

Union Calendar No. 248

118TH CONGRESS
1ST SESSION

H. R. 6570

[Report No. 118–307, Part I]

To amend the Foreign Intelligence Surveillance Act of 1978 to reform certain authorities and to provide greater transparency and oversight.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 4, 2023

Mr. BIGGS (for himself, Mr. NADLER, Mr. JORDAN, Ms. JAYAPAL, Mr. DAVIDSON, Ms. JACOBS, and Mr. FRY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Permanent Select Committee on Intelligence, 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

DECEMBER 11, 2023

Additional sponsors: Mr. LIEU, Mr. CRANE, Ms. NORTON, Ms. HOYLE of Oregon, Ms. LOFGREN, Mr. TIFFANY, Ms. SCHAKOWSKY, Mr. GOODEN of Texas, Ms. LEE of California, Mr. MCCLINTOCK, Mr. ROY, Mr. DUNCAN, Mr. DOGGETT, Mr. COLLINS, Ms. TLAIB, Ms. MACE, Mr. CASAR, Mr. BURLISON, Mr. GOOD of Virginia, Mr. BISHOP of North Carolina, Mr. VAN DREW, Mr. WEBER of Texas, Ms. HAGEMAN, Mr. BLUMENAUER, Mr. MOONEY, Ms. CHU, and Ms. PORTER

DECEMBER 11, 2023

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

DECEMBER 11, 2023

Permanent Select Committee on Intelligence discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on December 4, 2023]

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to reform certain authorities and to provide greater transparency and oversight.

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 “Protect Liberty and End*
5 *Warrantless Surveillance Act of 2023”.*

6 **SEC. 2. QUERY PROCEDURE REFORM.**

7 *(a) LIMITATION ON ELIGIBILITY TO CONDUCT QUE-*
8 *RIES.—Section 702(f)(1) of the Foreign Intelligence Sur-*
9 *veillance Act of 1978 (50 U.S.C. 1881a(f)(1)) is amended*
10 *by adding at the end the following:*

11 *“(D) LIMITATION ON ELIGIBILITY OF FBI*
12 *PERSONNEL TO CONDUCT UNITED STATES PER-*
13 *SON QUERIES.—The Attorney General shall en-*
14 *sure that the procedures adopted under subpara-*
15 *graph (A) limit the authority to conduct queries*
16 *such that—*

17 *“(i) for each field office of the Federal*
18 *Bureau of Investigation, the most senior of-*
19 *ficial whose primary duty station is that*
20 *field office is authorized to designate not*
21 *more than five individuals whose primary*
22 *duty station is that field office who are eli-*
23 *gible to conduct a query using a United*
24 *States person query term; and*

1 “(ii) for the headquarters of the Fed-
2 eral Bureau of Investigation, the Director of
3 the Federal Bureau of Investigation is au-
4 thorized to designate not more than five in-
5 dividuals whose primary duty station is the
6 Headquarters of the Federal Bureau of In-
7 vestigation who are eligible to conduct a
8 query using a United States person query
9 term.”.

10 (b) *PROHIBITION ON WARRANTLESS QUERIES FOR*
11 *THE COMMUNICATIONS OF UNITED STATES PERSONS AND*
12 *PERSONS LOCATED IN THE UNITED STATES.*—Section
13 *702(f) of the Foreign Intelligence Surveillance Act of 1978*
14 *(50 U.S.C. 1881a(f)), as amended by subsection (a), is fur-*
15 *ther amended—*

16 (1) *in paragraph (1)—*

17 (A) *in subparagraph (A), by inserting “and*
18 *the limitations and requirements in paragraph*
19 *(2)” after “Constitution of the United States”;*
20 *and*

21 (B) *in subparagraph (B), by striking*
22 *“United States person query term used for a*
23 *query” and inserting “term for a United States*
24 *person or person reasonably believed to be in the*

1 *United States used for a query as required by*
2 *paragraph (3)”;*

3 *(2) by redesignating paragraph (3) as para-*
4 *graph (6); and*

5 *(3) by striking paragraph (2) and inserting the*
6 *following:*

7 “(2) *PROHIBITION ON WARRANTLESS QUERIES*
8 *FOR THE COMMUNICATIONS AND OTHER INFORMATION*
9 *OF UNITED STATES PERSONS AND PERSONS LOCATED*
10 *IN THE UNITED STATES.—*

11 “(A) *IN GENERAL.—Except as provided in*
12 *subparagraphs (B) and (C), no officer or em-*
13 *ployee of the United States may conduct a query*
14 *of information acquired under this section in an*
15 *effort to find communications or information the*
16 *compelled production of which would require a*
17 *probable cause warrant if sought for law enforce-*
18 *ment purposes in the United States, of or about*
19 *1 or more United States persons or persons rea-*
20 *sonably believed to be located in the United*
21 *States at the time of the query or the time of the*
22 *communication or creation of the information.*

23 “(B) *EXCEPTIONS FOR CONCURRENT AU-*
24 *THORIZATION, CONSENT, EMERGENCY SITUA-*

1 TIONS, AND CERTAIN DEFENSIVE CYBERSECURITY
2 QUERIES.—

3 “(i) *IN GENERAL.*—Subparagraph (A)
4 shall not apply to a query related to a
5 United States person or person reasonably
6 believed to be located in the United States
7 at the time of the query or the time of the
8 communication or creation of the informa-
9 tion if—

10 “(I) such person is the subject of
11 an order or emergency authorization
12 authorizing electronic surveillance or
13 physical search under section 105 or
14 304 of this Act, or a warrant issued
15 pursuant to the Federal Rules of
16 Criminal Procedure by a court of com-
17 petent jurisdiction authorizing the con-
18 duct of the query;

19 “(II)(aa) the officer or employee
20 carrying out the query has a reason-
21 able belief that—

22 “(AA) an emergency exists
23 involving an imminent threat of
24 death or serious bodily harm; and

1 “(BB) in order to prevent or
2 mitigate this threat, the query
3 must be conducted before author-
4 ization pursuant to subparagraph
5 (I) can, with due diligence, be ob-
6 tained; and

7 “(bb) a description of the
8 query is provided to the Foreign
9 Intelligence Surveillance Court
10 and the congressional intelligence
11 committees and the Committees on
12 the Judiciary of the House of
13 Representatives and of the Senate
14 in a timely manner;

15 “(III) such person or, if such per-
16 son is incapable of providing consent,
17 a third party legally authorized to con-
18 sent on behalf of such person, has pro-
19 vided consent to the query on a case-
20 by-case basis; or

21 “(IV)(aa) the query uses a known
22 cybersecurity threat signature as a
23 query term;

24 “(bb) the query is conducted, and the results of the
25 query are used, for the sole purpose of identifying targeted

1 recipients of malicious software and preventing or miti-
2 gating harm from such malicious software;

3 “(cc) no additional contents of communications re-
4 trieved as a result of the query are accessed or reviewed;
5 and

6 “(dd) all such queries are reported to the Foreign Intel-
7 ligence Surveillance Court.

8 “(ii) LIMITATIONS.—

9 “(I) USE IN SUBSEQUENT PRO-
10 CEEDINGS AND INVESTIGATIONS.—No
11 information retrieved pursuant to a
12 query authorized by clause (i)(II) or
13 information derived from such query
14 may be used, received in evidence, or
15 otherwise disseminated in any inves-
16 tigation, trial, hearing, or other pro-
17 ceeding in or before any court, grand
18 jury, department, office, agency, regu-
19 latory body, legislative committee, or
20 other authority of the United States, a
21 State, or political subdivision thereof,
22 except in proceedings or investigations
23 that arise from the threat that prompt-
24 ed the query.

1 “(II) ASSESSMENT OF COMPLI-
2 ANCE.—*The Attorney General shall not*
3 *less frequently than annually assess*
4 *compliance with the requirements*
5 *under subclause (I).*

6 “(C) MATTERS RELATING TO EMERGENCY
7 QUERIES.—

8 “(i) TREATMENT OF DENIALS.—*In the*
9 *event that a query for communications or*
10 *information, the compelled production of*
11 *which would require a probable cause war-*
12 *rant if sought for law enforcement purposes*
13 *in the United States, of or about 1 more*
14 *United States persons or persons reasonably*
15 *believed to be located in the United States*
16 *at the time of the query or the time of the*
17 *communication or creation of the informa-*
18 *tion is conducted pursuant to an emergency*
19 *authorization described in subparagraph*
20 *(B)(i)(I) and the application for such emer-*
21 *gency authorization is denied, or in any*
22 *other case in which the query has been con-*
23 *ducted and no order is issued approving the*
24 *query—*

1 “(I) no information obtained or
2 evidence derived from such query may
3 be used, received in evidence, or other-
4 wise disseminated in any investiga-
5 tion, trial, hearing, or other proceeding
6 in or before any court, grand jury, de-
7 partment, office, agency, regulatory
8 body, legislative committee, or other
9 authority of the United States, a State,
10 or political subdivision thereof; and

11 “(II) no information concerning
12 any United States person or person
13 reasonably believed to be located in the
14 United States at the time of the query
15 or the time of the communication or
16 the creation of the information ac-
17 quired from such query may subse-
18 quently be used or disclosed in any
19 other manner without the consent of
20 such person, except with the approval
21 of the Attorney General if the informa-
22 tion indicates a threat of death or seri-
23 ous bodily harm to any person.

24 “(ii) ASSESSMENT OF COMPLIANCE.—
25 The Attorney General shall not less fre-

1 *quently than annually assess compliance*
2 *with the requirements under clause (i).*

3 “(D) *FOREIGN INTELLIGENCE PURPOSE.*—
4 *Except as provided in subparagraph (B)(i), no*
5 *officer or employee of the United States may con-*
6 *duct a query of information acquired under this*
7 *section in an effort to find information of or*
8 *about 1 or more United States persons or per-*
9 *sons reasonably believed to be located in the*
10 *United States at the time of the query or the*
11 *time of the communication or creation of the in-*
12 *formation unless the query is reasonably likely to*
13 *retrieve foreign intelligence information.*

14 “(3) *DOCUMENTATION.*—*No officer or employee*
15 *of the United States may conduct a query of informa-*
16 *tion acquired under this section in an effort to find*
17 *information of or about 1 or more United States per-*
18 *sons or persons reasonably believed to be located in*
19 *the United States at the time of query or the time of*
20 *the communication or the creation of the information,*
21 *unless first an electronic record is created, and a sys-*
22 *tem, mechanism, or business practice is in place to*
23 *maintain such record, that includes the following:*

24 “(A) *Each term used for the conduct of the*
25 *query.*

1 “(B) *The date of the query.*

2 “(C) *The identifier of the officer or em-*
3 *ployee.*

4 “(D) *A statement of facts showing that the*
5 *use of each query term included under subpara-*
6 *graph (A) is—*

7 “(i) *reasonably likely to retrieve for-*
8 *eign intelligence information; or*

9 “(ii) *in furtherance of the exceptions*
10 *described in paragraph (2)(B)(i).*

11 “(4) *PROHIBITION ON RESULTS OF METADATA*
12 *QUERY AS A BASIS FOR ACCESS TO COMMUNICATIONS*
13 *AND OTHER PROTECTED INFORMATION.—If a query of*
14 *information acquired under this section is conducted*
15 *in an effort to find communications metadata of 1 or*
16 *more United States persons or persons reasonably be-*
17 *lieved to be located in the United States at the time*
18 *of the query or communication and the query returns*
19 *such metadata, the results of the query shall not be*
20 *used as a basis for reviewing communications or in-*
21 *formation a query for which is otherwise prohibited*
22 *under this section.*

23 “(5) *FEDERATED DATASETS.—The prohibitions*
24 *and requirements in this section shall apply to que-*
25 *ries of federated and mixed datasets that include in-*

1 *formation acquired under this section, unless a mech-*
2 *anism exists to limit the query to information not ac-*
3 *quired under this section.”.*

4 **SEC. 3. LIMITATION ON USE OF INFORMATION OBTAINED**
5 **UNDER SECTION 702 OF THE FOREIGN INTEL-**
6 **LIGENCE SURVEILLANCE ACT OF 1978 RELAT-**
7 **ING TO UNITED STATES PERSONS AND PER-**
8 **SONS LOCATED IN THE UNITED STATES IN**
9 **CRIMINAL, CIVIL, AND ADMINISTRATIVE AC-**
10 **TIONS.**

11 *Paragraph (2) of section 706(a) of the Foreign Intel-*
12 *ligence Surveillance Act of 1978 (50 U.S.C. 1881e(a)) is*
13 *amended to read as follows:*

14 *“(2) LIMITATION ON USE IN CRIMINAL, CIVIL,*
15 *AND ADMINISTRATIVE PROCEEDINGS AND INVESTIGA-*
16 *TIONS.—No information acquired pursuant to section*
17 *702(f) of or about a United States person or person*
18 *reasonably believed to be located in the United States*
19 *at the time of acquisition or communication may be*
20 *introduced as evidence against such person in any*
21 *criminal, civil, or administrative proceeding or used*
22 *as part of any criminal, civil, or administrative in-*
23 *vestigation, except—*

24 *“(A) with the prior approval of the Attor-*
25 *ney General; and*

1 “(B) in a proceeding or investigation in
2 which the information is directly related to and
3 necessary to address a specific threat of—

4 “(i) the commission of a Federal crime
5 of terrorism under any of clauses (i)
6 through (iii) of section 2332b(g)(5)(B) of
7 title 18, United States Code;

8 “(ii) actions necessitating counterintel-
9 ligence (as defined in section 3 of the Na-
10 tional Security Act of 1947 (50 U.S.C.
11 3003));

12 “(iii) the proliferation or the use of a
13 weapon of mass destruction (as defined in
14 section 2332a(c) of title 18, United States
15 Code);

16 “(iv) a cybersecurity breach or attack
17 from a foreign country;

18 “(v) incapacitation or destruction of
19 critical infrastructure (as defined in section
20 1016(e) of the *Uniting and Strengthening
21 America by Providing Appropriate Tools
22 Required to Intercept and Obstruct Ter-
23 rorism (USA PATRIOT ACT) Act of 2001*
24 (42 U.S.C. 5195c(e));

1 “(vi) an attack against the armed
2 forces of the United States or an ally of the
3 United States or to other personnel of the
4 United States Government or a government
5 of an ally of the United States; or

6 “(vii) international narcotics traf-
7 ficking.”.

8 **SEC. 4. REPEAL OF AUTHORITY FOR THE RESUMPTION OF**
9 **ABOUTS COLLECTION.**

10 (a) *IN GENERAL.*—Section 702(b)(5) of the Foreign
11 Intelligence Surveillance Act of 1978 (50 U.S.C.
12 1881a(b)(5)) is amended by striking “, except as provided
13 under section 103(b) of the FISA Amendments Reauthoriza-
14 tion Act of 2017”.

15 (b) *CONFORMING AMENDMENTS.*—

16 (1) *FOREIGN INTELLIGENCE SURVEILLANCE ACT*
17 *OF 1978.*—Section 702(m) of the Foreign Intelligence
18 Surveillance Act of 1978 (50 U.S.C. 1881a(m)) is
19 amended—

20 (A) in the subsection heading, by striking
21 “REVIEWS, AND REPORTING” and inserting
22 “AND REVIEWS”; and

23 (B) by striking paragraph (4).

24 (2) *FISA AMENDMENTS REAUTHORIZATION ACT*
25 *OF 2017.*—Section 103 of the FISA Amendments Re-

1 *authorization Act of 2017 (Public Law 115–118; 50*
2 *U.S.C. 1881a note) is amended—*

3 *(A) by striking subsection (b); and*

4 *(B) by striking “(a) IN GENERAL.—”.*

5 **SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT RE-**
6 **FORM.**

7 *(a) REQUIREMENT FOR SAME JUDGE TO HEAR RE-*
8 *NEWAL APPLICATIONS.—Section 103(a)(1) of the Foreign*
9 *Intelligence Surveillance Act of 1978 (50 U.S.C.*
10 *1803(a)(1)) is amended by adding at the end the following:*
11 *“To the extent practicable, no judge designated under this*
12 *subsection shall hear a renewal application for electronic*
13 *surveillance under this Act, which application was pre-*
14 *viously granted by another judge designated under this sub-*
15 *section, unless the term of the judge who granted the appli-*
16 *cation has expired, or that judge is otherwise no longer serv-*
17 *ing on the court.”.*

18 *(b) USE OF AMICI CURIAE IN FOREIGN INTELLIGENCE*
19 *SURVEILLANCE COURT PROCEEDINGS.—*

20 *(1) EXPANSION OF APPOINTMENT AUTHORITY.—*

21 *(A) IN GENERAL.—Section 103(i)(2) of the*
22 *Foreign Intelligence Surveillance Act of 1978 (50*
23 *U.S.C. 1803(i)(2)) is amended—*

24 *(i) by striking subparagraph (A) and*
25 *inserting the following:*

1 “(A) shall, unless the court issues a finding
2 that appointment is not appropriate, appoint 1
3 or more individuals who have been designated
4 under paragraph (1), not fewer than 1 of whom
5 possesses privacy and civil liberties expertise, un-
6 less the court finds that such a qualification is
7 inappropriate, to serve as amicus curiae to assist
8 the court in the consideration of any application
9 or motion for an order or review that, in the
10 opinion of the court—

11 “(i) presents a novel or significant in-
12 terpretation of the law;

13 “(ii) presents significant concerns with
14 respect to the activities of a United States
15 person that are protected by the first
16 amendment to the Constitution of the
17 United States;

18 “(iii) presents or involves a sensitive
19 investigative matter;

20 “(iv) presents a request for approval of
21 a new program, a new technology, or a new
22 use of existing technology;

23 “(v) presents a request for reauthoriza-
24 tion of programmatic surveillance;

1 “(vi) otherwise presents novel or sig-
2 nificant civil liberties issues; or

3 “(vii) otherwise involves the activities
4 of a United States person; and”;

5 (ii) in subparagraph (B), by striking
6 “an individual or organization” each place
7 the term appears and inserting “1 or more
8 individuals or organizations”.

9 (B) *DEFINITION OF SENSITIVE INVESTIGA-*
10 *TIVE MATTER.*—Section 103(i) of the *Foreign In-*
11 *telligence Surveillance Act of 1978 (50 U.S.C.*
12 *1803(i))* is amended by adding at the end the
13 *following:*

14 “(12) *DEFINITION.*—In this subsection, the term
15 ‘sensitive investigative matter’ means—

16 “(A) an investigative matter involving the
17 activities of—

18 “(i) a domestic public official or polit-
19 ical candidate, or an individual serving on
20 the staff of such an official or candidate;

21 “(ii) a domestic religious or political
22 organization, or a known or suspected
23 United States person prominent in such an
24 organization; or

25 “(iii) the domestic news media; or

1 “(B) any other investigative matter involv-
2 ing a domestic entity or a known or suspected
3 United States person that, in the judgment of the
4 applicable court established under subsection (a)
5 or (b), is as sensitive as an investigative matter
6 described in subparagraph (A).”.

7 (2) *AUTHORITY TO SEEK REVIEW*.—Section
8 103(i) of the Foreign Intelligence Surveillance Act of
9 1978 (50 U.S.C. 1803(i)), as amended by subsection
10 (a) of this section, is amended—

11 (A) in paragraph (4)—

12 (i) in the paragraph heading, by in-
13 serting “; *AUTHORITY*” after “*DUTIES*”;

14 (ii) by redesignating subparagraphs
15 (A), (B), and (C) as clauses (i), (ii), and
16 (iii), respectively, and adjusting the mar-
17 gins accordingly;

18 (iii) in the matter preceding clause (i),
19 as so redesignated, by striking “the *amicus*
20 *curiae* shall” and inserting the following:

21 “the *amicus curiae*—

22 “(A) shall”;

23 (iv) in subparagraph (A)(i), as so re-
24 designated, by inserting before the semicolon
25 at the end the following: “, including legal

1 *arguments regarding any privacy or civil*
2 *liberties interest of any United States per-*
3 *son that would be significantly impacted by*
4 *the application or motion”;* and

5 *(v) by striking the period at the end*
6 *and inserting the following: “; and*

7 *“(B) may seek leave to raise any novel or*
8 *significant privacy or civil liberties issue rel-*
9 *evant to the application or motion or other issue*
10 *directly impacting the legality of the proposed*
11 *electronic surveillance with the court, regardless*
12 *of whether the court has requested assistance on*
13 *that issue.”;*

14 *(B) by redesignating paragraphs (7)*
15 *through (12) as paragraphs (8) through (13), re-*
16 *spectively; and*

17 *(C) by inserting after paragraph (6) the fol-*
18 *lowing:*

19 *“(7) AUTHORITY TO SEEK REVIEW OF DECI-*
20 *SIONS.—*

21 *“(A) FISA COURT DECISIONS.—*

22 *“(i) PETITION.—Following issuance of*
23 *an order under this Act by the Foreign In-*
24 *telligence Surveillance Court, an amicus cu-*
25 *riae appointed under paragraph (2) may*

1 *petition the Foreign Intelligence Surveil-*
2 *lance Court to certify for review to the For-*
3 *oreign Intelligence Surveillance Court of Re-*
4 *view a question of law pursuant to sub-*
5 *section (j).*

6 “(ii) *WRITTEN STATEMENT OF REA-*
7 *SONS.—If the Foreign Intelligence Surveil-*
8 *lance Court denies a petition under this*
9 *subparagraph, the Foreign Intelligence Sur-*
10 *veillance Court shall provide for the record*
11 *a written statement of the reasons for the*
12 *denial.*

13 “(iii) *APPOINTMENT.—Upon certifi-*
14 *cation of any question of law pursuant to*
15 *this subparagraph, the Court of Review*
16 *shall appoint the amicus curiae to assist the*
17 *Court of Review in its consideration of the*
18 *certified question, unless the Court of Re-*
19 *view issues a finding that such appointment*
20 *is not appropriate.*

21 “(B) *FISA COURT OF REVIEW DECISIONS.—*
22 *An amicus curiae appointed under paragraph*
23 *(2) may petition the Foreign Intelligence Sur-*
24 *veillance Court of Review to certify for review to*
25 *the Supreme Court of the United States any*

1 question of law pursuant to section 1254(2) of
2 title 28, United States Code.

3 “(C) *DECLASSIFICATION OF REFERRALS.*—
4 For purposes of section 602, a petition filed
5 under subparagraph (A) or (B) of this para-
6 graph and all of its content shall be considered
7 a decision, order, or opinion issued by the For-
8 eign Intelligence Surveillance Court or the For-
9 eign Intelligence Surveillance Court of Review
10 described in paragraph (2) of section 602(a).”.

11 (3) *ACCESS TO INFORMATION.*—

12 (A) *APPLICATION AND MATERIALS.*—Section
13 103(i)(6) of the Foreign Intelligence Surveillance
14 Act of 1978 (50 U.S.C. 1803(i)(6)) is amended
15 by striking subparagraph (A) and inserting the
16 following:

17 “(A) *IN GENERAL.*—

18 “(i) *RIGHT OF AMICUS.*—If a court es-
19 tablished under subsection (a) or (b) ap-
20 points an amicus curiae under paragraph
21 (2), the amicus curiae—

22 “(I) shall have access, to the ex-
23 tent such information is available to
24 the Government, to—

1 “(aa) the application, certifi-
2 cation, petition, motion, and other
3 information and supporting mate-
4 rials, including any information
5 described in section 901, sub-
6 mitted to the Foreign Intelligence
7 Surveillance Court in connection
8 with the matter in which the ami-
9 cus curiae has been appointed, in-
10 cluding access to any relevant
11 legal precedent (including any
12 such precedent that is cited by the
13 Government, including in such an
14 application);

15 “(bb) an unredacted copy of
16 each relevant decision made by
17 the Foreign Intelligence Surveil-
18 lance Court or the Foreign Intel-
19 ligence Surveillance Court of Re-
20 view in which the court decides a
21 question of law, without regard to
22 whether the decision is classified;
23 and

24 “(cc) any other information
25 or materials that the court deter-

1 *mines are relevant to the duties of*
2 *the amicus curiae; and*

3 “(II) *may make a submission to*
4 *the court requesting access to any other*
5 *particular materials or information*
6 *(or category of materials or informa-*
7 *tion) that the amicus curiae believes to*
8 *be relevant to the duties of the amicus*
9 *curiae.*

10 “(i) *SUPPORTING DOCUMENTATION*
11 *REGARDING ACCURACY.—The Foreign Intel-*
12 *ligence Surveillance Court, upon the motion*
13 *of an amicus curiae appointed under para-*
14 *graph (2) or upon its own motion, may re-*
15 *quire the Government to make available the*
16 *supporting documentation described in sec-*
17 *tion 902.”.*

18 (B) *CLARIFICATION OF ACCESS TO CERTAIN*
19 *INFORMATION.—Section 103(i)(6) of the Foreign*
20 *Intelligence Surveillance Act of 1978 (50 U.S.C.*
21 *1803(i)(6)) is amended—*

22 (i) *in subparagraph (B), by striking*
23 *“may” and inserting “shall”; and*

24 (ii) *by striking subparagraph (C) and*
25 *inserting the following:*

1 “(C) *CLASSIFIED INFORMATION*.—An *ami-*
2 *cus curiae* designated or appointed by the court
3 shall have access, to the extent such information
4 is available to the Government, to unredacted
5 copies of each opinion, order, transcript, plead-
6 ing, or other document of the Foreign Intel-
7 ligence Surveillance Court and the Foreign Intel-
8 ligence Surveillance Court of Review, including,
9 if the individual is eligible for access to classified
10 information, any classified documents, informa-
11 tion, and other materials or proceedings.”.

12 (4) *EFFECTIVE DATE*.—The amendments made
13 by this section shall take effect on the date of enact-
14 ment of this Act and shall apply with respect to pro-
15 ceedings under the Foreign Intelligence Surveillance
16 Act of 1978 (50 U.S.C. 1801 et seq.) that take place
17 on or after, or are pending on, that date.

18 **SEC. 6. APPLICATION FOR AN ORDER APPROVING ELEC-**
19 **TRONIC SURVEILLANCE.**

20 (a) *DISCLOSURE REQUIREMENT*.—Section 104(a) of
21 the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
22 1804(a)) is amended—

23 (1) in paragraph (6)(E)(ii), by inserting before
24 the semicolon at the end “(and a description of such
25 techniques)”;

1 (2) *in paragraph (8), by striking “and” at the*
2 *end;*

3 (3) *in paragraph (9), by striking the period at*
4 *the end and inserting “; and” ; and*

5 (4) *by inserting after paragraph (9) the fol-*
6 *lowing:*

7 “(10) *all information material to the applica-*
8 *tion, including any information that tends to rebut—*

9 “(A) *any allegation set forth in the applica-*
10 *tion; or*

11 “(B) *the existence of probable cause to be-*
12 *lieve that—*

13 “(i) *the target of the electronic surveil-*
14 *lance is a foreign power or an agent of a*
15 *foreign power; and*

16 “(ii) *each of the facilities or places at*
17 *which the electronic surveillance is directed*
18 *is being used, or is about to be used, by a*
19 *foreign power or an agent of a foreign*
20 *power.”.*

21 (b) *PROHIBITION ON USE OF CERTAIN INFORMA-*
22 *TION.—Section 104 of the Foreign Intelligence Surveillance*
23 *Act of 1978 (50 U.S.C. 1804) is amended by adding at the*
24 *end the following:*

1 “(e) *The statement of facts and circumstances under*
2 *subsection (a)(3) may only include information obtained*
3 *from the content of a media source or information gathered*
4 *by a political campaign if—*

5 “(1) *such information is disclosed in the appli-*
6 *cation as having been so obtained or gathered; and*

7 “(2) *such information is not the sole source of*
8 *the information used to justify the applicant’s belief*
9 *described in subsection (a)(3).”.*

10 (c) *LIMITATION ON ISSUANCE OF ORDER.—Section*
11 *105(a) of the Foreign Intelligence Surveillance Act of 1978*
12 *(50 U.S.C. 1805(a)) is amended—*

13 (1) *in paragraph (3), by striking “; and” and*
14 *inserting a semicolon;*

15 (2) *in paragraph (4), by striking the period and*
16 *inserting “; and”; and*

17 (3) *by adding at the end the following:*

18 “(5) *the statement of facts and circumstances*
19 *under subsection (a)(3) may only include information*
20 *obtained from the content of a media source or infor-*
21 *mation gathered by a political campaign if—*

22 “(A) *such information is disclosed in the*
23 *application as having been so obtained or gath-*
24 *ered; and*

1 “(B) such information is not the sole source
2 of the information used to justify the applicant’s
3 belief described in subsection (a)(3).”.

4 **SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF**
5 **CERTAIN DOCUMENTS.**

6 (a) *SUBMISSION TO CONGRESS.*—Section 601(c)(1) of
7 *the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
8 *1871(c)) is amended by inserting “, including declassified*
9 *copies that have undergone review under section 602” before*
10 *“; and”.*

11 (b) *TIMELINE FOR DECLASSIFICATION REVIEW.*—Sec-
12 *tion 602(a) of the Foreign Intelligence Surveillance Act of*
13 *1978 (50 U.S.C. 1872(a)) is amended—*

14 (1) *by inserting after “shall conduct a declas-*
15 *sification review” the following: “, to be concluded not*
16 *later than 45 days after the commencement of such re-*
17 *view,”; and*

18 (2) *by inserting after “a significant construction*
19 *or interpretation of any provision of law” the fol-*
20 *lowing: “or results in a change of application of any*
21 *provision of this Act or a novel application of any*
22 *provision of this Act”.*

1 **SEC. 8. TRANSCRIPTIONS OF PROCEEDINGS; ATTENDANCE**
2 **OF CERTAIN CONGRESSIONAL OFFICIALS AT**
3 **CERTAIN PROCEEDINGS.**

4 *Section 103(c) of the Foreign Intelligence Surveillance*
5 *Act of 1978 (50 U.S.C. 1803(c)) is amended—*

6 *(1) by striking “Proceedings under this Act” and*
7 *inserting the following: “(1) Proceedings under this*
8 *Act”;*

9 *(2) by striking “including applications made*
10 *and orders granted” and inserting “including appli-*
11 *cations made, orders granted, and transcriptions of*
12 *proceedings,”; and*

13 *(3) by adding at the end:*

14 *“(2) The chair and ranking minority member of each*
15 *of the congressional intelligence committees and of the Com-*
16 *mittees on the Judiciary of the House of Representatives*
17 *and of the Senate shall be entitled to attend any proceeding*
18 *of the Foreign Intelligence Surveillance Court or any pro-*
19 *ceeding of the Foreign Intelligence Surveillance Court of Re-*
20 *view. Each person entitled to attend a proceeding pursuant*
21 *to this paragraph may designate not more than 2 Members*
22 *of Congress and not more than 2 staff members of such com-*
23 *mittee to attend on their behalf, pursuant to such proce-*
24 *dures as the Attorney General, in consultation with the Di-*
25 *rector of National Intelligence may establish. Not later than*
26 *45 days after any such proceeding, a copy of any applica-*

1 *tion made, order granted, or transcription of the proceeding*
2 *shall be made available for review to each person who is*
3 *entitled to attend a proceeding pursuant to this paragraph*
4 *or who is designated under this paragraph. Terms used in*
5 *this paragraph have the meanings given such terms in sec-*
6 *tion 701(b).”.*

7 **SEC. 9. ANNUAL AUDIT OF FISA COMPLIANCE BY INSPEC-**
8 **TOR GENERAL.**

9 *(a) REPORT REQUIRED.—Title VI of the Foreign In-*
10 *telligence Surveillance Act of 1978 (50 U.S.C. 1871 et seq.)*
11 *is amended by adding at the end the following:*

12 **“SEC. 605. ANNUAL AUDIT OF FISA COMPLIANCE BY INSPEC-**
13 **TOR GENERAL.**

14 *“Beginning with the first calendar year that begins*
15 *after the effective date of this section, by not later than June*
16 *30th of that year and each year thereafter, the Inspector*
17 *General of the Department of Justice shall conduct an audit*
18 *on alleged violations and failures to comply with the re-*
19 *quirements of this Act and any procedures established pur-*
20 *suant to this Act, and submit a report thereon to the con-*
21 *gressional intelligence committees and the Committees on*
22 *the Judiciary of the House of Representatives and of the*
23 *Senate.”.*

1 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
 2 *the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
 3 *1801 et seq.) is amended by adding at the end the following:*
 “605. *Annual audit of FISA compliance by Inspector General.*”.

4 **SEC. 10. REPORTING ON ACCURACY AND COMPLETENESS**
 5 **OF APPLICATIONS.**

6 *Section 603 of the Foreign Intelligence Surveillance*
 7 *Act of 1978 (50 U.S.C. 1873) is amended—*

8 (1) *in subsection (a)(1)—*

9 (A) *by redesignating subparagraphs (B)*
 10 *through (F) as subparagraphs (C) through (G)*
 11 *respectively; and*

12 (B) *by inserting after subparagraph (A) the*
 13 *following:*

14 “*(B) an analysis of the accuracy and com-*
 15 *pleteness of such applications and certifications*
 16 *submitted;*”*; and*

17 (2) *in subsection (a)(2), by striking “subpara-*
 18 *graph (F)” and inserting “subparagraph (G)”.*

19 **SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF IN-**
 20 **VESTIGATION.**

21 (a) *REPORT REQUIRED.*—*Title VI of the Foreign In-*
 22 *telligence Surveillance Act of 1978 (50 U.S.C. 1871 et seq.),*
 23 *as amended by this Act, is further amended by adding at*
 24 *the end the following:*

1 **“SEC. 606. ANNUAL REPORT OF THE FEDERAL BUREAU OF**
2 **INVESTIGATION.**

3 *“Not later than 1 year after the date of enactment of*
4 *this section, and annually thereafter, the Director of the*
5 *Federal Bureau of Investigation shall submit to the congres-*
6 *sional intelligence committees and the Committees on the*
7 *Judiciary of the House of Representatives and of the Sen-*
8 *ate—*

9 *“(1) a report on disciplinary activities taken by*
10 *the Director to address violations of the requirements*
11 *of law or the procedures established under this Act,*
12 *including a comprehensive account of disciplinary in-*
13 *vestigations, including—*

14 *“(A) all such investigations ongoing as of*
15 *the date the report is submitted;*

16 *“(B) the adjudications of such investiga-*
17 *tions when concluded; and*

18 *“(C) disciplinary actions taken as a result*
19 *of such adjudications; and*

20 *“(2) a report on the conduct of queries conducted*
21 *under section 702 for the preceding year using a*
22 *United States person query term, including—*

23 *“(A) the number of such queries conducted;*

24 *“(B) what terms were used;*

25 *“(C) the number of warrants issued and de-*
26 *nied under section 702(f)(1); and*

1 “(D) the number of times exceptions were
2 alleged under 702(f)(2).”.

3 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
4 *the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
5 *1801 et seq.), as amended by this Act, is further amended*
6 *by adding at the end the following:*

 “606. Annual report of the Federal Bureau of Investigation.”.

7 **SEC. 12. EXTENSION OF TITLE VII OF FISA; EXPIRATION OF**
8 **FISA AUTHORITIES; EFFECTIVE DATES.**

9 (a) *EFFECTIVE DATES.*—*Section 403(b) of the FISA*
10 *Amendments Act of 2008 (Public Law 110–261; 122 Stat.*
11 *2474) is amended—*

12 (1) *in paragraph (1)—*

13 (A) *by striking “December 31, 2023” and*
14 *inserting “December 31, 2026”; and*

15 (B) *by striking “, as amended by section*
16 *101(a) and by the FISA Amendments Reauthor-*
17 *ization Act of 2017,” and inserting “, as most*
18 *recently amended,”; and*

19 (2) *in paragraph (2) in the matter preceding*
20 *subparagraph (A), by striking “December 31, 2023”*
21 *and inserting “December 31, 2026”.*

22 (b) *CONFORMING AMENDMENTS.*—*Section 404(b) of the*
23 *FISA Amendments Act of 2008 (Public Law 110–261; 122*
24 *Stat. 2476), is amended—*

25 (1) *in paragraph (1)—*

1 (A) *in the heading, by striking “DECEMBER*
2 *31, 2023” and inserting “DECEMBER 31, 2026”;*
3 *and*

4 (B) *by striking “, as amended by section*
5 *101(a) and by the FISA Amendments Reauthor-*
6 *ization Act of 2017,” and inserting “, as most*
7 *recently amended,”;*

8 (2) *in paragraph (2), by striking “, as amended*
9 *by section 101(a) and by the FISA Amendments Re-*
10 *authorization Act of 2017,” and inserting “, as most*
11 *recently amended,”; and*

12 (3) *in paragraph (4)—*

13 (A) *by striking “, as added by section*
14 *101(a) and amended by the FISA Amendments*
15 *Reauthorization Act of 2017,” both places it ap-*
16 *pears and inserting “, as added by section*
17 *101(a) and as most recently amended,”; and*

18 (B) *by striking “, as amended by section*
19 *101(a) and by the FISA Amendments Reauthor-*
20 *ization Act of 2017,” and inserting “, as most*
21 *recently amended,” both places it appears.*

22 **SEC. 13. CRIMINAL PENALTIES FOR VIOLATIONS OF FISA.**

23 (a) *IN GENERAL.—Section 109 of the Foreign Intel-*
24 *ligence Surveillance Act of 1978 (50 U.S.C. 1809) is amend-*
25 *ed as follows:*

1 (1) *ADDITIONAL OFFENSES.—In subsection (a)—*

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

4 (B) *in paragraph (1)—*

5 (i) *by inserting “intentionally” before*
6 *“engages in”; and*

7 (ii) *by striking “or” at the end;*

8 (C) *in paragraph (2)—*

9 (i) *by inserting “intentionally” before*
10 *“disclose or uses”; and*

11 (ii) *by striking the period at the end*
12 *and inserting a semicolon; and*

13 (D) *by adding at the end the following:*

14 “(3) *knowingly submits any document to or*
15 *makes any false statement before the Foreign Intel-*
16 *ligence Surveillance Court or the Foreign Intelligence*
17 *Surveillance Court of Review, knowing such document*
18 *or statement to contain—*

19 “(A) *a false material declaration; or*

20 “(B) *a material omission; or*

21 “(4) *knowingly discloses the existence of an ap-*
22 *plication for an order authorizing surveillance under*
23 *this title, or any information contained therein, to*
24 *any person not authorized to receive such informa-*
25 *tion.”.*

1 (2) *ENHANCED PENALTIES.*—*In subsection (c), is*
2 *amended to read as follows:*

3 “(c) *PENALTIES.*—*In the case of an offense under any*
4 *of paragraphs (1) through (4) of subsection (a), the offense*
5 *is punishable by a fine of not more than \$10,000 or impris-*
6 *onment for not more than 8 years, or both.”.*

7 (b) *RULE OF CONSTRUCTION.*—*This Act and the*
8 *amendments made by this Act may not be construed to*
9 *interfere with the enforcement of section 798 of title 18,*
10 *United States Code, or any other provision of law regarding*
11 *the unlawful disclosure of classified information.*

12 **SEC. 14. CONTEMPT POWER OF FISC AND FISC-R.**

13 (a) *IN GENERAL.*—*Chapter 21 of title 18, United*
14 *States Code, is amended—*

15 (1) *in section 402, by inserting after “any dis-*
16 *trict court of the United States” the following: “, the*
17 *Foreign Intelligence Surveillance Court, the Foreign*
18 *Intelligence Surveillance Court of Review,”; and*

19 (2) *by adding at the end the following:*

20 **“§ 404. Definitions**

21 *“For purposes of this chapter—*

22 (1) *the term ‘court of the United States’ in-*
23 *cludes the Foreign Intelligence Surveillance Court or*
24 *the Foreign Intelligence Surveillance Court of Review;*
25 *and*

1 “(2) the terms ‘Foreign Intelligence Surveillance
2 Court’ and ‘Foreign Intelligence Surveillance Court of
3 Review’ have the meanings given such terms in sec-
4 tion 601(e) of the Foreign Intelligence Surveillance
5 Act of 1978.”.

6 (b) *CLERICAL AMENDMENT.*—The table of sections for
7 such chapter is amended by inserting after the item per-
8 taining to section 403 the following:

 “404. *Definitions.*”.

9 (c) *REPORT.*—Not later than one year after the date
10 of enactment, and annually thereafter the Foreign Intel-
11 ligence Surveillance Court and the Foreign Intelligence
12 Surveillance Court of Review (as such terms are defined
13 in section 601(e) of the Foreign Intelligence Surveillance
14 Act of 1978) shall jointly submit to Congress a report on
15 the exercise of authority under chapter 21 of title 18, United
16 States Code, by such courts during the previous year.

17 **SEC. 15. INCREASED PENALTIES FOR CIVIL ACTIONS.**

18 (a) *INCREASED PENALTIES.*—Section 110(a) of the
19 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
20 1810(a)) is amended to read as follows:

21 “(a) actual damages, but not less than liquidated
22 damages equal to the greater of—

23 “(1) if the aggrieved person is a United
24 States person, \$10,000 or \$1,000 per day for
25 each day of violation; or

1 “(2) for any other aggrieved person, \$1,000
2 or \$100 per day for each day of violation;”.

3 (b) *REPORTING REQUIREMENT.*—*Title I of the Foreign*
4 *Intelligence Surveillance Act of 1978 is amended by insert-*
5 *ing after section 110 the following:*

6 **“SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL AC-**
7 **TIONS.**

8 “(a) *REPORT TO CONGRESS.*—*If a court finds that a*
9 *person has violated this Act in a civil action under section*
10 *110, the head of the agency that employs that person shall*
11 *report to Congress on the administrative action taken*
12 *against that person pursuant to section 607 or any other*
13 *provision of law.*

14 “(b) *FISC.*—*If a court finds that a person has violated*
15 *this Act in a civil action under section 110, the head of*
16 *the agency that employs that person shall report the name*
17 *of such person to the Foreign Intelligence Surveillance*
18 *Court. The Foreign Intelligence Surveillance Court shall*
19 *maintain a list of each person about whom it received a*
20 *report under this subsection.”.*

1 **SEC. 16. ACCOUNTABILITY PROCEDURES FOR INCIDENTS**
 2 **RELATING TO QUERIES CONDUCTED BY THE**
 3 **FEDERAL BUREAU OF INVESTIGATION.**

4 (a) *IN GENERAL.*—*Title VII of the Foreign Intelligence*
 5 *Surveillance Act of 1978 (50 U.S.C. 1881 et seq.) is amend-*
 6 *ed by adding at the end the following:*

7 **“SEC. 709. ACCOUNTABILITY PROCEDURES FOR INCIDENTS**
 8 **RELATING TO QUERIES CONDUCTED BY THE**
 9 **FEDERAL BUREAU OF INVESTIGATION.**

10 “(a) *IN GENERAL.*—*The Director of the Federal Bu-*
 11 *reau of Investigation shall establish procedures to hold em-*
 12 *ployees of the Federal Bureau of Investigation accountable*
 13 *for violations of law, guidance, and procedure governing*
 14 *queries of information acquired pursuant to section 702.*

15 “(b) *ELEMENTS.*—*The procedures established under*
 16 *subsection (a) shall include the following:*

17 “(1) *Centralized tracking of individual employee*
 18 *performance incidents involving negligent violations*
 19 *of law, guidance, and procedure described in sub-*
 20 *section (a), over time.*

21 “(2) *Escalating consequences for such incidents,*
 22 *including—*

23 “(A) *consequences for initial incidents, in-*
 24 *cluding, at a minimum—*

25 “(i) *suspension of access to informa-*
 26 *tion acquired under this Act; and*

1 “(ii) documentation of the incident in
2 the personnel file of each employee respon-
3 sible for the violation; and

4 “(B) consequences for subsequent incidents,
5 including, at a minimum—

6 “(i) possible indefinite suspension of
7 access to information acquired under this
8 Act;

9 “(ii) reassignment of each employee re-
10 sponsible for the violation; and

11 “(iii) referral of the incident to the In-
12 spection Division of the Federal Bureau of
13 Investigation for review of potentially reck-
14 less conduct.

15 “(3) Clarification of requirements for referring
16 intentional misconduct and reckless conduct to the In-
17 spection Division of the Federal Bureau of Investiga-
18 tion for investigation and disciplinary action by the
19 Office of Professional Responsibility of the Federal
20 Bureau of Investigation.”.

21 (b) *CLERICAL AMENDMENT.*—The table of contents for
22 such Act is amended by inserting after the item relating
23 to section 708 the following:

 “709. Accountability procedures for incidents relating to queries conducted by the
 Federal Bureau of Investigation.”.

24 (c) *REPORT REQUIRED.*—

1 (1) *INITIAL REPORT.*—Not later than 180 days
2 after the date of the enactment of this Act, the Direc-
3 tor of the Federal Bureau of Investigation shall sub-
4 mit to the Committees on the Judiciary of the House
5 of Representatives and of the Senate and to the con-
6 gressional intelligence committees (as such term is de-
7 fined in section 801 of the Foreign Intelligence Sur-
8 veillance Act of 1978 (50 U.S.C. 1885)) a report de-
9 tailing the procedures established under section 709 of
10 the Foreign Intelligence Surveillance Act of 1978, as
11 added by subsection (a).

12 (2) *ANNUAL REPORT.*—Not later than 1 year
13 after the date of enactment of this Act, and annually
14 thereafter, the Federal Bureau of Investigation shall
15 submit to the Committees on the Judiciary of the
16 House of Representatives and of the Senate and to the
17 congressional intelligence committees (as such term is
18 defined in section 801 of the Foreign Intelligence Sur-
19 veillance Act of 1978 (50 U.S.C. 1885)) a report on
20 any disciplinary actions taken pursuant to the proce-
21 dures established under section 709 of the Foreign In-
22 telligence Surveillance Act of 1978, as added by sub-
23 section (a), including a description of the cir-
24 cumstances surrounding each such disciplinary ac-
25 tion, and the results of each such disciplinary action.

1 (3) *FORM.*—*The reports required under para-*
2 *graphs (1) and (2) shall be submitted in unclassified*
3 *form, but may include a classified annex to the extent*
4 *necessary to protect sources and methods.*

5 **SEC. 17. AGENCY PROCEDURES TO ENSURE COMPLIANCE.**

6 (a) *AGENCY PROCEDURES TO ENSURE COMPLIANCE.*—
7 *Title VI of the Foreign Intelligence Surveillance Act of 1978*
8 *(50 U.S.C. 1871 et seq.), as amended by this Act, is further*
9 *amended by adding at the end the following:*

10 **“SEC. 607. AGENCY PROCEDURES TO ENSURE COMPLIANCE.**

11 *“The head of each Federal department or agency au-*
12 *thorized to acquire foreign intelligence information under*
13 *this Act shall establish procedures—*

14 *“(1) setting forth clear rules on what constitutes*
15 *a violation of this Act by an officer or employee of*
16 *that department or agency; and*

17 *“(2) for taking appropriate adverse personnel ac-*
18 *tion against any officer or employee of the depart-*
19 *ment or agency who engages in such a violation, in-*
20 *cluding more severe adverse actions for any subse-*
21 *quent violation.”.*

22 (b) *CLERICAL AMENDMENT.*—*The table of contents for*
23 *the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
24 *1801 et seq.), as amended by this Act, is further amended*
25 *by adding at the end the following:*

“607. Agency procedures to ensure compliance.”.

1 (c) *REPORT.*—Not later than 3 months after the date
 2 of enactment of this Act, the head of each Federal depart-
 3 ment or agency that is required to establish procedures
 4 under section 607 of the Foreign Intelligence Surveillance
 5 Act of 1978 shall report to Congress on such procedures.

6 **SEC. 18. PROTECTION OF RECORDS HELD BY DATA BRO-**
 7 **KERS.**

8 Section 2702 of title 18, United States Code, is amend-
 9 ed by adding at the end the following:

10 “(e) *PROHIBITION ON OBTAINING IN EXCHANGE FOR*
 11 *ANYTHING OF VALUE CERTAIN RECORDS AND INFORMA-*
 12 *TION BY LAW ENFORCEMENT AND INTELLIGENCE AGEN-*
 13 *CIES.*—

14 “(1) *DEFINITIONS.*—In this subsection—

15 “(A) the term ‘covered customer or sub-
 16 scriber record’ means a covered record that is—

17 “(i) disclosed to a third party by—

18 “(I) a provider of an electronic
 19 communication service to the public or
 20 a provider of a remote computing serv-
 21 ice of which the covered person with re-
 22 spect to the covered record is a sub-
 23 scriber or customer; or

24 “(II) an intermediary service pro-
 25 vider that delivers, stores, or processes

1 *communications of such covered per-*
2 *son;*

3 “(ii) *collected by a third party from an*
4 *online account of a covered person; or*

5 “(iii) *collected by a third party from*
6 *or about an electronic device of a covered*
7 *person;*

8 “(B) *the term ‘covered person’ means—*

9 “(i) *a person who is located inside the*
10 *United States; or*

11 “(ii) *a person—*

12 “(I) *who is located outside the*
13 *United States or whose location cannot*
14 *be determined; and*

15 “(II) *who is a United States per-*
16 *son, as defined in section 101 of the*
17 *Foreign Intelligence Surveillance Act*
18 *of 1978 (50 U.S.C. 1801);*

19 “(C) *the term ‘covered record’ means a*
20 *record or other information that—*

21 “(i) *pertains to a covered person; and*

22 “(ii) *is—*

23 “(I) *a record or other information*
24 *described in the matter preceding*
25 *paragraph (1) of subsection (c);*

1 “(II) the contents of a commu-
2 nication; or

3 “(III) location information;

4 “(D) the term ‘electronic device’ has the
5 meaning given the term ‘computer’ in section
6 1030(e);

7 “(E) the term ‘illegitimately obtained infor-
8 mation’ means a covered record that—

9 “(i) was obtained—

10 “(I) from a provider of an elec-
11 tronic communication service to the
12 public or a provider of a remote com-
13 puting service in a manner that—

14 “(aa) violates the service
15 agreement between the provider
16 and customers or subscribers of
17 the provider; or

18 “(bb) is inconsistent with the
19 privacy policy of the provider;

20 “(II) by deceiving the covered per-
21 son whose covered record was obtained;
22 or

23 “(III) through the unauthorized
24 accessing of an electronic device or on-
25 line account; or

1 “(ii) was—

2 “(I) obtained from a provider of
3 an electronic communication service to
4 the public, a provider of a remote com-
5 puting service, or an intermediary
6 service provider; and

7 “(II) collected, processed, or
8 shared in violation of a contract relat-
9 ing to the covered record;

10 “(F) the term ‘intelligence community’ has
11 the meaning given that term in section 3 of the
12 National Security Act of 1947 (50 U.S.C. 3003);

13 “(G) the term ‘location information’ means
14 information derived or otherwise calculated from
15 the transmission or reception of a radio signal
16 that reveals the approximate or actual geo-
17 graphic location of a customer, subscriber, or de-
18 vice;

19 “(H) the term ‘obtain in exchange for any-
20 thing of value’ means to obtain by purchasing,
21 to receive in connection with services being pro-
22 vided for consideration, or to otherwise obtain in
23 exchange for consideration, including an access
24 fee, service fee, maintenance fee, or licensing fee;

1 “(I) the term ‘online account’ means an on-
2 line account with an electronic communication
3 service to the public or remote computing service;

4 “(J) the term ‘pertain’, with respect to a
5 person, means—

6 “(i) information that is linked to the
7 identity of a person; or

8 “(ii) information—

9 “(I) that has been anonymized to
10 remove links to the identity of a per-
11 son; and

12 “(II) that, if combined with other
13 information, could be used to identify
14 a person; and

15 “(K) the term ‘third party’ means a person
16 who—

17 “(i) is not a governmental entity; and

18 “(ii) in connection with the collection,
19 disclosure, obtaining, processing, or sharing
20 of the covered record at issue, was not act-
21 ing as—

22 “(I) a provider of an electronic
23 communication service to the public; or

24 “(II) a provider of a remote com-
25 puting service.

1 “(2) *LIMITATION.*—

2 “(A) *IN GENERAL.*—*A law enforcement*
3 *agency of a governmental entity and an element*
4 *of the intelligence community may not obtain*
5 *from a third party in exchange for anything of*
6 *value a covered customer or subscriber record or*
7 *any illegitimately obtained information.*

8 “(B) *INDIRECTLY ACQUIRED RECORDS AND*
9 *INFORMATION.*—*The limitation under subpara-*
10 *graph (A) shall apply without regard to whether*
11 *the third party possessing the covered customer*
12 *or subscriber record or illegitimately obtained in-*
13 *formation is the third party that initially ob-*
14 *tained or collected, or is the third party that ini-*
15 *tially received the disclosure of, the covered cus-*
16 *tomers or subscriber record or illegitimately ob-*
17 *tained information.*

18 “(3) *LIMIT ON SHARING BETWEEN AGENCIES.*—
19 *An agency of a governmental entity that is not a law*
20 *enforcement agency or an element of the intelligence*
21 *community may not provide to a law enforcement*
22 *agency of a governmental entity or an element of the*
23 *intelligence community a covered customer or sub-*
24 *scriber record or illegitimately obtained information*

1 *that was obtained from a third party in exchange for*
2 *anything of value.*

3 “(4) *PROHIBITION ON USE AS EVIDENCE.*—A
4 *covered customer or subscriber record or illegitimately*
5 *obtained information obtained by or provided to a*
6 *law enforcement agency of a governmental entity or*
7 *an element of the intelligence community in violation*
8 *of paragraph (2) or (3), and any evidence derived*
9 *therefrom, may not be received in evidence in any*
10 *trial, hearing, or other proceeding in or before any*
11 *court, grand jury, department, officer, agency, regu-*
12 *latory body, legislative committee, or other authority*
13 *of the United States, a State, or a political subdivi-*
14 *sion thereof.*

15 “(5) *MINIMIZATION PROCEDURES.*—

16 “(A) *IN GENERAL.*—*The Attorney General*
17 *shall adopt specific procedures that are reason-*
18 *ably designed to minimize the acquisition and*
19 *retention, and prohibit the dissemination, of in-*
20 *formation pertaining to a covered person that is*
21 *acquired in violation of paragraph (2) or (3).*

22 “(B) *USE BY AGENCIES.*—*If a law enforce-*
23 *ment agency of a governmental entity or element*
24 *of the intelligence community acquires informa-*
25 *tion pertaining to a covered person in violation*

1 of paragraph (2) or (3), the law enforcement
2 agency of a governmental entity or element of the
3 intelligence community shall minimize the ac-
4 quisition and retention, and prohibit the dis-
5 semination, of the information in accordance
6 with the procedures adopted under subparagraph
7 (A).”.

8 **SEC. 19. REQUIRED DISCLOSURE.**

9 Section 2703 of title 18, United States Code, is amend-
10 ed by adding at the end the following:

11 “(i) **COVERED CUSTOMER OR SUBSCRIBER RECORDS**
12 **AND ILLEGITIMATELY OBTAINED INFORMATION.**—

13 “(1) **DEFINITIONS.**—In this subsection, the terms
14 ‘covered customer or subscriber record’, ‘illegitimately
15 obtained information’, and ‘third party’ have the
16 meanings given such terms in section 2702(e).

17 “(2) **LIMITATION.**—Unless a governmental entity
18 obtains an order in accordance with paragraph (3),
19 the governmental entity may not require a third
20 party to disclose a covered customer or subscriber
21 record or any illegitimately obtained information if a
22 court order would be required for the governmental
23 entity to require a provider of remote computing serv-
24 ice or a provider of electronic communication service
25 to the public to disclose such a covered customer or

1 *subscriber record or illegitimately obtained informa-*
2 *tion that is a record of a customer or subscriber of*
3 *the provider.*

4 “(3) *ORDERS.*—

5 “(A) *IN GENERAL.*—*A court may only issue*
6 *an order requiring a third party to disclose a*
7 *covered customer or subscriber record or any ille-*
8 *gitimately obtained information on the same*
9 *basis and subject to the same limitations as*
10 *would apply to a court order to require disclo-*
11 *sure by a provider of remote computing service*
12 *or a provider of electronic communication service*
13 *to the public of a record of a customer or sub-*
14 *scriber of the provider.*

15 “(B) *STANDARD.*—*For purposes of subpara-*
16 *graph (A), a court shall apply the most stringent*
17 *standard under Federal statute or the Constitu-*
18 *tion of the United States that would be applica-*
19 *ble to a request for a court order to require a*
20 *comparable disclosure by a provider of remote*
21 *computing service or a provider of electronic*
22 *communication service to the public of a record*
23 *of a customer or subscriber of the provider.”.*

1 **SEC. 20. INTERMEDIARY SERVICE PROVIDERS.**

2 (a) *DEFINITION.*—Section 2711 of title 18, United
3 States Code, is amended—

4 (1) in paragraph (3), by striking “and” at the
5 end;

6 (2) in paragraph (4), by striking the period at
7 the end and inserting “; and”; and

8 (3) by adding at the end the following:

9 “(5) the term ‘intermediary service provider’
10 means an entity or facilities owner or operator that
11 directly or indirectly delivers, stores, or processes
12 communications for or on behalf of a provider of elec-
13 tronic communication service to the public or a pro-
14 vider of remote computing service.”.

15 (b) *PROHIBITION.*—Section 2702(a) of title 18, United
16 States Code, is amended—

17 (1) in paragraph (1), by striking “and” at the
18 end;

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

21 (3) in paragraph (3), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following:

24 “(4) an intermediary service provider shall not
25 knowingly divulge—

1 “(A) to any person or entity the contents of
2 a communication while in electronic storage by
3 that provider; or

4 “(B) to any governmental entity a record or
5 other information pertaining to a subscriber to
6 or customer of, a recipient of a communication
7 from a subscriber to or customer of, or the sender
8 of a communication to a subscriber to or cus-
9 tomer of, the provider of electronic communica-
10 tion service to the public or the provider of re-
11 mote computing service for, or on behalf of,
12 which the intermediary service provider directly
13 or indirectly delivers, transmits, stores, or proc-
14 esses communications.”.

15 **SEC. 21. LIMITS ON SURVEILLANCE CONDUCTED FOR FOR-**
16 **EIGN INTELLIGENCE PURPOSES OTHER THAN**
17 **UNDER THE FOREIGN INTELLIGENCE SUR-**
18 **VEILLANCE ACT OF 1978.**

19 (a) *IN GENERAL.*—Section 2511(2)(f) of title 18,
20 *United States Code*, is amended to read as follows:

21 “(f)(i)(A) Nothing contained in this chapter, chapter
22 121 or 206 of this title, or section 705 of the *Communica-*
23 *tions Act of 1934 (47 U.S.C. 151 et seq.)* shall be deemed
24 to affect an acquisition or activity described in clause (B)
25 that is carried out utilizing a means other than electronic

1 *surveillance, as defined in section 101 of the Foreign Intel-*
2 *ligence Surveillance Act of 1978 (50 U.S.C. 1801).*

3 “(B) *An acquisition or activity described in this clause*
4 *is—*

5 “(I) *an acquisition by the United States Govern-*
6 *ment of foreign intelligence information from inter-*
7 *national or foreign communications that—*

8 “(aa) *is acquired pursuant to express statu-*
9 *tory authority; or*

10 “(bb) *only includes information of persons*
11 *who are not United States persons and are lo-*
12 *cated outside the United States; or*

13 “(II) *a foreign intelligence activity involving a*
14 *foreign electronic communications system that—*

15 “(aa) *is conducted pursuant to express statu-*
16 *tory authority; or*

17 “(bb) *only involves the acquisition by the*
18 *United States Government of information of per-*
19 *sons who are not United States persons and are*
20 *located outside the United States.*

21 “(ii) *The procedures in this chapter, chapter 121, and*
22 *the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
23 *1801 et seq.) shall be the exclusive means by which electronic*
24 *surveillance, as defined in section 101 of such Act, and the*

1 *interception of domestic wire, oral, and electronic commu-*
2 *nications may be conducted.”.*

3 (b) *EXCLUSIVE MEANS RELATED TO COMMUNICATIONS*
4 *RECORDS.—The Foreign Intelligence Surveillance Act of*
5 *1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means*
6 *by which electronic communications transactions records,*
7 *call detail records, or other information from communi-*
8 *cations of United States persons or persons inside the United*
9 *States are acquired for foreign intelligence purposes inside*
10 *the United States or from a person or entity located in the*
11 *United States that provides telecommunications, electronic*
12 *communication, or remote computing services.*

13 (c) *EXCLUSIVE MEANS RELATED TO LOCATION INFOR-*
14 *MATION, WEB BROWSING HISTORY, AND INTERNET SEARCH*
15 *HISTORY.—*

16 (1) *DEFINITION.—In this subsection, the term*
17 *“location information” has the meaning given that*
18 *term in subsection (e) of section 2702 of title 18,*
19 *United States Code, as added by section 2 of this Act.*

20 (2) *EXCLUSIVE MEANS.—Title I and sections*
21 *303, 304, 703, 704, and 705 of the Foreign Intel-*
22 *ligence Surveillance Act of 1978 (50 U.S.C. 1801 et*
23 *seq., 1823, 1824, 1881b, 1881c, 1881d) shall be the ex-*
24 *clusive means by which location information, web*
25 *browsing history, and internet search history of*

1 *United States persons or persons inside the United*
2 *States are acquired for foreign intelligence purposes*
3 *inside the United States or from a person or entity*
4 *located in the United States.*

5 *(d) EXCLUSIVE MEANS RELATED TO FOURTH AMEND-*
6 *MENT-PROTECTED INFORMATION.—Title I and sections*
7 *303, 304, 703, 704, and 705 of the Foreign Intelligence Sur-*
8 *veillance Act of 1978 (50 U.S.C. 1801 et seq., 1823, 1824,*
9 *1881b, 1881c, 1881d) shall be the exclusive means by which*
10 *any information, records, data, or tangible things are ac-*
11 *quired for foreign intelligence purposes from a person or*
12 *entity located in the United States if the compelled produc-*
13 *tion of such information, records, data, or tangible things*
14 *would require a warrant for law enforcement purposes.*

15 *(e) DEFINITION.—In this section, the term “United*
16 *States person” has the meaning given that term in section*
17 *101 of the Foreign Intelligence Surveillance Act of 1978 (50*
18 *U.S.C. 1801).*

19 **SEC. 22. LIMIT ON CIVIL IMMUNITY FOR PROVIDING INFOR-**
20 **MATION, FACILITIES, OR TECHNICAL ASSIST-**
21 **ANCE TO THE GOVERNMENT ABSENT A**
22 **COURT ORDER.**

23 *Section 2511(2)(a) of title 18, United States Code, is*
24 *amended—*

1 (1) *in subparagraph (ii), by striking clause (B)*
2 *and inserting the following:*

3 “(B) *a certification in writing—*

4 *“(I) by a person specified in section 2518(7)*
5 *or the Attorney General of the United States;*

6 *“(II) that the requirements for an emer-*
7 *gency authorization to intercept a wire, oral, or*
8 *electronic communication under section 2518(7)*
9 *have been met; and*

10 *“(III) that the specified assistance is re-*
11 *quired,”; and*

12 (2) *by striking subparagraph (iii) and inserting*
13 *the following:*

14 “(iii) *For assistance provided pursuant to a certifi-*
15 *cation under subparagraph (ii)(B), the limitation on causes*
16 *of action under the last sentence of the matter following sub-*
17 *paragraph (ii)(B) shall only apply to the extent that the*
18 *assistance ceased at the earliest of the time the application*
19 *for a court order was denied, the time the communication*
20 *sought was obtained, or 48 hours after the interception*
21 *began.”.*

1 **SEC. 23. PROHIBITION ON REVERSE TARGETING OF UNITED**
2 **STATES PERSONS AND PERSONS LOCATED IN**
3 **THE UNITED STATES.**

4 *Section 702 of the Foreign Intelligence Surveillance*
5 *Act of 1978 (50 U.S.C. 1881a) is amended—*

6 *(1) in subsection (b)(2)—*

7 *(A) by striking “may not intentionally”*
8 *and inserting the following: “may not—*

9 *“(A) intentionally”; and*

10 *(B) in subparagraph (A), as designated by*
11 *subparagraph (A) of this paragraph, by striking*
12 *“if the purpose of such acquisition is to target a*
13 *particular, known person reasonably believed to*
14 *be in the United States;” and inserting the fol-*
15 *lowing: “if a significant purpose of such acquisi-*
16 *tion is to acquire the information of 1 or more*
17 *United States persons or persons reasonably be-*
18 *lieved to be located in the United States at the*
19 *time of acquisition or communication, unless—*

20 *“(i)(I) there is a reasonable belief that*
21 *an emergency exists involving an imminent*
22 *threat of death or serious bodily harm to*
23 *such United States person or person reason-*
24 *ably believed to be located in the United*
25 *States at the time of the query or the time*
26 *of acquisition or communication;*

1 “(II) the information is sought for the
2 purpose of assisting that person; and

3 “(III) a description of the targeting is
4 provided to the Foreign Intelligence Surveil-
5 lance Court and the appropriate committees
6 of Congress in a timely manner; or

7 “(ii) the United States person or per-
8 sons reasonably believed to be located in the
9 United States at the time of acquisition or
10 communication has provided consent to the
11 targeting, or if such person is incapable of
12 providing consent, a third party legally au-
13 thorized to consent on behalf of such person
14 has provided consent; and

15 “(B) in the case of information acquired pursu-
16 ant to subparagraph (A)(i) or evidence derived from
17 such targeting, be used, received in evidence, or other-
18 wise disseminated in any investigation, trial, hear-
19 ing, or other proceeding in or before any court, grand
20 jury, department, office, agency, regulatory body, leg-
21 islative committee, or other authority of the United
22 States, a State, or political subdivision thereof, except
23 in proceedings or investigations that arise from the
24 threat that prompted the targeting;”;

1 (2) *in subsection (d)(1), by amending subpara-*
2 *graph (A) to read as follows:*

3 “(A) *ensure that—*

4 “(i) *any acquisition authorized under*
5 *subsection (a) is limited to targeting per-*
6 *sons reasonably believed to be non-United*
7 *States persons located outside the United*
8 *States; and*

9 “(ii) *except as provided in subsection*
10 *(b)(2), a significant purpose of an acquisi-*
11 *tion is not to acquire the information of 1*
12 *or more United States persons or persons*
13 *reasonably believed to be in the United*
14 *States at the time of acquisition or commu-*
15 *nication; and”;*

16 (3) *in subsection (h)(2)(A)(i), by amending sub-*
17 *clause (I) to read as follows:*

18 “(I) *ensure that—*

19 “(aa) *an acquisition author-*
20 *ized under subsection (a) is lim-*
21 *ited to targeting persons reason-*
22 *ably believed to be non-United*
23 *States persons located outside the*
24 *United States; and*

1 “(bb) except as provided in
2 subsection (b)(2), a significant
3 purpose of an acquisition is not to
4 acquire the information of 1 or
5 more United States persons or
6 persons reasonably believed to be
7 in the United States at the time of
8 acquisition or communication;
9 and”;

10 (4) in subsection (j)(2)(B), by amending clause
11 (i) to read as follows:

12 “(i) ensure that—

13 “(I) an acquisition authorized
14 under subsection (a) is limited to tar-
15 geting persons reasonably believed to be
16 non-United States persons located out-
17 side the United States; and

18 “(II) except as provided in sub-
19 section (b)(2), a significant purpose of
20 an acquisition is not to acquire the in-
21 formation of 1 or more United States
22 persons or persons reasonably believed
23 to be in the United States at the time
24 of acquisition or communication; and”.

1 **SEC. 24. REQUIRED DISCLOSURE OF RELEVANT INFORMA-**
2 **TION IN FOREIGN INTELLIGENCE SURVEIL-**
3 **LANCE ACT OF 1978 APPLICATIONS.**

4 (a) *IN GENERAL.*—*The Foreign Intelligence Surveil-*
5 *lance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by*
6 *adding at the end the following:*

7 **“TITLE IX—CERTIFICATION RE-**
8 **GARDING ACCURACY PROCE-**
9 **DURES**

10 **“SEC. 901. CERTIFICATION REGARDING ACCURACY PROCE-**
11 **DURES.**

12 “(a) *DEFINITION OF ACCURACY PROCEDURES.*—*In*
13 *this section, the term ‘accuracy procedures’ means specific*
14 *procedures, adopted by the Attorney General, to ensure that*
15 *an application for a court order under this Act, including*
16 *any application for renewal of an existing order, is accu-*
17 *rate and complete, including procedures that ensure, at a*
18 *minimum, that—*

19 “(1) *the application reflects all information that*
20 *might reasonably call into question the accuracy of*
21 *the information or the reasonableness of any assess-*
22 *ment in the application, or otherwise raises doubts*
23 *about the requested findings;*

24 “(2) *the application reflects all material infor-*
25 *mation that might reasonably call into question the*
26 *reliability and reporting of any information from a*

1 *confidential human source that is used in the appli-*
2 *cation;*

3 *“(3) a complete file documenting each factual as-*
4 *sertion in an application is maintained;*

5 *“(4) the applicant coordinates with the appro-*
6 *priate elements of the intelligence community (as de-*
7 *fin ed in section 3 of the National Security Act of*
8 *1947 (50 U.S.C. 3003)), concerning any prior or ex-*
9 *isting relationship with the target of any surveillance,*
10 *search, or other means of investigation, and discloses*
11 *any such relationship in the application;*

12 *“(5) before any application targeting a United*
13 *States person is made, the applicant Federal officer*
14 *shall document that the officer has collected and re-*
15 *viewed for accuracy and completeness supporting doc-*
16 *umentation for each factual assertion in the applica-*
17 *tion; and*

18 *“(6) the applicant Federal agency establish com-*
19 *pliance and auditing mechanisms on an annual basis*
20 *to assess the efficacy of the accuracy procedures that*
21 *have been adopted and report such findings to the At-*
22 *torney General.*

23 *“(b) STATEMENT AND CERTIFICATION OF ACCURACY*
24 *PROCEDURES.—Any Federal officer making an application*

1 *for a court order under this Act shall include with the ap-*
2 *plication—*

3 “(1) *a description of the accuracy procedures*
4 *employed by the officer or the officer’s designee; and*

5 “(2) *a certification that the officer or the officer’s*
6 *designee has collected and reviewed for accuracy and*
7 *completeness—*

8 “(A) *supporting documentation for each*
9 *factual assertion contained in the application;*

10 “(B) *all information that might reasonably*
11 *call into question the accuracy of the informa-*
12 *tion or the reasonableness of any assessment in*
13 *the application, or otherwise raises doubts about*
14 *the requested findings; and*

15 “(C) *all material information that might*
16 *reasonably call into question the reliability and*
17 *reporting of any information from any confiden-*
18 *tial human source that is used in the applica-*
19 *tion.*

20 “(c) *NECESSARY FINDING FOR COURT ORDERS.—A*
21 *judge may not enter an order under this Act unless the*
22 *judge finds, in addition to any other findings required*
23 *under this Act, that the accuracy procedures described in*
24 *the application for the order, as required under subsection*

1 *(b)(1), are actually accuracy procedures as defined in this*
2 *section.”.*

3 *(b) CLERICAL AMENDMENT.—The table of contents of*
4 *the Foreign Intelligence Surveillance Act of 1978 is amend-*
5 *ed by adding at the end the following:*

“TITLE IX—CERTIFICATION REGARDING ACCURACY PROCEDURES
“Sec. 901. Certification regarding accuracy procedures.”.

6 **SEC. 25. ENHANCED ANNUAL REPORTS BY DIRECTOR OF**
7 **NATIONAL INTELLIGENCE.**

8 *(a) IN GENERAL.—Subsection (b) of section 603 of the*
9 *Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.*
10 *1873(b)) is amended—*

11 *(1) in paragraph (2)(C), by striking the semi-*
12 *colon and inserting “; and”;*

13 *(2) by redesignating paragraphs (3) through (7)*
14 *as paragraphs (6) through (10), respectively;*

15 *(3) by inserting after paragraph (2) the fol-*
16 *lowing:*

17 *“(3) a description of the subject matter of each*
18 *of the certifications provided under section 702(h);*

19 *“(4) statistics revealing the number of persons*
20 *and identifiers targeted under section 702(a),*
21 *disaggregated by certification under which the person*
22 *or identifier was targeted;*

23 *“(5) the total number of directives issued pursu-*
24 *ant to section 702(i)(1), disaggregated by each type of*

1 *electronic communication service provider described*
2 *in subparagraphs (A) through (E) of section*
3 *701(b)(4);”;*

4 *(4) in paragraph (9) (as redesignated in para-*
5 *graph (2) of this subsection), by striking “and” at the*
6 *end;*

7 *(5) in paragraph (10) (as redesignated in para-*
8 *graph (2) of this subsection), by striking the period*
9 *at the end and inserting a semicolon;*

10 *(6) by adding at the end the following:*

11 *“(11)(A) the total number of disseminated intel-*
12 *ligence reports derived from collection pursuant to*
13 *section 702 containing the identities of United States*
14 *persons regardless of whether the identities of the*
15 *United States persons were openly included or*
16 *masked;*

17 *“(B) the total number of disseminated intel-*
18 *ligence reports derived from collection not au-*
19 *thorized by this Act containing the identities of*
20 *United States persons regardless of whether the*
21 *identities of the United States persons were*
22 *openly included or masked;*

23 *“(C) the total number of disseminated intel-*
24 *ligence reports derived from collection pursuant*
25 *to section 702 containing the identities of United*

1 *States persons in which the identities of the*
2 *United States persons were masked;*

3 “(D) *the total number of disseminated intel-*
4 *ligence reports derived from collection not au-*
5 *thorized by this Act containing the identities of*
6 *United States persons in which the identities of*
7 *the United States persons were masked;*

8 “(E) *the total number of disseminated intel-*
9 *ligence reports derived from collection pursuant*
10 *to section 702 containing the identities of United*
11 *States persons in which the identities of the*
12 *United States persons were openly included; and*

13 “(F) *the total number of disseminated intel-*
14 *ligence reports derived from collection not au-*
15 *thorized by this Act containing the identities of*
16 *United States persons in which the identities of*
17 *the United States persons were openly included;*

18 “(12) *the number of queries conducted in an ef-*
19 *fort to find communications or information of or*
20 *about 1 or more United States persons or persons rea-*
21 *sonably believed to be located in the United States at*
22 *the time of the query or the time of the communica-*
23 *tion or creation of the information, where such com-*
24 *munications or information were obtained without a*

1 *court order, subpoena, or other legal process estab-*
2 *lished by statute;*

3 “(13) *the number of criminal proceedings in*
4 *which the Federal Government or a government of a*
5 *State or political subdivision thereof entered into evi-*
6 *dence or otherwise used or disclosed in a criminal*
7 *proceeding any information obtained or derived from*
8 *an acquisition conducted without a court order, sub-*
9 *poena, or other legal process established by statute;*
10 *and*

11 “(14) *a good faith estimate of what percentage of*
12 *the communications that are subject to the procedures*
13 *described in section 309(b)(3) of the Intelligence Au-*
14 *thorization Act for Fiscal Year 2015 (50 U.S.C.*
15 *1813(b)(3))—*

16 “(A) *are retained for longer than 5 years;*
17 *and*

18 “(B) *are retained for longer than 5 years in*
19 *whole in part because they are encrypted.”*

20 (b) *REPEAL OF NONAPPLICABILITY TO FEDERAL BU-*
21 *REAU OF INVESTIGATION OF CERTAIN REQUIREMENTS.—*

22 *Subsection (d) of such section is amended—*

23 (1) *by striking paragraph (2); and*

24 (2) *by redesignating paragraph (3) as para-*
25 *graph (2).*

1 (c) *CONFORMING AMENDMENT.*—Subsection (d)(1) of
2 such section is amended by striking “paragraphs (3), (5),
3 or (6)” and inserting “paragraph (6), (8), or (9)”.

4 **SEC. 26. QUARTERLY REPORT .**

5 Section 707 of the *Foreign Intelligence Surveillance*
6 *Act of 1978 (50 U.S.C. 1881f)* is amended by adding at
7 the end the following:

8 “(c) *QUARTERLY REPORT.*—The Attorney General, in
9 consultation with the Director of National Intelligence,
10 shall submit a report, each quarter, to the congressional in-
11 telligence committees and to the Committees on the Judici-
12 ary of the Senate and of the House of Representatives,
13 which shall include, for that quarter, the following:

14 “(1) The total number of warrants issued to con-
15 duct a query of information acquired under section
16 702.

17 “(2) The total number of times a query was con-
18 ducted pursuant to an exception under section
19 702(f)(2)(B) and which exceptions applied.

20 “(3) The total number of queries of information
21 acquired under section 702 that were conducted using
22 a United States person query term or a query term
23 pertaining to a person reasonably believed to be
24 present in the United States as of the date such query

1 *was conducted, disaggregated by the agency that con-*
2 *ducted the queries.”.*

Union Calendar No. 248

118TH CONGRESS
1ST Session

H. R. 6570

[Report No. 118-307, Part I]

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to reform certain authorities and to provide greater transparency and oversight.

DECEMBER 11, 2023

Reported from the Committee on the Judiciary with an amendment

DECEMBER 11, 2023

Permanent Select Committee on Intelligence discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed