term ‘covered  
21 agency’ means a department or agency of the United  
22 States Government that submits applications to the  
23 Foreign Intelligence Surveillance Court under this  
24 Act.

1           “(3) FOREIGN INTELLIGENCE SURVEILLANCE  
2           COURT.—The term ‘Foreign Intelligence Surveillance  
3           Court’ has the meaning given that term in section  
4           101.”.

5           (b) CLERICAL AMENDMENT.—The table of sections  
6           at the beginning of the Foreign Intelligence Surveillance  
7           Act of 1978 is amended by inserting after the item relat-  
8           ing to section 604 the following new item:

          “Sec. 605. Compliance officers.”.

9   **SEC. 403. PUBLIC REPORTS ON INFORMATION OBTAINED**  
10                           **OR DERIVED UNDER FISA AND PROTECTION**  
11                           **OF FIRST AMENDMENT ACTIVITIES.**

12           (a) REPORTS.—Not later than 180 days after the  
13           date of the enactment of this Act, the Attorney General  
14           shall make publicly available the following reports:

15                   (1) A report explaining how the United States  
16           Government determines whether information is “ob-  
17           tained or derived” from activities authorized by the  
18           Foreign Intelligence Surveillance Act of 1978 (50  
19           U.S.C. 1801 et seq.) for purposes of the notice re-  
20           quirements under such Act.

21                   (2) A report explaining how the United States  
22           Government interprets the prohibition under section  
23           501(a) of such Act (50 U.S.C. 1861(a)) on con-  
24           ducting an investigation of a United States person

1 “solely upon the basis of activities protected by the  
2 first amendment to the Constitution”.

3 (b) REQUIREMENTS.—The Attorney General shall en-  
4 sure that the reports under subsection (a) are detailed and  
5 use hypothetical fact patterns to describe how the United  
6 States Government conducts the analyses covered by the  
7 reports.

8 (c) FORM.—The reports under subsection (a) shall be  
9 made publicly available in unclassified form.

10 **SEC. 404. MANDATORY REPORTING ON CERTAIN ORDERS.**

11 (a) REPORTING ON UNITED STATES PERSON QUE-  
12 RIES.—Subsection (b)(2) of section 603 (50 U.S.C. 1873),  
13 as amended by section 101, is amended—

14 (1) in subparagraph (B), by striking “the num-  
15 ber of search terms concerning a known United  
16 States person” and inserting “the number of search  
17 terms that concern a known United States person or  
18 are reasonably likely to identify a United States per-  
19 son”; and

20 (2) in subparagraph (C), by striking “the num-  
21 ber of queries concerning a known United States  
22 person” and inserting “the number of queries that  
23 concern a known United States person or are rea-  
24 sonably likely to identify a United States person”.

1 (b) MODIFICATION TO EXCEPTIONS.—Subsection  
 2 (d)(2) of such section, as amended by section 101, is  
 3 amended by striking “(A) FEDERAL” and all that follows  
 4 through “(B) ELECTRONIC MAIL ADDRESS AND TELE-  
 5 PHONE NUMBERS.—”.

6 **SEC. 405. REPORT ON USE OF FISA AUTHORITIES REGARD-**  
 7 **ING PROTECTED ACTIVITIES AND PRO-**  
 8 **TECTED CLASSES.**

9 (a) REPORT.—Not later than one year after the date  
 10 of the enactment of this Act, the Privacy and Civil Lib-  
 11 erties Oversight Board shall make publicly available, to  
 12 the extent practicable, a report on—

13 (1) the extent to which the activities and pro-  
 14 tected classes described in subsection (b) are used to  
 15 support targeting decisions in the use of authorities  
 16 pursuant to the Foreign Intelligence Surveillance  
 17 Act of 1978 (50 U.S.C. 1801 et seq.); and

18 (2) the impact of the use of such authorities on  
 19 such activities and protected classes.

20 (b) ACTIVITIES AND PROTECTED CLASSES DE-  
 21 SCRIBED.—The activities and protected classes described  
 22 in this subsection are the following:

23 (1) Activities and expression protected by the  
 24 First Amendment to the Constitution of the United  
 25 States.

1           (2) Race, ethnicity, national origin, religious af-  
 2           filiation, sex, and any other protected characteristic  
 3           determined appropriate by the Board.

4           (c) FORM.—In addition to the report made publicly  
 5           available under subsection (a), the Board may submit to  
 6           the appropriate congressional committees a classified  
 7           annex.

8           (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
 9           DEFINED.—In this section, the term “appropriate con-  
 10          gressional committees” means—

11           (1) the Committee on the Judiciary and the  
 12          Permanent Select Committee on Intelligence of the  
 13          House of Representatives; and

14           (2) the Committee on the Judiciary and the Se-  
 15          lect Committee on Intelligence of the Senate.

16 **SEC. 406. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**  
 17 **ERTIES OVERSIGHT BOARD.**

18          Paragraph (4) of section 1061(h) of the Intelligence  
 19          Reform and Terrorism Prevention Act of 2004 (42 U.S.C.  
 20          2000ee(h)) is amended to read as follows:

21           “(4) TERM.—

22           “(A) COMMENCEMENT.—Each member of  
 23           the Board shall serve a term of 6 years, com-  
 24           mencing on the date of the appointment of the  
 25           member to the Board.

1           “(B) REAPPOINTMENT.—A member may  
2           be reappointed to one or more additional terms.

3           “(C) VACANCY.—A vacancy in the Board  
4           shall be filled in the manner in which the origi-  
5           nal appointment was made.

6           “(D) EXTENSION.—Upon the expiration of  
7           the term of office of a member, the member  
8           may continue to serve, at the election of the  
9           member—

10                   “(i) during the period preceding the  
11                   reappointment of the member pursuant to  
12                   subparagraph (B); or

13                   “(ii) until the member’s successor has  
14                   been appointed and qualified.”.

15   **SEC. 407. SUNSETS.**

16           (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-  
17   IZATION ACT OF 2005.—Section 102(b)(1) of the USA  
18   PATRIOT Improvement and Reauthorization Act of 2005  
19   (50 U.S.C. 1805 note) is amended by striking “March 15,  
20   2020” and inserting “December 1, 2023”.

21           (b) INTELLIGENCE REFORM AND TERRORISM PRE-  
22   VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-  
23   ligence Reform and Terrorism Prevention Act of 2004 (50  
24   U.S.C. 1801 note) is amended by striking “March 15,  
25   2020” and inserting “December 1, 2023”.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 this section shall take effect on the earlier of the date of  
3 the enactment of this Act or March 15, 2020.

4 **SEC. 408. TECHNICAL AMENDMENTS.**

5       (a) IN GENERAL.—The Foreign Intelligence Surveil-  
6 lance Act of 1978 (50 U.S.C. 1801 et seq.) is amended  
7 as follows:

8           (1) In section 103(e) (50 U.S.C. 1803(e)), by  
9 striking “702(h)(4)” both places it appears and in-  
10 sserting “702(i)(4)”.

11           (2) In section 105(a)(4) (50 U.S.C.  
12 1805(a)(4))—

13               (A) by striking “section 104(a)(7)(E)” and  
14 inserting “section 104(a)(6)(E)”; and

15               (B) by striking “section 104(d)” and in-  
16 sserting “section 104(c)”.

17           (3) In section 501(a) (50 U.S.C. 1861(a)), by  
18 indenting paragraph (3) 2 ems to the left.

19           (4) In section 603(b)(2)(C) (50 U.S.C.  
20 1873(b)(2)(C)), by inserting “and” after the semi-  
21 colon.

22           (5) In section 702 (50 U.S.C. 1881a)—

23               (A) in subsection (h)(3), by striking “sub-  
24 section (i)” and inserting “subsection (j)”;



1 (B) in subsection (j)(1), by striking “sub-  
2 section (g)” each place it appears and inserting  
3 “subsection (h)”; and

4 (C) in the subsection heading of subsection  
5 (m), by inserting a comma after “ASSESS-  
6 MENTS”.

7 (6) In section 801(8)(B)(iii) (50 U.S.C.  
8 1885(8)(B)(iii)), by striking “702(h)” and inserting  
9 “702(i)”.

10 (7) In section 802(a)(3) (50 U.S.C.  
11 1885a(a)(3)), by striking “702(h)” and inserting  
12 “702(i)”.

13 (b) REFERENCES TO FOREIGN INTELLIGENCE SUR-  
14 VEILLANCE COURT AND FOREIGN INTELLIGENCE SUR-  
15 VEILLANCE COURT OF REVIEW.—

16 (1) DEFINITIONS.—Section 101 (50 U.S.C.  
17 1801) is amended by adding at the end the following  
18 new subsections:

19 “(q) The term ‘Foreign Intelligence Surveillance  
20 Court’ means the court established under section 103(a).

21 “(r) The terms ‘Foreign Intelligence Surveillance  
22 Court of Review’ and ‘Court of Review’ mean the court  
23 established under section 103(b).”.

1           (2) CONFORMING AMENDMENTS.—The Foreign  
2       Intelligence Surveillance Act of 1978 (50 U.S.C.  
3       1801 et seq.) is amended—

4           (A) in section 102 (50 U.S.C. 1802), by  
5       striking “the court established under section  
6       103(a)” and inserting “the Foreign Intelligence  
7       Surveillance Court”;

8           (B) in section 103 (50 U.S.C. 1803)—

9           (i) in subsection (a)—

10           (I) in paragraph (2)(A), by strik-  
11       ing “The court established under this  
12       subsection” and inserting “The For-  
13       eign Intelligence Surveillance Court”;  
14       and

15           (II) by striking “the court estab-  
16       lished under this subsection” each  
17       place it appears and inserting “the  
18       Foreign Intelligence Surveillance  
19       Court”;

20           (ii) in subsection (g)—

21           (I) by striking “the court estab-  
22       lished pursuant to subsection (a)” and  
23       inserting “the Foreign Intelligence  
24       Surveillance Court”;

1 (II) by striking “the court of re-  
2 view established pursuant to sub-  
3 section (b)” and inserting “the For-  
4 eign Intelligence Surveillance Court of  
5 Review”; and

6 (III) by striking “The courts es-  
7 tablished pursuant to subsections (a)  
8 and (b)” and inserting “The Foreign  
9 Intelligence Surveillance Court and  
10 the Foreign Intelligence Surveillance  
11 Court of Review”;

12 (iii) in subsection (h), by striking “a  
13 court established under this section” and  
14 inserting “the Foreign Intelligence Surveil-  
15 lance Court or the Foreign Intelligence  
16 Surveillance Court of Review”;

17 (iv) in subsection (i)—

18 (I) in paragraph (1), by striking  
19 “the courts established under sub-  
20 sections (a) and (b)” and inserting  
21 “the Foreign Intelligence Surveillance  
22 Court and the Foreign Intelligence  
23 Surveillance Court of Review”;

24 (II) in paragraph (3)(B), by  
25 striking “the courts” and inserting

1 “the Foreign Intelligence Surveillance  
2 Court and the Foreign Intelligence  
3 Surveillance Court of Review”;

4 (III) in paragraph (5), by strik-  
5 ing “the court” and inserting “the  
6 Foreign Intelligence Surveillance  
7 Court or the Foreign Intelligence Sur-  
8 veillance Court of Review, as the case  
9 may be,”;

10 (IV) in paragraph (6), by strik-  
11 ing “the court” each place it appears  
12 and inserting “the Foreign Intel-  
13 ligence Surveillance Court or the For-  
14 eign Intelligence Surveillance Court of  
15 Review”;

16 (V) by striking “a court estab-  
17 lished under subsection (a) or (b)”  
18 each place it appears and inserting  
19 “the Foreign Intelligence Surveillance  
20 Court or the Foreign Intelligence Sur-  
21 veillance Court of Review”; and

22 (VI) by striking “A court estab-  
23 lished under subsection (a) or (b)”  
24 each place it appears and inserting  
25 “The Foreign Intelligence Surveillance

1 Court or the Foreign Intelligence Sur-  
2veillance Court of Review”;

3 (v) in subsection (j)—

4 (I) by striking “a court estab-  
5lished under subsection (a)” and in-  
6serting “the Foreign Intelligence Sur-  
7veillance Court”; and

8 (II) by striking “the court deter-  
9mines” and inserting “the Foreign In-  
10telligence Surveillance Court deter-  
11mines”;

12 (vi) by striking “the court established  
13under subsection (a)” each place it appears  
14and inserting “the Foreign Intelligence  
15Surveillance Court”; and

16 (vii) by striking “the court established  
17under subsection (b)” each place it appears  
18and inserting “the Foreign Intelligence  
19Surveillance Court of Review”;

20 (C) in section 105(c) (50 U.S.C.  
211805(c))—

22 (i) in paragraph (2)(B), by striking  
23“the Court” and inserting “the Foreign  
24Intelligence Surveillance Court”; and

1 (ii) in paragraph (3), by striking “the  
2 court” each place it appears and inserting  
3 “the Foreign Intelligence Surveillance  
4 Court”;

5 (D) in section 401(1) (50 U.S.C. 1841(1)),  
6 by striking “, and ‘State’” and inserting  
7 “‘State’, ‘Foreign Intelligence Surveillance  
8 Court’, and ‘Foreign Intelligence Surveillance  
9 Court of Review’”;

10 (E) in section 402 (50 U.S.C. 1842)—

11 (i) in subsection (b)(1), by striking  
12 “the court established by section 103(a) of  
13 this Act” and inserting “the Foreign Intel-  
14 ligence Surveillance Court”; and

15 (ii) in subsection (h)(2), by striking  
16 “the court established under section  
17 103(a)” and inserting “the Foreign Intel-  
18 ligence Surveillance Court”;

19 (F) in section 501 (50 U.S.C. 1861)—

20 (i) in subsection (b)(1), by striking  
21 “the court established by section 103(a)”  
22 and inserting “the Foreign Intelligence  
23 Surveillance Court”;

24 (ii) in subsection (g)(3), by striking  
25 “the court established under section

1                   103(a)” and inserting “the Foreign Intel-  
2                   ligence Surveillance Court”; and

3                   (iii) in subsection (k)(1), by striking  
4                   “, and ‘State’” and inserting “‘State’, and  
5                   ‘Foreign Intelligence Surveillance Court’”;

6                   (G) in section 502(c)(1)(E), by striking  
7                   “the court established under section 103” and  
8                   inserting “the Foreign Intelligence Surveillance  
9                   Court (as defined by section 101)”;

10                  (H) in section 801 (50 U.S.C. 1885)—

11                  (i) in paragraph (8)(B)(i), by striking  
12                  “the court established under section  
13                  103(a)” and inserting “the Foreign Intel-  
14                  ligence Surveillance Court”; and

15                  (ii) by adding at the end the following  
16                  new paragraph:

17                  “(10) FOREIGN INTELLIGENCE SURVEILLANCE  
18                  COURT.—The term ‘Foreign Intelligence Surveillance  
19                  Court’ means the court established under section  
20                  103(a).”; and

21                  (I) in section 802(a)(1) (50 U.S.C.  
22                  1885a(a)(1)), by striking “the court established  
23                  under section 103(a)” and inserting “the For-  
24                  eign Intelligence Surveillance Court”.

1       (c) UPDATED REFERENCES TO CERTAIN INDIVID-  
2 UALS.—The Foreign Intelligence Surveillance Act of 1978  
3 (50 U.S.C. 1801 et seq.) is amended—

4           (1) in section 102(a) (50 U.S.C. 1802(a))—

5               (A) in paragraph (2), by striking “him”  
6 and inserting “the Attorney General”; and

7               (B) in paragraph (3), by striking “his cer-  
8 tification” and inserting “the Attorney Gen-  
9 eral’s certification”;

10          (2) in section 103(a)(1) (50 U.S.C.  
11 1803(a)(1)), by striking “his decision” and inserting  
12 “the decision of such judge”;

13          (3) in section 104(a) (50 U.S.C. 1804)(a))—

14               (A) in the language preceding paragraph  
15 (1), by striking “his finding” and inserting “the  
16 Attorney General’s finding”; and

17               (B) in paragraph (3), by striking “his be-  
18 lief” and inserting “the applicant’s belief”;

19          (4) in section 105(a) (50 U.S.C. 1805(a)), by  
20 striking “he” and inserting “the judge”;

21          (5) in section 106 (50 U.S.C. 1806)—

22               (A) in subsection (e), by striking “he” and  
23 inserting “the person”; and



1 (B) in subsection (j), by striking “his dis-  
2 cretion” and inserting “the discretion of the  
3 judge”;

4 (6) in section 109 (50 U.S.C. 1809)—

5 (A) in subsection (a), by striking “he” and  
6 inserting “the person”; and

7 (B) in subsection (b), by striking “his offi-  
8 cial duties” and inserting “the official duties of  
9 such officer”;

10 (7) in section 305 (50 U.S.C. 1825)—

11 (A) in subsection (f)(1), by striking “he”  
12 and inserting “the person”; and

13 (B) in subsection (j)(1), by striking “his  
14 discretion” and inserting “the discretion of the  
15 judge”;

16 (8) in section 307 (50 U.S.C. 1827)—

17 (A) in subsection (a), by striking “he” and  
18 inserting “the person”; and

19 (B) in subsection (b), by striking “his offi-  
20 cial duties” and inserting “the official duties of  
21 such officer”; and

22 (9) in section 403 (50 U.S.C. 1843), by striking  
23 “his designee” and inserting “a designee of the At-  
24 torney General”.

1       (d) COORDINATION WITH OTHER AMENDMENTS  
2 MADE BY THIS ACT.—For purposes of applying amend-  
3 ments made by provisions of this Act other than this sec-  
4 tion, the amendments made by this section shall be treated  
5 as having been enacted immediately before any such  
6 amendments by other provisions of this Act.

