

115TH CONGRESS
1ST SESSION

H. R. 4478

To amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 29, 2017

Mr. NUNES 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 Government 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

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, 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 “FISA Amendments Reauthorization Act of 2017”.

1 (b) TABLE OF CONTENTS.—The table of contents for
 2 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—ENHANCEMENTS TO FOREIGN INTELLIGENCE
 COLLECTION

- Sec. 101. Section 705 emergency provision.
 Sec. 102. Modification to definitions of foreign power and agent of a foreign
 power.

TITLE II—SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT

- Sec. 201. Querying procedures required.
 Sec. 202. Use and disclosure provisions.
 Sec. 203. Congressional review and oversight of abouts collection.
 Sec. 204. Publication of minimization procedures under section 702.
 Sec. 205. Compensation of amici curiae and technical experts.
 Sec. 206. Additional reporting requirements.
 Sec. 207. Procedures regarding dissemination of nonpublicly available informa-
 tion concerning United States persons.
 Sec. 208. Improvements to Privacy and Civil Liberties Oversight Board.
 Sec. 209. Privacy and civil liberties officers.

TITLE III—EXTENSION OF AUTHORITIES, INCREASED
 PENALTIES, REPORTS, AND OTHER MATTERS

- Sec. 301. Extension of title VII of FISA; effective dates.
 Sec. 302. Increased penalty for unauthorized removal and retention of classified
 documents or material.
 Sec. 303. Comptroller General study on the classification system and protection
 of classified information.
 Sec. 304. Technical amendments and amendments to improve procedures of the
 Foreign Intelligence Surveillance Court of Review.
 Sec. 305. Severability.

3 **SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE**
 4 **SURVEILLANCE ACT OF 1978.**

5 Except as otherwise expressly provided, whenever in
 6 this Act an amendment or repeal is expressed in terms
 7 of an amendment to, or a repeal of, a section or other
 8 provision, the reference shall be considered to be made to
 9 a section or other provision of the Foreign Intelligence
 10 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

1 **TITLE I—ENHANCEMENTS TO**
2 **FOREIGN INTELLIGENCE**
3 **COLLECTION**

4 **SEC. 101. SECTION 705 EMERGENCY PROVISION.**

5 Section 705 (50 U.S.C. 1881d) is amended by adding
6 at the end the following:

7 “(c) EMERGENCY AUTHORIZATION.—

8 “(1) CONCURRENT AUTHORIZATION.—If the
9 Attorney General authorized the emergency employ-
10 ment of electronic surveillance or a physical search
11 pursuant to section 105 or 304, the Attorney Gen-
12 eral may authorize, for the effective period of the
13 emergency authorization and subsequent order pur-
14 suant to section 105 or 304, without a separate
15 order under section 703 or 704, the targeting of a
16 United States person subject to such emergency em-
17 ployment for the purpose of acquiring foreign intel-
18 ligence information while such United States person
19 is reasonably believed to be located outside the
20 United States.

21 “(2) USE OF INFORMATION.—If an application
22 submitted to the Court pursuant to section 104 or
23 304 is denied, or in any other case in which the ac-
24 quisition pursuant to paragraph (1) is terminated
25 and no order with respect to the target of the acqui-

1 sition is issued under section 105 or 304, all infor-
2 mation obtained or evidence derived from such ac-
3 quisition shall be handled in accordance with section
4 704(d)(4).”.

5 **SEC. 102. MODIFICATION TO DEFINITIONS OF FOREIGN**
6 **POWER AND AGENT OF A FOREIGN POWER.**

7 (a) FOREIGN POWER.—Subsection (a) of section 101
8 (50 U.S.C. 1801) is amended—

9 (1) in paragraph (6), by striking “; or” and in-
10 serting a semicolon;

11 (2) in paragraph (7), by striking the period at
12 the end and inserting “; or”; and

13 (3) by adding at the end the following new
14 paragraph:

15 “(8) an entity not substantially composed of
16 United States persons that is engaged in inter-
17 national malicious cyber activity, or activities in
18 preparation therefor, that threatens the national de-
19 fense or security of the United States.”.

20 (b) AGENT OF A FOREIGN POWER.—Subsection
21 (b)(1) of such section (50 U.S.C. 1801) is amended—

22 (1) in subparagraph (D), by striking “; or” and
23 inserting a semicolon; and

24 (2) by adding at the end the following new sub-
25 paragraph:

1 “(F) engages in international malicious
2 cyber activity that threatens the national de-
3 fense or security of the United States, or activi-
4 ties in preparation therefor, for or on behalf of
5 a foreign power, or knowingly aids or abets any
6 person in the conduct of such international ma-
7 licious cyber activity or activities in preparation
8 therefor, or knowingly conspires with any per-
9 son to engage in such international malicious
10 cyber activity or activities in preparation there-
11 for; or”.

12 (c) INTERNATIONAL MALICIOUS CYBER ACTIVITY
13 DEFINED.—Such section (50 U.S.C. 1801) is further
14 amended by adding at the end the following new sub-
15 section:

16 “(q) The term ‘international malicious cyber activity’
17 means activity on or through an information system (as
18 defined by section 102 of the Cybersecurity Information
19 Sharing Act of 2015 (6 U.S.C. 1501))—

20 “(1) originating from, or directed by persons lo-
21 cated, in whole or in substantial part, outside the
22 United States;

23 “(2) that seeks to compromise or impair the
24 confidentiality, integrity, or availability of com-
25 puters, information systems or communications sys-

1 tems, networks, physical or virtual infrastructure
 2 controlled by computers or information systems, or
 3 information resident thereon; and

4 “(3) that is not authorized by the United States
 5 Government or otherwise carried out in accordance
 6 with Federal law.”.

7 **TITLE II—SAFEGUARDS, AC-**
 8 **COUNTABILITY, AND OVER-**
 9 **SIGHT**

10 **SEC. 201. QUERYING PROCEDURES REQUIRED.**

11 (a) QUERYING PROCEDURES.—

12 (1) IN GENERAL.—Section 702 (50 U.S.C.
 13 1881a) is amended—

14 (A) by redesignating subsections (f)
 15 through (l) as subsections (g) through (m), re-
 16 spectively; and

17 (B) by inserting after subsection (e) the
 18 following new subsection:

19 “(f) QUERIES.—

20 “(1) PROCEDURES REQUIRED.—

21 “(A) REQUIREMENT TO ADOPT.—The At-
 22 torney General, in consultation with the Direc-
 23 tor of National Intelligence, shall adopt
 24 querying procedures consistent with the require-
 25 ments of the Fourth Amendment to the Con-

1 stitution of the United States for information
2 collected pursuant to an authorization under
3 subsection (a).

4 “(B) RECORD OF UNITED STATES PERSON
5 QUERY TERMS.—The Attorney General, in con-
6 sultation with the Director of National Intel-
7 ligence, shall ensure that the procedures adopt-
8 ed under subparagraph (A) include a technical
9 procedure whereby a record is kept of each
10 United States person query term used for a
11 query.

12 “(C) JUDICIAL REVIEW.—The procedures
13 adopted in accordance with subparagraph (A)
14 shall be subject to judicial review pursuant to
15 subsection (j).

16 “(2) COURT ORDERS FOR ACCESS OF CONTENTS
17 FROM CERTAIN QUERIES.—

18 “(A) DISCRETION TO APPLY FOR COURT
19 ORDER.—Before accessing the contents of com-
20 munications acquired under subsection (a) that
21 were retrieved using a United States person
22 query term that was not designed to find and
23 extract foreign intelligence information, the
24 Federal Bureau of Investigation may apply for
25 an order of the Court under subparagraph (C).

1 “(B) JURISDICTION.—The Court shall
2 have jurisdiction to review an application and to
3 enter an order approving the access described
4 in subparagraph (A).

5 “(C) APPLICATION.—Each application for
6 an order under this paragraph shall be made by
7 a Federal officer in writing upon oath or affir-
8 mation to a judge having jurisdiction under
9 subparagraph (B). Each application shall re-
10 quire the approval of the Attorney General
11 based upon the finding of the Attorney General
12 that the application satisfies the criteria and re-
13 quirements of such application, as set forth in
14 this paragraph, and shall include—

15 “(i) the identity of the Federal officer
16 making the application; and

17 “(ii) an affidavit or other information
18 containing a statement of the facts and
19 circumstances relied upon by the applicant
20 to justify the belief of the applicant that
21 the contents of communications described
22 in subparagraph (A) covered by the appli-
23 cation would provide evidence of—

24 “(I) criminal activity;

1 “(II) contraband, fruits of a
2 crime, or other items illegally pos-
3 sessed by a third party; or

4 “(III) property designed for use,
5 intended for use, or used in commit-
6 ting a crime.

7 “(D) ORDER.—Upon an application made
8 pursuant to subparagraph (C), the Court shall
9 enter an order approving the access of the con-
10 tents of communications described in subpara-
11 graph (A) covered by the application if the
12 Court finds probable cause to believe that such
13 contents would provide any of the evidence de-
14 scribed in subparagraph (C)(ii).

15 “(3) QUERY DEFINED.—In this subsection, the
16 term ‘query’ means any instance in which informa-
17 tion the United States Government has acquired is
18 searched using one or more specific terms for the
19 purpose of discovering or retrieving unminimized
20 contents or noncontents of the communications of
21 United States persons.”.

22 (2) APPLICATION.—Subsection (f) of section
23 702 of the Foreign Intelligence Surveillance Act of
24 1978 (50 U.S.C. 1881a), as added by paragraph (1),
25 shall apply with respect to certifications submitted

1 under subsection (h) of such section to the Foreign
2 Intelligence Surveillance Court after January 1,
3 2018.

4 (b) CONFORMING AMENDMENTS.—

5 (1) AMENDMENTS TO SECTION 702 OF FISA.—

6 Such section 702 is further amended—

7 (A) in subsection (a), by striking “with
8 subsection (i)(3)” and inserting “with sub-
9 sections (j)(3)”;

10 (B) in subsection (c)—

11 (i) in paragraph (1)(B), by striking
12 “with subsection (g)” and inserting “with
13 subsection (h)”;

14 (ii) in paragraph (2), by striking “to
15 subsection (i)(3)” and inserting “to sub-
16 section (j)(3)”;

17 (iii) in paragraph (3)—

18 (I) in subparagraph (A), by strik-
19 ing “with subsection (g)” and insert-
20 ing “with subsection (h)”;

21 (II) in subparagraph (B)—

22 (aa) by striking “to sub-
23 section (i)(1)(C)” and inserting
24 “to subsection (j)(1)(C)”;

1 (bb) by striking “under sub-
2 section (i)” and inserting “under
3 subsection (j)”;

4 (C) in subsection (d)(2), by striking “to
5 subsection (i)” and inserting “to subsection
6 (j)”;

7 (D) in subsection (e)(2), by striking “to
8 subsection (i)” and inserting “to subsection
9 (j)”;

10 (E) in subsection (h), as redesignated by
11 subsection (a)(1)—

12 (i) in paragraph (2)(A)(iii), by strik-
13 ing “with subsection (f)” and inserting
14 “with subsection (g)”;

15 (ii) in paragraph (3), by striking
16 “with subsection (i)(1)(C)” and inserting
17 “with subsection (j)(1)(C)”;

18 (iii) in paragraph (6), by striking “to
19 subsection (i)” and inserting “to sub-
20 section (j)”;

21 (F) in subsection (j), as redesignated by
22 subsection (a)(1)—

23 (i) in paragraph (1)—

24 (I) in subparagraph (A), by strik-
25 ing “targeting and minimization pro-

1 cedures adopted in accordance with
2 subsections (d) and (e)” and inserting
3 “targeting, minimization, and
4 querying procedures adopted in ac-
5 cordance with subsections (d), (e),
6 and (f)(1)”;

7 (II) in subparagraph (B), by
8 striking “targeting and minimization
9 procedures adopted in accordance with
10 subsections (d) and (e)” and inserting
11 “targeting, minimization, and
12 querying procedures adopted in ac-
13 cordance with subsections (d), (e),
14 and (f)(1)”;

15 (III) in subparagraph (C), by
16 striking “targeting and minimization
17 procedures adopted in accordance with
18 subsections (d) and (e)” and inserting
19 “targeting, minimization, and
20 querying procedures adopted in ac-
21 cordance with subsections (d), (e),
22 and (f)(1)”;

23 (ii) in paragraph (2)—

1 (I) in subparagraph (A), by strik-
2 ing “with subsection (g)” and insert-
3 ing “with subsection (h)”;

4 (II) by adding at the end the fol-
5 lowing:

6 “(D) QUERYING PROCEDURES.—The
7 querying procedures adopted in accordance with
8 subsection (f)(1) to assess whether such proce-
9 dures comply with the requirements of such
10 subsection.”;

11 (iii) in paragraph (3)—

12 (I) in subparagraph (A)—

13 (aa) by striking “with sub-
14 section (g)” and inserting “with
15 subsection (h)”;

16 (bb) by striking “targeting
17 and minimization procedures
18 adopted in accordance with sub-
19 sections (d) and (e)” and insert-
20 ing “targeting, minimization, and
21 querying procedures adopted in
22 accordance with subsections (d),
23 (e), and (f)(1)”;

24 (II) in subparagraph (B), in the
25 matter before clause (i)—

1 (aa) by striking “with sub-
2 section (g)” and inserting “with
3 subsection (h)”;

4 (bb) by striking “with sub-
5 sections (d) and (e)” and insert-
6 ing “with subsections (d), (e),
7 and (f)(1)”;

8 (iv) in paragraph (5)(A)—

9 (I) by striking “with subsection
10 (g)” and inserting “with subsection
11 (h)”;

12 (II) by striking “with subsections
13 (d) and (e)” and inserting “with sub-
14 sections (d), (e), and (f)(1)”;

15 (G) in subsection (m), as redesignated by
16 subsection (a)(1)—

17 (i) in paragraph (1), in the matter be-
18 fore subparagraph (A)—

19 (I) by striking “targeting and
20 minimization procedures adopted in
21 accordance with subsections (d) and
22 (e)” and inserting “targeting, mini-
23 mization, and querying procedures
24 adopted in accordance with sub-
25 sections (d), (e), and (f)(1)”;

1 (II) by striking “with subsection
2 (f)” and inserting “with subsection
3 (g)”; and

4 (ii) in paragraph (2)(A)—

5 (I) by striking “targeting and
6 minimization procedures adopted in
7 accordance with subsections (d) and
8 (e)” and inserting “targeting, mini-
9 mization, and querying procedures
10 adopted in accordance with sub-
11 sections (d), (e), and (f)(1)”; and

12 (II) by striking “with subsection
13 (f)” and inserting “with subsection
14 (g)”.

15 (2) AMENDMENTS TO FISA.—The Foreign In-
16 telligence Surveillance Act of 1978 (50 U.S.C. 1801
17 et seq.) is further amended—

18 (A) by striking “section 702(h)” each
19 place it appears and inserting “section 702(i)”;
20

21 (B) by striking “section 702(g)” each
22 place it appears and inserting “section 702(h)”;
23

24 and

25 (C) in section 707(b)(1)(G)(ii), by striking
“subsections (d), (e), and (f)” and inserting
“subsections (d), (e), (f)(1), and (g)”.

1 (3) AMENDMENTS TO FISA AMENDMENTS ACT
2 OF 2008.—Section 404 of the Foreign Intelligence
3 Surveillance Act of 1978 Amendments Act of 2008
4 (Public Law 110–261; 50 U.S.C. 1801 note) is
5 amended—

6 (A) in subsection (a)(7)(B)—

7 (i) by striking “under section
8 702(i)(3)” and inserting “under section
9 702(j)(3)”; and

10 (ii) by striking “of section 702(i)(4)”
11 and inserting “of section 702(j)(4)”; and

12 (B) in subsection (b)—

13 (i) in paragraph (3)—

14 (I) in subparagraph (A), by strik-
15 ing “to section 702(h)” and inserting
16 “to section 702(i)”; and

17 (II) in subparagraph (B)—

18 (aa) by striking “section
19 702(h)(3) of” and inserting “sec-
20 tion 702(i)(3) of”; and

21 (bb) by striking “to section
22 702(h)” and inserting “to section
23 702(i)”; and

24 (ii) in paragraph (4)—

1 (I) in subparagraph (A), by strik-
2 ing “and sections 702(l)” and insert-
3 ing “and sections 702(m)”; and

4 (II) in subparagraph (B)(iv), by
5 striking “or section 702(l)” and in-
6 serting “or section 702(m)”.

7 **SEC. 202. USE AND DISCLOSURE PROVISIONS.**

8 (a) **END USE RESTRICTION.**—Section 706(a) (50
9 U.S.C. 1881e(a)) is amended—

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

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

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

14 “(2) **UNITED STATES PERSONS.**—

15 “(A) **IN GENERAL.**—Any information con-
16 cerning a United States person acquired under
17 section 702 shall not be used in evidence
18 against that United States person pursuant to
19 paragraph (1) in any criminal proceeding un-
20 less—

21 “(i) the Federal Bureau of Investiga-
22 tion obtained an order of the Foreign In-
23 telligence Surveillance Court to access such
24 information pursuant to section 702(f)(2);
25 or

1 “(ii) the Attorney General determines
2 that—

3 “(I) the criminal proceeding af-
4 fects, involves, or is related to the na-
5 tional security of the United States;
6 or

7 “(II) the criminal proceeding in-
8 volves—

9 “(aa) death;

10 “(bb) kidnapping;

11 “(cc) serious bodily injury,
12 as defined in section 1365 of title
13 18, United States Code;

14 “(dd) conduct that con-
15 stitutes a criminal offense that is
16 a specified offense against a
17 minor, as defined in section 111
18 of the Adam Walsh Child Protec-
19 tion and Safety Act of 2006 (34
20 U.S.C. 20911);

21 “(ee) incapacitation or de-
22 struction of critical infrastruc-
23 ture, as defined in section
24 1016(e) of the USA PATRIOT
25 Act (42 U.S.C. 5195c(e));

1 “(ff) cybersecurity, including
2 conduct described in section
3 1016(e) of the USA PATRIOT
4 Act (42 U.S.C. 5195c(e)) or sec-
5 tion 1029, 1030, or 2511 of title
6 18, United States Code;

7 “(gg) transnational crime,
8 including transnational narcotics
9 trafficking and transnational or-
10 ganized crime; or

11 “(hh) human trafficking.

12 “(B) NO JUDICIAL REVIEW.—A determina-
13 tion by the Attorney General under subpara-
14 graph (A)(ii) is not subject to judicial review.”.

15 (b) INTELLIGENCE COMMUNITY DISCLOSURE PROVI-
16 SION.—Section 603 (50 U.S.C. 1873) is amended—

17 (1) in subsection (b)—

18 (A) in paragraph (1), by striking “good
19 faith estimate of the number of targets of such
20 orders;” and inserting the following: “good faith
21 estimate of—

22 “(A) the number of targets of such orders;

23 “(B) the number of targets of such orders
24 who are known to not be United States persons;
25 and

1 “(C) the number of targets of such orders
2 who are known to be United States persons;”;

3 (B) in paragraph (2)—

4 (i) by redesignating subparagraphs
5 (A) and (B) as subparagraphs (B) and
6 (C), respectively;

7 (ii) by inserting before subparagraph
8 (B), as so redesignated, the following:

9 “(A) the number of targets of such or-
10 ders;”;

11 (iii) in subparagraph (B), as so redesi-
12 gnated, by striking “and” at the end; and

13 (iv) by adding at the end the fol-
14 lowing:

15 “(D) the number of instances in which the
16 Federal Bureau of Investigation has received
17 and reviewed the unminimized contents of elec-
18 tronic communications or wire communications
19 concerning a United States person obtained
20 through acquisitions authorized under such sec-
21 tion in response to a search term that was rea-
22 sonably designed to find evidence of a crime
23 that would not be considered foreign intel-
24 ligence information; and

1 “(E) the number of instances in which the
2 Federal Bureau of Investigation opened, under
3 the Criminal Investigative Division or any suc-
4 cessor division, an investigation of a United
5 States person (who is not considered a threat to
6 national security) based wholly or in part on an
7 acquisition authorized under such section;”;

8 (C) in paragraph (3)(A), by striking “or-
9 ders; and” and inserting the following: “orders,
10 including—

11 “(i) the number of targets of such or-
12 ders who are known to not be United
13 States persons; and

14 “(ii) the number of targets of such or-
15 ders who are known to be United States
16 persons; and”;

17 (D) by redesignating paragraphs (4), (5),
18 and (6) as paragraphs (5), (6), and (7), respec-
19 tively; and

20 (E) by inserting after paragraph (3) the
21 following:

22 “(4) the number of criminal proceedings in
23 which the United States or a State or political sub-
24 division thereof provided notice pursuant to sub-
25 section (c) or (d) of section 106 (including with re-

1 spect to information acquired from an acquisition
2 conducted under section 702) or subsection (d) or
3 (e) of section 305 of the intent of the government
4 to enter into evidence or otherwise use or disclose
5 any information obtained or derived from electronic
6 surveillance, physical search, or an acquisition con-
7 ducted pursuant to this Act;” and

8 (2) in subsection (d)—

9 (A) in paragraph (1), by striking “(4), or
10 (5)” and inserting “(5), or (6)”;

11 (B) in paragraph (2)(A), by striking
12 “(2)(A), (2)(B), and (5)(C)” and inserting
13 “(2)(B), (2)(C), and (6)(C)” and

14 (C) in paragraph (3)(A), in the matter
15 preceding clause (i), by striking “subsection
16 (b)(2)(B)” and inserting “subsection
17 (b)(2)(C)”.

18 **SEC. 203. CONGRESSIONAL REVIEW AND OVERSIGHT OF**
19 **ABOUTS COLLECTION.**

20 (a) IN GENERAL.—Section 702(b) (50 U.S.C.
21 1881a(b)) is amended—

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

24 (2) by redesignating paragraph (5) as para-
25 graph (6); and

1 (3) by inserting after paragraph (4) the fol-
2 lowing:

3 “(5) may not intentionally acquire communica-
4 tions that contain a reference to, but are not to or
5 from, a facility, place, premises, or property at
6 which an acquisition authorized under subsection (a)
7 is directed or conducted, except as provided under
8 section 203(b) of the FISA Amendments Reauthor-
9 ization Act of 2017; and”.

10 (b) CONGRESSIONAL REVIEW AND OVERSIGHT OF
11 ABOUTS COLLECTION.—

12 (1) DEFINITIONS.—In this subsection:

13 (A) The term “abouts communication”
14 means a communication that contains reference
15 to, but is not to or from, a facility, a place,
16 premises, or property at which an acquisition
17 authorized under section 702(a) of the Foreign
18 Intelligence Surveillance Act of 1978 (50
19 U.S.C. 1881a(a)) is directed or conducted.

20 (B) The term “material breach” means
21 significant noncompliance with applicable law or
22 an order of the Foreign Intelligence Surveil-
23 lance Court concerning any acquisition of
24 abouts communications.

25 (2) SUBMISSION TO CONGRESS.—

1 (A) REQUIREMENT.—Notwithstanding any
2 other provision of law, and except as provided
3 in paragraph (4), if the Attorney General and
4 the Director of National Intelligence intend to
5 implement the authorization of the intentional
6 acquisition of abouts communications, before
7 the first such implementation after the date of
8 enactment of this Act, the Attorney General
9 and the Director of National Intelligence shall
10 submit to the Committee on the Judiciary and
11 the Select Committee on Intelligence of the
12 Senate and the Committee on the Judiciary and
13 the Permanent Select Committee on Intelligence
14 of the House of Representatives a written no-
15 tice of the intent to implement the authoriza-
16 tion of such an acquisition, and any supporting
17 materials in accordance with this subsection.

18 (B) CONGRESSIONAL REVIEW PERIOD.—
19 During the 30-day period beginning on the date
20 written notice is submitted under subparagraph
21 (A), the Committee on the Judiciary and the
22 Select Committee on Intelligence of the Senate
23 and the Committee on the Judiciary and the
24 Permanent Select Committee on Intelligence of
25 the House of Representatives shall, as appro-

1 appropriate, hold hearings and briefings and other-
2 wise obtain information in order to fully review
3 the written notice.

4 (C) LIMITATION ON ACTION DURING CON-
5 GRESSIONAL REVIEW PERIOD.—Notwith-
6 standing any other provision of law, and subject
7 to paragraph (4), unless the Attorney General
8 and the Director of National Intelligence make
9 a determination pursuant to section 702(c)(2)
10 of the Foreign Intelligence Surveillance Act of
11 1978 (50 U.S.C. 1881a(c)(2)), the Attorney
12 General and the Director of National Intel-
13 ligence may not implement the authorization of
14 the intentional acquisition of abouts commu-
15 nications before the end of the period described
16 in subparagraph (B).

17 (3) WRITTEN NOTICE.—Written notice under
18 paragraph (2)(A) shall include the following:

19 (A) A copy of any certification submitted
20 to the Foreign Intelligence Surveillance Court
21 pursuant to subsection section 702 of the For-
22 eign Intelligence Surveillance Act of 1978 (50
23 U.S.C. 1881a), or amendment thereto, author-
24 izing the intentional acquisition of abouts com-
25 munications, including all affidavits, proce-

1 dures, exhibits, and attachments submitted
2 therewith.

3 (B) The decision, order, or opinion of the
4 Foreign Intelligence Surveillance Court approv-
5 ing such certification, and any pleadings, appli-
6 cations, or memoranda of law associated with
7 such decision, order, or opinion.

8 (C) A summary of the protections in place
9 to detect any material breach.

10 (D) Data or other results of modeling, sim-
11 ulation, or auditing of sample data dem-
12 onstrating that any acquisition method involv-
13 ing the intentional acquisition of abouts com-
14 munications shall be conducted in accordance
15 with title VII of the Foreign Intelligence Sur-
16 veillance Act of 1978 (50 U.S.C. 1881 et seq.),
17 if such data or other results exist at the time
18 the written notice is submitted and were pro-
19 vided to the Foreign Intelligence Surveillance
20 Court.

21 (E) Except as provided under paragraph
22 (4), a statement that no acquisition authorized
23 under subsection (a) of such section 702 shall
24 include the intentional acquisition of an abouts

1 communication until after the end of the 30-day
2 period described in paragraph (2)(B).

3 (4) EXCEPTION FOR EMERGENCY ACQUISITION.—
4

5 (A) NOTICE OF DETERMINATION.—If the
6 Attorney General and the Director of National
7 Intelligence make a determination pursuant to
8 section 702(c)(2) of the Foreign Intelligence
9 Surveillance Act of 1978 (50 U.S.C.
10 1881a(c)(2)) with respect to the intentional ac-
11 quisition of abouts communications, the Attor-
12 ney General and the Director of National Intel-
13 ligence shall notify the Committee on the Judi-
14 ciary and the Select Committee on Intelligence
15 of the Senate and the Committee on the Judici-
16 ary and the Permanent Select Committee on
17 Intelligence of the House of Representatives as
18 soon as practicable, but not later than 7 days
19 after the determination is made.

20 (B) IMPLEMENTATION OR CONTINU-
21 ATION.—

22 (i) IN GENERAL.—If the Foreign In-
23 telligence Surveillance Court approves a
24 certification that authorizes the intentional
25 acquisition of abouts communications be-

1 fore the end of the 30-day period described
2 in paragraph (2)(B), the Attorney General
3 and the Director of National Intelligence
4 may authorize the immediate implementa-
5 tion or continuation of that certification if
6 the Attorney General and the Director of
7 National Intelligence jointly determine that
8 exigent circumstances exist such that with-
9 out such immediate implementation or con-
10 tinuation intelligence important to the na-
11 tional security of the United States may be
12 lost or not timely acquired.

13 (ii) NOTICE.—The Attorney General
14 and Director of National Intelligence shall
15 submit to the Committee on the Judiciary
16 and the Select Committee on Intelligence
17 of the Senate and the Committee on the
18 Judiciary and the Permanent Select Com-
19 mittee on Intelligence of the House of Rep-
20 resentatives notification of a determination
21 pursuant to clause (i) as soon as prac-
22 ticable, but not later than 3 days after the
23 determination is made.

1 (5) REPORTING OF MATERIAL BREACH.—Sub-
2 section (m) of section 702 (50 U.S.C. 1881a), as re-
3 designated by section 201, is amended—

4 (A) in the heading by striking “AND RE-
5 VIEWS” and inserting “REVIEWS, AND REPORT-
6 ING”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(4) REPORTING OF MATERIAL BREACH.—

10 “(A) IN GENERAL.—The head of each ele-
11 ment of the intelligence community involved in
12 the acquisition of abouts communications shall
13 fully and currently inform the Committees on
14 the Judiciary of the House of Representatives
15 and the Senate and the congressional intel-
16 ligence committees of a material breach.

17 “(B) DEFINITIONS.—In this paragraph:

18 “(i) The term ‘abouts communication’
19 means a communication that contains ref-
20 erence to, but is not to or from, a facility,
21 a place, premises, or property at which an
22 acquisition authorized under subsection (a)
23 is directed or conducted.

24 “(ii) The term ‘material breach’
25 means significant noncompliance with ap-

1 pllicable law or an order of the Foreign In-
2 telligence Surveillance Court concerning
3 any acquisition of abouts communica-
4 tions.”.

5 (6) APPOINTMENT OF AMICI CURIAE BY FOR-
6 EIGN INTELLIGENCE SURVEILLANCE COURT.—For
7 purposes of section 103(i)(2)(A) of the Foreign In-
8 telligence Surveillance Act of 1978 (50 U.S.C.
9 1803(i)(2)(A)), the Foreign Intelligence Surveillance
10 Court shall treat the first certification under section
11 702(g) of such Act (50 U.S.C. 1881a(g)) or amend-
12 ment thereto that authorizes the acquisition of
13 abouts communications as presenting a novel or sig-
14 nificant interpretation of the law, unless the court
15 determines otherwise.

16 **SEC. 204. PUBLICATION OF MINIMIZATION PROCEDURES**
17 **UNDER SECTION 702.**

18 Section 702(e) (50 U.S.C. 1881a(e)) is amended by
19 adding at the end the following new paragraph:

20 “(3) PUBLICATION.—The Director of National
21 Intelligence, in consultation with the Attorney Gen-
22 eral, shall—

23 “(A) conduct a declassification review of
24 any minimization procedures adopted or amend-
25 ed in accordance with paragraph (1); and

1 “(B) consistent with such review, and not
2 later than 180 days after conducting such re-
3 view, make such minimization procedures pub-
4 licly available to the greatest extent practicable,
5 which may be in redacted form.”.

6 **SEC. 205. COMPENSATION OF AMICI CURIAE AND TECH-**
7 **NICAL EXPERTS.**

8 Subsection (i) of section 103 (50 U.S.C. 1803) is
9 amended by adding at the end the following:

10 “(11) COMPENSATION.—Notwithstanding any
11 other provision of law, a court established under
12 subsection (a) or (b) may compensate an amicus cu-
13 riae appointed under paragraph (2) for assistance
14 provided under such paragraph as the court con-
15 siders appropriate and at such rate as the court con-
16 siders appropriate.”.

17 **SEC. 206. ADDITIONAL REPORTING REQUIREMENTS.**

18 (a) ELECTRONIC SURVEILLANCE.—Section 107 (50
19 U.S.C. 1807) is amended to read as follows:

20 **“SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.**

21 “(a) ANNUAL REPORT.—In April of each year, the
22 Attorney General shall transmit to the Administrative Of-
23 fice of the United States Courts and to the congressional
24 intelligence committees and the Committees on the Judici-
25 ary of the House of Representatives and the Senate a re-

1 port setting forth with respect to the preceding calendar
2 year—

3 “(1) the total number of applications made for
4 orders and extensions of orders approving electronic
5 surveillance under this title;

6 “(2) the total number of such orders and exten-
7 sions either granted, modified, or denied; and

8 “(3) the total number of persons who were sub-
9 ject to electronic surveillance conducted under an
10 order or emergency authorization under this title,
11 rounded to the nearest 500, including the number of
12 such individuals who are United States persons, re-
13 ported to the nearest band of 500, starting with 0–
14 499.

15 “(b) FORM.—Each report under subsection (a) shall
16 be submitted in unclassified form, to the extent consistent
17 with national security. Not later than 7 days after the date
18 on which the Attorney General submits each such report,
19 the Attorney General shall make the report publicly avail-
20 able, or, if the Attorney General determines that the re-
21 port cannot be made publicly available consistent with na-
22 tional security, the Attorney General may make publicly
23 available an unclassified summary of the report or a re-
24 dacted version of the report.”.

1 (b) PEN REGISTERS AND TRAP AND TRACE DE-
2 VICES.—Section 406 (50 U.S.C. 1846) is amended—

3 (1) in subsection (b)—

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

6 (B) in paragraph (5), by striking the pe-
7 riod at the end and inserting “; and”; and

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

10 “(6) a good faith estimate of the total number
11 of subjects who were targeted by the installation and
12 use of a pen register or trap and trace device under
13 an order or emergency authorization issued under
14 this title, rounded to the nearest 500, including—

15 “(A) the number of such subjects who are
16 United States persons, reported to the nearest
17 band of 500, starting with 0–499; and

18 “(B) of the number of United States per-
19 sons described in subparagraph (A), the num-
20 ber of persons whose information acquired pur-
21 suant to such order was reviewed or accessed by
22 a Federal officer, employee, or agent, reported
23 to the nearest band of 500, starting with 0–
24 499.”; and

1 (2) by adding at the end the following new sub-
2 section:

3 “(c) Each report under subsection (b) shall be sub-
4 mitted in unclassified form, to the extent consistent with
5 national security. Not later than 7 days after the date on
6 which the Attorney General submits such a report, the At-
7 torney General shall make the report publicly available,
8 or, if the Attorney General determines that the report can-
9 not be made publicly available consistent with national se-
10 curity, the Attorney General may make publicly available
11 an unclassified summary of the report or a redacted
12 version of the report.”.

13 **SEC. 207. PROCEDURES REGARDING DISSEMINATION OF**
14 **NONPUBLICLY AVAILABLE INFORMATION**
15 **CONCERNING UNITED STATES PERSONS.**

16 (a) PROCEDURES.—

17 (1) IN GENERAL.—Title V of the National Se-
18 curity Act of 1947 (50 U.S.C. 3091 et seq.) is
19 amended by adding at the end the following new sec-
20 tion:

21 **“SEC. 512. PROCEDURES REGARDING DISSEMINATION OF**
22 **NONPUBLICLY AVAILABLE INFORMATION**
23 **CONCERNING UNITED STATES PERSONS.**

24 “(a) PROCEDURES.—The head of each element of the
25 intelligence community, in consultation with the Director

1 of National Intelligence, shall develop and maintain proce-
2 dures for that element to respond to covered requests.

3 “(b) REQUIREMENTS.—The procedures under sub-
4 section (a) shall ensure, at a minimum, the following:

5 “(1) The originating element documents in
6 writing each covered request received by the element,
7 including—

8 “(A) the name or title of the individual of
9 the requesting element who is making the re-
10 quest;

11 “(B) the name or title of each individual
12 who will receive the United States person iden-
13 tity information sought by the covered request;
14 and

15 “(C) a fact-based justification describing
16 why such United States person identity infor-
17 mation is required by each individual described
18 in subparagraph (B) to carry out the duties of
19 the individual.

20 “(2) A covered request may only be approved
21 by the head of the originating element or by officers
22 or employees of such element to whom the head has
23 specifically delegated such authority.

1 “(3) The originating element retains records on
2 covered requests, including the disposition of such
3 requests, for not less than 5 years.

4 “(4) The records described in paragraph (3) in-
5 clude, with respect to approved covered requests, the
6 name or title of the individual of the originating ele-
7 ment who approved such request.

8 “(5) The procedures include an exception
9 that—

10 “(A) allows for the immediate disclosure of
11 United States person identity information in
12 the event of exigent circumstances or where a
13 delay could result in the loss of intelligence; and

14 “(B) requires that promptly after such dis-
15 closure the requesting element makes a covered
16 request with respect to such information.

17 “(6) If a covered request is made during a pe-
18 riod beginning on the date of a general election for
19 President and ending on the date on which such
20 President is inaugurated—

21 “(A) the documentation under paragraph
22 (1) includes whether—

23 “(i) the individual of a requesting ele-
24 ment who is making the request knows or
25 believes that any United States person

1 identity sought by the request is of an in-
2 dividual who is a member of the transition
3 team of the President-elect and Vice-Presi-
4 dent-elect; or

5 “(ii) based on the intelligence commu-
6 nity report to which the request pertains,
7 the originating element knows or reason-
8 ably believes that any United States person
9 identity sought by the request is of an in-
10 dividual who is a member of the transition
11 team of the President-elect and Vice-Presi-
12 dent-elect;

13 “(B) the approval made pursuant to para-
14 graph (2) of a covered request that contains a
15 United States person identity described in sub-
16 paragraph (A) is subject to the concurrence of
17 the general counsel of the originating element
18 (or, in the absence of the general counsel, the
19 first assistant general counsel) that the dissemi-
20 nation of such identity information is in accord-
21 ance with the procedures under subsection (a);
22 and

23 “(C) consistent with due regard for the
24 protection from unauthorized disclosure of clas-
25 sified information relating to sensitive intel-

1 intelligence sources and methods or other exception-
2 ally sensitive matters, the head of the origi-
3 nating element notifies the chairmen and rank-
4 ing minority members of the congressional in-
5 telligence committees of any approval described
6 in subparagraph (B) by not later than 14 days
7 after the date of such approval.

8 “(c) ANNUAL REPORTS.—Not later than April 30 of
9 each year, the head of each element of the intelligence
10 community shall submit to the congressional intelligence
11 committees a report documenting, with respect to the year
12 covered by the report—

13 “(1) the total number of covered requests re-
14 ceived by that element;

15 “(2) of such total number, the number of re-
16 quests approved;

17 “(3) of such total number, the number of re-
18 quests denied; and

19 “(4) for each number calculated under para-
20 graphs (1) through (3), the number listed by each
21 requesting element.

22 “(d) CERTAIN PROCEDURES REGARDING CONGRES-
23 SIONAL IDENTITY INFORMATION.—

24 “(1) REQUIREMENTS.—With respect to the dis-
25 semination of congressional identity information, the

1 head of each element of the intelligence community
2 shall carry out this section in accordance with annex
3 A of Intelligence Community Directive 112, or suc-
4 cessor annex or directive.

5 “(2) NOTIFICATION.—The Director of National
6 Intelligence may not modify or supersede annex A of
7 Intelligence Community Directive 112, or successor
8 annex or directive, unless—

9 “(A) the Director notifies the congressional
10 intelligence committees of the proposed modi-
11 fications or new annex or directive; and

12 “(B) a period of 30 days elapses following
13 such notification.

14 “(e) EFFECT ON MINIMIZATION PROCEDURES.—The
15 requirements of this section are in addition to any mini-
16 mization procedures established pursuant to the Foreign
17 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et
18 seq.), Executive Order No. 12333 (50 U.S.C. 3001 note),
19 or successor order, or other relevant provision of law or
20 Executive order.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘covered request’ means a re-
23 quest by a requesting element to an originating ele-
24 ment for nonpublic identifying information with re-
25 spect to a known unconsenting United States person

1 that was omitted from an intelligence community re-
2 port disseminated by the originating element.

3 “(2) The term ‘originating element’ means an
4 element of the intelligence community that dissemi-
5 nates an intelligence community report that contains
6 a reference to a known unconsenting United States
7 person but omits nonpublic identifying information
8 with respect to such person.

9 “(3) The term ‘requesting element’ means an
10 element of the United States Government that re-
11 ceives an intelligence community report from an
12 originating element and makes a covered request
13 with respect to such report.

14 “(4) The term ‘United States person’ has the
15 meaning given the term in section 101 of the For-
16 eign Intelligence Surveillance Act of 1978 (50
17 U.S.C. 1801).”.

18 (2) CLERICAL AMENDMENT.—The table of con-
19 tents in the first section of the National Security
20 Act of 1947 is amended by inserting after the item
21 relating to section 511 the following new item:

“Sec. 512. Procedures regarding dissemination of nonpublicly available infor-
mation concerning United States persons.”.

22 (b) DEVELOPMENT OF PROCEDURES.—The head of
23 each element of the intelligence community shall develop
24 the procedures required by section 512(a) of the National

1 Security Act of 1947, as added by subsection (a)(1), by
2 not later than 90 days after the date of the enactment
3 of this Act.

4 (c) REPORT.—Not later than December 31, 2018, the
5 Director of National Intelligence shall submit to the Per-
6 manent Select Committee on Intelligence of the House of
7 Representatives and the Select Committee on Intelligence
8 of the Senate a report assessing the compliance with the
9 procedures required by section 512(a) of the National Se-
10 curity Act of 1947, as added by subsection (a)(1).

11 **SEC. 208. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**
12 **ERTIES OVERSIGHT BOARD.**

13 (a) APPOINTMENT OF STAFF.—Subsection (j) of sec-
14 tion 1061 of the Intelligence Reform and Terrorism Pre-
15 vention Act of 2004 (42 U.S.C. 2000ee(j)) is amended—

16 (1) by redesignating paragraphs (2) and (3) as
17 paragraphs (3) and (4), respectively; and

18 (2) by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) APPOINTMENT IN ABSENCE OF CHAIR-
21 MAN.—If the position of chairman of the Board is
22 vacant, during the period of the vacancy, the Board,
23 at the direction of the unanimous vote of the serving
24 members of the Board, may exercise the authority of
25 the chairman under paragraph (1).”.

1 (b) MEETINGS.—Subsection (f) of such section (42
2 U.S.C. 2000ee(f)) is amended—

3 (1) by striking “The Board shall” and inserting
4 “The Board”;

5 (2) in paragraph (1) by striking “make its” and
6 inserting “shall make its”; and

7 (3) in paragraph (2)—

8 (A) by striking “hold public” and inserting
9 “shall hold public”; and

10 (B) by inserting before the period at the
11 end the following: “, but may, notwithstanding
12 section 552b of title 5, United States Code,
13 meet or otherwise communicate in any number
14 to confer or deliberate in a manner that is
15 closed to the public”.

16 **SEC. 209. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

17 Section 1062(a) of the Intelligence Reform and Ter-
18 rorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a))
19 is amended by inserting “, the Director of the National
20 Security Agency, the Director of the Federal Bureau of
21 Investigation” after “the Director of the Central Intel-
22 ligence Agency”.

1 **TITLE III—EXTENSION OF AU-**
2 **THORITIES, INCREASED PEN-**
3 **ALTIES, REPORTS, AND**
4 **OTHER MATTERS**

5 **SEC. 301. EXTENSION OF TITLE VII OF FISA; EFFECTIVE**
6 **DATES.**

7 (a) EXTENSION.—Section 403(b) of the FISA
8 Amendments Act of 2008 (Public Law 110–261; 122 Stat.
9 2474) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “December 31, 2017” and
12 inserting “December 31, 2021”; and

13 (B) by inserting “and by the FISA
14 Amendments Reauthorization Act of 2017”
15 after “section 101(a)”; and

16 (2) in paragraph (2) in the matter preceding
17 subparagraph (A), by striking “December 31, 2017”
18 and inserting “December 31, 2021”.

19 (b) CONFORMING AMENDMENTS.—Section 404(b) of
20 the FISA Amendments Act of 2008 (Public Law 110–261;
21 122 Stat. 2476), as amended by section 201, is further
22 amended—

23 (1) in paragraph (1)—

1 (A) in the heading, by striking “DECEM-
2 BER 31, 2017” and inserting “DECEMBER 31,
3 2021”; and

4 (B) by inserting “and by the FISA
5 Amendments Reauthorization Act of 2017”
6 after “section 101(a)”;

7 (2) in paragraph (2), by inserting “and by the
8 FISA Amendments Reauthorization Act of 2017”
9 after “section 101(a)”;

10 (3) in paragraph (4)—

11 (A) by inserting “and amended by the
12 FISA Amendments Reauthorization Act of
13 2017” after “as added by section 101(a)” both
14 places it appears; and

15 (B) by inserting “and by the FISA
16 Amendments Reauthorization Act of 2017”
17 after “as amended by section 101(a)” both
18 places it appears.

19 (c) EFFECTIVE DATE OF AMENDMENTS TO FAA.—
20 The amendments made to the FISA Amendments Act of
21 2008 (Public Law 110–261) by this section shall take ef-
22 fect on the earlier of the date of the enactment of this
23 Act or December 31, 2017.

1 **SEC. 302. INCREASED PENALTY FOR UNAUTHORIZED RE-**
2 **MOVAL AND RETENTION OF CLASSIFIED DOC-**
3 **UMENTS OR MATERIAL.**

4 Section 1924(a) of title 18, United States Code, is
5 amended by striking “one year” and inserting “five
6 years”.

7 **SEC. 303. COMPTROLLER GENERAL STUDY ON THE CLASSI-**
8 **FICATION SYSTEM AND PROTECTION OF**
9 **CLASSIFIED INFORMATION.**

10 (a) STUDY.—The Comptroller General of the United
11 States shall conduct a study of the classification system
12 of the United States and the methods by which the intel-
13 ligence community (as defined in section 3(4) of the Na-
14 tional Security Act of 1947 (50 U.S.C. 3003(4))) protects
15 classified information.

16 (b) MATTERS INCLUDED.—The study under sub-
17 section (a) shall address the following:

18 (1) Whether sensitive information is properly
19 classified.

20 (2) The effect of modern technology on the
21 storage and protection of classified information, in-
22 cluding with respect to—

23 (A) using cloud storage for classified infor-
24 mation; and

25 (B) any technological means to prevent or
26 detect unauthorized access to such information.

1 (3) Any ways to improve the classification sys-
2 tem of the United States, including with respect to
3 changing the levels of classification used in such sys-
4 tem and to reduce overclassification.

5 (4) How to improve the authorized sharing of
6 classified information, including with respect to sen-
7 sitive compartmented information.

8 (5) The value of polygraph tests in determining
9 who is authorized to access classified information
10 and in investigating unauthorized disclosures of clas-
11 sified information.

12 (6) Whether each element of the intelligence
13 community—

14 (A) applies uniform standards in deter-
15 mining who is authorized to access classified in-
16 formation; and

17 (B) provides proper training with respect
18 to the handling of classified information and
19 the avoidance of overclassification.

20 (c) REPORT.—Not later than 180 days after the date
21 of the enactment of this Act, the Comptroller General shall
22 submit to the Committee on the Judiciary and the Perma-
23 nent Select Committee on Intelligence of the House of
24 Representatives and the Committee on the Judiciary and

1 the Select Committee on Intelligence of the Senate a re-
2 port containing the study under subsection (a).

3 (d) FORM.—The report under subsection (c) shall be
4 submitted in unclassified form, but may include a classi-
5 fied annex.

6 **SEC. 304. TECHNICAL AMENDMENTS AND AMENDMENTS TO**
7 **IMPROVE PROCEDURES OF THE FOREIGN IN-**
8 **TELLIGENCE SURVEILLANCE COURT OF RE-**
9 **VIEW.**

10 (a) TECHNICAL AMENDMENTS.—The Foreign Intel-
11 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
12 is amended as follows:

13 (1) In section 103(b) (50 U.S.C. 1803(b)), by
14 striking “designate as the” and inserting “des-
15 ignated as the”.

16 (2) In section 302(a)(1)(A)(iii) (50 U.S.C.
17 1822(a)(1)(A)(iii)), by striking “paragraphs (1)
18 through (4)” and inserting “subparagraphs (A)
19 through (D)”.

20 (3) In section 406(b) (50 U.S.C. 1846(b)), by
21 striking “and to the Committees on the Judiciary of
22 the House of Representatives and the Senate”.

23 (4) In section 604(a) (50 U.S.C. 1874(a))—

24 (A) in paragraph (1)(D), by striking “con-
25 tents” and inserting “contents,”; and

1 (B) in paragraph (3), by striking “comply
2 in the into” and inserting “comply into”.

3 (5) In section 701 (50 U.S.C. 1881)—

4 (A) in subsection (a), by striking “The
5 terms” and inserting “In this title, the terms”;
6 and

7 (B) in subsection (b)—

8 (i) by inserting “In this title:” after
9 the subsection heading; and

10 (ii) in paragraph (5), by striking “(50
11 U.S.C. 401a(4))” and inserting “(50
12 U.S.C. 3003(4))”.

13 (6) In section 702(h)(2)(A)(i) (50 U.S.C.
14 1881a(h)(2)(A)(i)), as redesignated by section 201,
15 by inserting “targeting” before “procedures in
16 place”.

17 (7) In section 801(7) (50 U.S.C. 1885(7)), by
18 striking “(50 U.S.C. 401a(4))” and inserting “(50
19 U.S.C. 3003(4))”.

20 (b) COURT-RELATED AMENDMENTS.—The Foreign
21 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et
22 seq.) is further amended as follows:

23 (1) In section 103 (50 U.S.C. 1803)—

24 (A) in subsection (b), by striking “imme-
25 diately”; and

1 (B) in subsection (h), by striking “the
2 court established under subsection (a)” and in-
3 serting “a court established under this section”.

4 (2) In section 105(d) (50 U.S.C. 1805(d)), by
5 adding at the end the following new paragraph:

6 “(4) A denial of the application made under section
7 104 may be reviewed as provided in section 103.”.

8 (3) In section 302(d) (50 U.S.C. 1822(d)), by
9 striking “immediately”.

10 (4) In section 402(d) (50 U.S.C. 1842(d)), by
11 adding at the end the following new paragraph:

12 “(3) A denial of the application made under this sub-
13 section may be reviewed as provided in section 103.”.

14 (5) In section 403(c) (50 U.S.C. 1843(c)), by
15 adding at the end the following new paragraph:

16 “(3) A denial of the application made under sub-
17 section (a)(2) may be reviewed as provided in section
18 103.”.

19 (6) In section 501(c) (50 U.S.C. 1861(c)), by
20 adding at the end the following new paragraph:

21 “(4) A denial of the application made under
22 this subsection may be reviewed as provided in sec-
23 tion 103.”.

1 **SEC. 305. SEVERABILITY.**

2 If any provision of this Act, any amendment made
3 by this Act, or the application thereof to any person or
4 circumstance is held invalid, the validity of the remainder
5 of the Act, of any such amendments, and of the applica-
6 tion of such provisions to other persons and circumstances
7 shall not be affected thereby.

○