

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2048
OFFERED BY MR. JORDAN OF OHIO**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Uniting and Strengthening America by Fulfilling Rights
4 and Ending Eavesdropping, Dragnet-collection, and On-
5 line Monitoring Act of 2015” or the “USA FREEDOM
6 Act of 2015”.

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

Sec. 1. Short title; table of contents.

TITLE I—FISA BUSINESS RECORDS REFORMS

Sec. 101. Privacy protections for business records orders.

Sec. 102. Inspector general reports on business records orders.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE
REFORMS

Sec. 201. Privacy protections for pen registers and trap and trace devices.

Sec. 202. Inspector general reports on pen registers and trap and trace devices.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE
THE UNITED STATES REFORMS

Sec. 301. Clarification on prohibition on searching of collections of communica-
tions to conduct warrantless searches for the communications
of United States persons.

Sec. 302. Protection against collection of wholly domestic communications.

Sec. 303. Prohibition on reverse targeting.

Sec. 304. Limits on use of unlawfully obtained information.

Sec. 305. Inspector general reviews of authorities.

TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT REFORMS

- Sec. 401. Office of the Special Advocate.
- Sec. 402. Foreign Intelligence Surveillance Court disclosure of opinions.
- Sec. 403. Preservation of rights.

TITLE V—NATIONAL SECURITY LETTER REFORMS

- Sec. 501. National security letter authority.
- Sec. 502. Limitations on disclosure of national security letters.
- Sec. 503. Judicial review.
- Sec. 504. Inspector general reports on national security letters.
- Sec. 505. Technical and conforming amendments.

TITLE VI—FISA AND NATIONAL SECURITY LETTER TRANSPARENCY REFORMS

- Sec. 601. Third-party reporting on FISA orders and national security letters.
- Sec. 602. Government reporting on FISA orders.
- Sec. 603. Government reporting on national security letters.

TITLE VII—PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD SUBPOENA AUTHORITY

- Sec. 701. Privacy and Civil Liberties Oversight Board subpoena authority.

TITLE VIII—SUNSETS

- Sec. 801. Sunsets of authority relating to roving surveillance and authority relating to individual terrorists as agents of foreign powers.
- Sec. 802. National security letter sunset.

1 **TITLE I—FISA BUSINESS**
 2 **RECORDS REFORMS**

3 **SEC. 101. PRIVACY PROTECTIONS FOR BUSINESS RECORDS**
 4 **ORDERS.**

5 (a) PRIVACY PROTECTIONS.—

6 (1) IN GENERAL.—Section 501(b) of the For-
 7 eign Intelligence Surveillance Act of 1978 (50
 8 U.S.C. 1861(b)) is amended—

9 (A) in paragraph (1)(B), by striking “and”
 10 after the semicolon;

1 (B) in paragraph (2), by striking subpara-
2 graphs (A) and (B) and inserting the following
3 new subparagraphs:

4 “(A) a statement of facts showing that
5 there are reasonable grounds to believe that the
6 tangible things sought—

7 “(i) are relevant and material to an
8 authorized investigation (other than a
9 threat assessment) conducted in accord-
10 ance with subsection (a)(2) to—

11 “(I) obtain foreign intelligence
12 information not concerning a United
13 States person; or

14 “(II) protect against inter-
15 national terrorism or clandestine intel-
16 ligence activities; and

17 “(ii) pertain to—

18 “(I) a foreign power or an agent
19 of a foreign power;

20 “(II) the activities of a suspected
21 agent of a foreign power who is the
22 subject of such authorized investiga-
23 tion; or

1 “(III) an individual in contact
2 with, or known to, a suspected agent
3 of a foreign power; and

4 “(B) a statement of proposed minimization
5 procedures; and”;

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

8 “(3) if the applicant is seeking a nondisclosure
9 requirement described in subsection (d), shall in-
10 clude—

11 “(A) the time period during which the
12 Government believes the nondisclosure require-
13 ment should apply;

14 “(B) a statement of facts showing that
15 there are reasonable grounds to believe that dis-
16 closure of particular information about the ex-
17 istence or contents of the order requiring the
18 production of tangible things under this section
19 during such time period will result in—

20 “(i) endangering the life or physical
21 safety of any person;

22 “(ii) flight from investigation or pros-
23 ecution;

24 “(iii) destruction of or tampering with
25 evidence;

1 “(iv) intimidation of potential wit-
2 nesses;

3 “(v) interference with diplomatic rela-
4 tions;

5 “(vi) alerting a target, an associate of
6 a target, or the foreign power of which the
7 target is an agent, of the interest of the
8 Government in the target; or

9 “(vii) otherwise seriously endangering
10 the national security of the United States;
11 and

12 “(C) an explanation of how the nondisclo-
13 sure requirement is narrowly tailored to address
14 the specific harm identified under subparagraph
15 (B).”.

16 (2) ORDER.—Section 501(c) of the Foreign In-
17 telligence Surveillance Act of 1978 (50 U.S.C.
18 1861(c)) is amended—

19 (A) in paragraph (1)—

20 (i) by striking “subsections (a) and
21 (b)” and inserting “subsection (a) and
22 paragraphs (1) and (2) of subsection (b)
23 and that the proposed minimization proce-
24 dures meet the definition of minimization
25 procedures under subsection (g)”; and

1 (ii) by striking the last sentence and
2 inserting the following: “If the judge finds
3 that the requirements of subsection (b)(3)
4 have been met, such order shall include a
5 nondisclosure requirement, which may
6 apply for not longer than 1 year, unless
7 the facts justify a longer period of non-
8 disclosure, subject to the principles and
9 procedures described in subsection (d).”;
10 and

11 (B) in paragraph (2)—

12 (i) in subparagraph (C), by inserting
13 before the semicolon “, if applicable”;

14 (ii) in subparagraph (D), by striking
15 “and” at the end;

16 (iii) in subparagraph (E), by striking
17 the period at the end and inserting “;
18 and”; and

19 (iv) by adding at the end the following
20 new subparagraph:

21 “(F) shall direct that the minimization
22 procedures be followed.”.

23 (3) NONDISCLOSURE.—Section 501(d) of the
24 Foreign Intelligence Surveillance Act of 1978 (50
25 U.S.C. 1861(d)) is amended to read as follows:

1 “(d) NONDISCLOSURE.—

2 “(1) IN GENERAL.—No person who receives an
3 order entered under subsection (c) that contains a
4 nondisclosure requirement shall disclose to any per-
5 son the particular information specified in the non-
6 disclosure requirement during the time period to
7 which the requirement applies.

8 “(2) EXCEPTION.—

9 “(A) IN GENERAL.—A person who receives
10 an order entered under subsection (c) that con-
11 tains a nondisclosure requirement may disclose
12 information otherwise subject to any applicable
13 nondisclosure requirement to—

14 “(i) those persons to whom disclosure
15 is necessary to comply with the order;

16 “(ii) an attorney to obtain legal advice
17 or assistance regarding the order; or

18 “(iii) other persons as permitted by
19 the Director of the Federal Bureau of In-
20 vestigation or the designee of the Director.

21 “(B) APPLICATION.—A person to whom
22 disclosure is made under subparagraph (A)
23 shall be subject to the nondisclosure require-
24 ments applicable to a person to whom an order

1 is directed under this section in the same man-
2 ner as the person to whom the order is directed.

3 “(C) NOTICE.—Any person who discloses
4 to a person described in subparagraph (A) in-
5 formation otherwise subject to a nondisclosure
6 requirement shall notify the person of the appli-
7 cable nondisclosure requirement.

8 “(D) IDENTIFICATION OF DISCLOSURE RE-
9 CIPIENTS.—At the request of the Director of
10 the Federal Bureau of Investigation or the des-
11 ignee of the Director, any person making or in-
12 tending to make a disclosure under clause (i) or
13 (iii) of subparagraph (A) shall identify to the
14 Director or such designee the person to whom
15 such disclosure will be made or to whom such
16 disclosure was made prior to the request.

17 “(3) EXTENSION.—The Director of the Federal
18 Bureau of Investigation, or a designee of the Direc-
19 tor (whose rank shall be no lower than Assistant
20 Special Agent in Charge), may apply for renewals of
21 the prohibition on disclosure of particular informa-
22 tion about the existence or contents of an order re-
23 quiring the production of tangible things under this
24 section for additional periods of not longer than 1
25 year, unless the facts justify a longer period of non-

1 disclosure. A nondisclosure requirement shall be re-
2 newed if a court having jurisdiction under paragraph
3 (4) determines that the application meets the re-
4 quirements of subsection (b)(3).

5 “(4) JURISDICTION.—An application for a re-
6 newal under this subsection shall be made to—

7 “(A) a judge of the court established under
8 section 103(a); or

9 “(B) a United States Magistrate Judge
10 under chapter 43 of title 28, United States
11 Code, who is publicly designated by the Chief
12 Justice of the United States to have the power
13 to hear applications and grant orders for the
14 production of tangible things under this section
15 on behalf of a judge of the court established
16 under section 103(a).”.

17 (4) MINIMIZATION.—Section 501(g) of the For-
18 eign Intelligence Surveillance Act of 1978 (50
19 U.S.C. 1861(g)) is amended—

20 (A) in paragraph (1), by striking “Not
21 later than” and all that follows and inserting
22 “At or before the end of the period of time for
23 the production of tangible things under an
24 order entered under this section or at any time
25 after the production of tangible things under an

1 order entered under this section, a judge may
2 assess compliance with the minimization proce-
3 dures required by such order by reviewing the
4 circumstances under which information con-
5 cerning United States persons was acquired, re-
6 tained, or disseminated.”; and

7 (B) in paragraph (2)(A), by inserting “ac-
8 quisition and” after “to minimize the”.

9 (5) CONFORMING AMENDMENT.—Section
10 501(f)(1)(B) of the Foreign Intelligence Surveillance
11 Act of 1978 (50 U.S.C. 1861(f)(1)(B)) is amended
12 by striking “an order imposed under subsection (d)”
13 and inserting “a nondisclosure requirement imposed
14 in connection with a production order”.

15 (b) JUDICIAL REVIEW.—Section 501(f)(2) of the
16 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
17 1861(f)(2)) is amended—

18 (1) in subparagraph (A)(i)—

19 (A) by striking “that order” and inserting
20 “such production order or any nondisclosure
21 order imposed in connection with such produc-
22 tion order”; and

23 (B) by striking the second sentence;

24 (2) by striking subparagraph (C) and inserting
25 the following new subparagraph:

1 “(C) A judge considering a petition to modify or set
2 aside a nondisclosure order shall grant such petition un-
3 less the court determines that—

4 “(i) there is reason to believe that disclosure of
5 the information subject to the nondisclosure require-
6 ment during the time period in which such require-
7 ment is in effect will result in—

8 “(I) endangering the life or physical safety
9 of any person;

10 “(II) flight from investigation or prosecu-
11 tion;

12 “(III) destruction of or tampering with evi-
13 dence;

14 “(IV) intimidation of potential witnesses;

15 “(V) interference with diplomatic relations;

16 “(VI) alerting a target, an associate of a
17 target, or the foreign power of which the target
18 is an agent, of the interest of the Government
19 in the target; or

20 “(VII) otherwise seriously endangering the
21 national security of the United States; and

22 “(ii) the nondisclosure requirement is narrowly
23 tailored to address the specific harm identified under
24 clause (i).”; and

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

3 “(E) If a judge denies a petition to modify or set
4 aside a nondisclosure order under this paragraph, no per-
5 son may file another petition to modify or set aside such
6 nondisclosure order until the date that is one year after
7 the date on which such judge issues the denial of such
8 petition.”.

9 (c) EMERGENCY AUTHORITY FOR ACCESS TO CALL
10 DETAIL RECORDS.—

11 (1) IN GENERAL.—Title V of the Foreign Intel-
12 ligence Surveillance Act of 1978 (50 U.S.C. 1861 et
13 seq.) is amended—

14 (A) by redesignating section 502 as section
15 503; and

16 (B) by inserting after section 501 the fol-
17 lowing new section:

18 **“SEC. 502. EMERGENCY AUTHORITY FOR ACCESS TO CALL**
19 **DETAIL RECORDS.**

20 “(a) IN GENERAL.—Notwithstanding any other pro-
21 vision of this title, the Attorney General may require the
22 production of call detail records by the provider of a wire
23 or electronic communication service on an emergency basis
24 if—

25 “(1) such records—

1 “(A) are relevant and material to an au-
2 thorized investigation (other than a threat as-
3 sessment) conducted in accordance with section
4 501(a)(2) to—

5 “(i) obtain foreign intelligence infor-
6 mation not concerning a United States
7 person; or

8 “(ii) protect against international ter-
9 rorism or clandestine intelligence activities;
10 and

11 “(B) pertain to—

12 “(i) a foreign power or an agent of a
13 foreign power;

14 “(ii) the activities of a suspected
15 agent of a foreign power who is the subject
16 of such authorized investigation; or

17 “(iii) an individual in contact with, or
18 known to, a suspected agent of a foreign
19 power;

20 “(2) the Attorney General reasonably deter-
21 mines that—

22 “(A) an emergency requires the production
23 of such records before an order requiring such
24 production can with due diligence be obtained
25 under section 501; and

1 “(B) the factual basis for issuance of an
2 order under section 501 to require the produc-
3 tion of such records exists;

4 “(3) a judge referred to in section 501(b)(1) is
5 informed by the Attorney General or a designee of
6 the Attorney General at the time of the required
7 production of such records that the decision has
8 been made to require such production on an emer-
9 gency basis; and

10 “(4) an application in accordance with section
11 501 is made to such judge as soon as practicable,
12 but not more than 7 days after the date on which
13 the Attorney General requires the production of such
14 records under this section.

15 “(b) TERMINATION OF AUTHORITY.—

16 “(1) TERMINATION.—In the absence of an
17 order under section 501 approving the production of
18 call detail records under subsection (a), the author-
19 ity to require the production of such records shall
20 terminate at the earlier of—

21 “(A) when the information sought is ob-
22 tained;

23 “(B) when the application for the order is
24 denied under section 501; or

1 “(C) 7 days after the time of the author-
2 ization by the Attorney General.

3 “(2) USE OF INFORMATION.—If an application
4 for an order under section 501 for the production of
5 call detail records required to be produced pursuant
6 to subsection (a) is denied, or in any other case in
7 which the emergency production of call detail
8 records under this section is terminated and no
9 order under section 501 is issued approving the re-
10 quired production of such records, no information
11 obtained or evidence derived from such records shall
12 be received in evidence or otherwise disclosed in any
13 trial, hearing, or other proceeding in or before any
14 court, grand jury, department, office, agency, regu-
15 latory body, legislative committee, or other authority
16 of the United States, a State, or political subdivision
17 thereof, and no information concerning any United
18 States person acquired from such records shall sub-
19 sequently be used or disclosed in any other manner
20 by Federal officers or employees without the consent
21 of such person, except with the approval of the At-
22 torney General if the information indicates a threat
23 of death or serious bodily harm to any person.

24 “(c) REPORT.—The Attorney General shall annually
25 submit to the Permanent Select Committee on Intelligence

1 and the Committee on the Judiciary of the House of Rep-
2 resentatives and the Select Committee on Intelligence and
3 the Committee on the Judiciary of the Senate a report
4 containing the number of times the authority under this
5 section was exercised during the calendar year covered by
6 such report.

7 “(d) CALL DETAIL RECORDS DEFINED.—In this sec-
8 tion, the term ‘call detail records’—

9 “(1) means session identifying information (in-
10 cluding originating or terminating telephone num-
11 ber, International Mobile Subscriber Identity num-
12 ber, or International Mobile Station Equipment
13 Identity number), telephone calling card numbers, or
14 the time or duration of a call; and

15 “(2) does not include—

16 “(A) the contents of any communication
17 (as defined in section 2510(8) of title 18,
18 United States Code);

19 “(B) the name, address, or financial infor-
20 mation of a subscriber or customer; or

21 “(C) cell site location information.”.

22 (2) TABLE OF CONTENTS AMENDMENT.—The
23 table of contents in the first section of the Foreign
24 Intelligence Surveillance Act of 1978 is amended by

1 striking the item relating to section 502 and insert-
2 ing the following new items:

“502. Emergency authority for access to call detail records.
“503. Congressional oversight.”.

3 (3) CONFORMING AMENDMENT.—Section
4 102(b) of the USA PATRIOT Improvement and Re-
5 authorization Act of 2005 (50 U.S.C. 1805 note) is
6 amended by striking “sections 501, 502, and” and
7 inserting “title V and section”.

8 **SEC. 102. INSPECTOR GENERAL REPORTS ON BUSINESS**
9 **RECORDS ORDERS.**

10 Section 106A of the USA PATRIOT Improvement
11 and Reauthorization Act of 2005 (Public Law 109–177;
12 120 Stat. 200) is amended—

13 (1) in subsection (b)—

14 (A) in paragraph (1), by inserting “and
15 calendar years 2010 through 2014” after
16 “2006”;

17 (B) by striking paragraphs (2) and (3);

18 (C) by redesignating paragraphs (4) and
19 (5) as paragraphs (2) and (3), respectively; and

20 (D) in paragraph (3) (as so redesign-
21 nated)—

22 (i) by striking subparagraph (C) and
23 inserting the following new subparagraph:

1 “(C) with respect to calendar years 2010
2 through 2014, an examination of the minimiza-
3 tion procedures used in relation to orders under
4 section 501 of the Foreign Intelligence Surveil-
5 lance Act of 1978 (50 U.S.C. 1861) and wheth-
6 er the minimization procedures adequately pro-
7 tect the constitutional rights of United States
8 persons;” and

9 (ii) in subparagraph (D), by striking
10 “(as such term is defined in section 3(4) of
11 the National Security Act of 1947 (50
12 U.S.C. 401a(4))”;

13 (2) in subsection (c), by adding at the end the
14 following new paragraph:

15 “(3) CALENDAR YEARS 2010 THROUGH 2014.—
16 Not later than June 1, 2016, the Inspector General
17 of the Department of Justice shall submit to the
18 Committee on the Judiciary and the Select Com-
19 mittee on Intelligence of the Senate and the Com-
20 mittee on the Judiciary and the Permanent Select
21 Committee on Intelligence of the House of Rep-
22 resentatives a report containing the results of the
23 audit conducted under subsection (a) for calendar
24 years 2010 through 2014.”;

1 (3) by redesignating subsections (d) and (e) as
2 subsections (e) and (f), respectively;

3 (4) by inserting after subsection (c) the fol-
4 lowing new subsection:

5 “(d) INTELLIGENCE ASSESSMENT.—

6 “(1) IN GENERAL.—For the period beginning
7 on January 1, 2010, and ending on December 31,
8 2014, the Inspector General of the Intelligence Com-
9 munity shall—

10 “(A) assess the importance of the informa-
11 tion acquired under title V of the Foreign Intel-
12 ligence Surveillance Act of 1978 (50 U.S.C.
13 1861 et seq.) to the activities of the intelligence
14 community;

15 “(B) examine the manner in which that in-
16 formation was collected, retained, analyzed, and
17 disseminated by the intelligence community;

18 “(C) describe any noteworthy facts or cir-
19 cumstances relating to orders under such title;

20 “(D) examine any minimization procedures
21 used by elements of the intelligence community
22 under such title and whether the minimization
23 procedures adequately protect the constitutional
24 rights of United States persons; and

1 “(E) examine any minimization procedures
2 proposed by an element of the intelligence com-
3 munity under such title that were modified or
4 denied by the court established under section
5 103(a) of such Act (50 U.S.C. 1803(a)).

6 “(2) SUBMISSION DATE FOR ASSESSMENT.—
7 Not later than June 1, 2016, the Inspector General
8 of the Intelligence Community shall submit to the
9 Committee on the Judiciary and the Select Com-
10 mittee on Intelligence of the Senate and the Com-
11 mittee on the Judiciary and the Permanent Select
12 Committee on Intelligence of the House of Rep-
13 resentatives a report containing the results of the
14 assessment for calendar years 2010 through 2014.”;

15 (5) in subsection (e), as redesignated by para-
16 graph (3)—

17 (A) in paragraph (1)—

18 (i) by striking “a report under sub-
19 section (c)(1) or (c)(2)” and inserting “any
20 report under subsection (e) or (d)”;

21 (ii) by striking “Inspector General of
22 the Department of Justice” and inserting
23 “Inspector General of the Department of
24 Justice, the Inspector General of the Intel-
25 ligence Community, and any Inspector

1 General of an element of the intelligence
2 community that prepares a report to assist
3 the Inspector General of the Department
4 of Justice or the Inspector General of the
5 Intelligence Community in complying with
6 the requirements of this section”; and

7 (B) in paragraph (2), by striking “the re-
8 ports submitted under subsection (c)(1) and
9 (c)(2)” and inserting “any report submitted
10 under subsection (c) or (d)”;

11 (6) in subsection (f), as redesignated by para-
12 graph (3)—

13 (A) by striking “The reports submitted
14 under subsections (c)(1) and (c)(2)” and insert-
15 ing “Each report submitted under subsection
16 (c)”;

17 (B) by striking “subsection (d)(2)” and in-
18 serting “subsection (e)(2)”;

19 (7) by adding at the end the following new sub-
20 section:

21 “(g) DEFINITIONS.—In this section:

22 “(1) INTELLIGENCE COMMUNITY.—The term
23 ‘intelligence community’ has the meaning given that
24 term in section 3 of the National Security Act of
25 1947 (50 U.S.C. 3003).

1 “(2) UNITED STATES PERSON.—The term
2 ‘United States person’ has the meaning given that
3 term in section 101 of the Foreign Intelligence Sur-
4 veillance Act of 1978 (50 U.S.C. 1801).”.

5 **TITLE II—FISA PEN REGISTER**
6 **AND TRAP AND TRACE DE-**
7 **VICE REFORMS**

8 **SEC. 201. PRIVACY PROTECTIONS FOR PEN REGISTERS**
9 **AND TRAP AND TRACE DEVICES.**

10 (a) APPLICATION.—Section 402(c) of the Foreign In-
11 telligence Surveillance Act of 1978 (50 U.S.C. 1842(c))
12 is amended—

13 (1) in paragraph (1), by striking “and” at the
14 end; and

15 (2) by striking paragraph (2) and inserting the
16 following new paragraphs:

17 “(2) a statement of facts showing that there
18 are reasonable grounds to believe that the informa-
19 tion sought—

20 “(A) is relevant and material to an author-
21 ized investigation to obtain foreign intelligence
22 information not concerning a United States per-
23 son or to protect against international terrorism
24 or clandestine intelligence activities (other than
25 a threat assessment), provided that such inves-

1 tigation of a United States person is not con-
2 ducted solely upon the basis of activities pro-
3 tected by the First Amendment to the Constitu-
4 tion of the United States; and

5 “(B) pertain to—

6 “(i) a foreign power or an agent of a
7 foreign power;

8 “(ii) the activities of a suspected
9 agent of a foreign power who is the subject
10 of such authorized investigation; or

11 “(iii) an individual in contact with, or
12 known to, a suspected agent of a foreign
13 power; and

14 “(3) a statement of proposed minimization pro-
15 cedures.”.

16 (b) MINIMIZATION.—

17 (1) DEFINITION.—Section 401 of the Foreign
18 Intelligence Surveillance Act of 1978 (50 U.S.C.
19 1841) is amended by adding at the end the following
20 new paragraph:

21 “(4) The term ‘minimization procedures’
22 means—

23 “(A) specific procedures that are reason-
24 ably designed in light of the purpose and tech-
25 nique of an order for the installation and use

1 of a pen register or trap and trace device, to
2 minimize the acquisition and retention, and pro-
3 hibit the dissemination, of nonpublicly available
4 information concerning unconsenting United
5 States persons consistent with the need of the
6 United States to obtain, produce, and dissemi-
7 nate foreign intelligence information;

8 “(B) procedures that require that nonpub-
9 licly available information, which is not foreign
10 intelligence information, as defined in section
11 101(e)(1), shall not be disseminated in a man-
12 ner that identifies any United States person,
13 without such person’s consent, unless such per-
14 son’s identity is necessary to understand foreign
15 intelligence information or assess its impor-
16 tance; and

17 “(C) notwithstanding subparagraphs (A)
18 and (B), procedures that allow for the retention
19 and dissemination of information that is evi-
20 dence of a crime which has been, is being, or
21 is about to be committed and that is to be re-
22 tained or disseminated for law enforcement pur-
23 poses.”.

1 (2) PROCEDURES REQUIRED.—Section 402 of
2 the Foreign Intelligence Surveillance Act of 1978
3 (50 U.S.C. 1842) is amended—

4 (A) in subsection (d)—

5 (i) in paragraph (1), by inserting
6 “and that the proposed minimization pro-
7 cedures meet the definition of minimization
8 procedures under this title” before the pe-
9 riod at the end; and

10 (ii) in paragraph (2)(B)—

11 (I) in clause (ii)(II), by striking
12 “and” after the semicolon; and

13 (II) by adding at the end the fol-
14 lowing new clause:

15 “(iv) the minimization procedures be
16 followed; and”; and

17 (B) by adding at the end the following new
18 subsection:

19 “(h) At or before the end of the period of time for
20 which the installation and use of a pen register or trap
21 and trace device is approved under an order or an exten-
22 sion under this section, the judge may assess compliance
23 with the minimization procedures by reviewing the cir-
24 cumstances under which information concerning United
25 States persons was acquired, retained, or disseminated.”.

1 (3) EMERGENCIES.—Section 403 of the For-
2 eign Intelligence Surveillance Act of 1978 (50
3 U.S.C. 1843) is amended—

4 (A) by redesignating subsection (c) as sub-
5 section (d); and

6 (B) by inserting after subsection (b) the
7 following new subsection:

8 “(c) If the Attorney General authorizes the emer-
9 gency installation and use of a pen register or trap and
10 trace device under this section, the Attorney General shall
11 require that minimization procedures required by this title
12 for the issuance of a judicial order be followed.”.

13 (4) USE OF INFORMATION.—Section 405(a)(1)
14 of the Foreign Intelligence Surveillance Act of 1978
15 (50 U.S.C. 1845(a)(1)) is amended by inserting
16 “and the minimization procedures required under
17 the order approving such pen register or trap and
18 trace device” after “of this section”.

19 (c) TRANSITION PROCEDURES.—

20 (1) ORDERS IN EFFECT.—Notwithstanding the
21 amendments made by this section, an order entered
22 under section 402(d)(1) of the Foreign Intelligence
23 Surveillance Act of 1978 (50 U.S.C. 1842(d)(1))
24 that is in effect on the effective date of the amend-

1 (3) an examination of any noteworthy facts or
2 circumstances relating to the use of a pen register
3 or trap and trace device under such title, including
4 any improper or illegal use of the authority provided
5 under such title; and

6 (4) an examination of the effectiveness of the
7 authority under such title as an investigative tool,
8 including—

9 (A) the importance of the information ac-
10 quired to the intelligence activities of the Fed-
11 eral Bureau of Investigation;

12 (B) the manner in which the information is
13 collected, retained, analyzed, and disseminated
14 by the Federal Bureau of Investigation, includ-
15 ing any direct access to the information pro-
16 vided to any other department, agency, or in-
17 strumentality of Federal, State, local, or tribal
18 governments or any private sector entity;

19 (C) whether, and how often, the Federal
20 Bureau of Investigation used information ac-
21 quired under a pen register or trap and trace
22 device under such title to produce an analytical
23 intelligence product for distribution within the
24 Federal Bureau of Investigation, to the intel-
25 ligence community, or to another department,

1 agency, or instrumentality of Federal, State,
2 local, or tribal governments; and

3 (D) whether, and how often, the Federal
4 Bureau of Investigation provided information
5 acquired under a pen register or trap and trace
6 device under such title to law enforcement au-
7 thorities for use in criminal proceedings.

8 (c) REPORT.—Not later than June 1, 2016, the In-
9 specter General of the Department of Justice shall submit
10 to the Committee on the Judiciary and the Select Com-
11 mittee on Intelligence of the Senate and the Committee
12 on the Judiciary and the Permanent Select Committee on
13 Intelligence of the House of Representatives a report con-
14 taining the results of the audits conducted under sub-
15 section (a) for calendar years 2010 through 2014.

16 (d) INTELLIGENCE ASSESSMENT.—

17 (1) IN GENERAL.—For the period beginning
18 January 1, 2010, and ending on December 31,
19 2013, the Inspector General of the Intelligence Com-
20 munity shall—

21 (A) assess the importance of the informa-
22 tion to the activities of the intelligence commu-
23 nity;

1 (B) examine the manner in which the in-
2 formation was collected, retained, analyzed, and
3 disseminated;

4 (C) describe any noteworthy facts or cir-
5 cumstances relating to orders under title IV of
6 the Foreign Intelligence Surveillance Act of
7 1978 (50 U.S.C. 1841 et seq.); and

8 (D) examine any minimization procedures
9 used by elements of the intelligence community
10 in relation to pen registers and trap and trace
11 devices under title IV of the Foreign Intel-
12 ligence Surveillance Act of 1978 (50 U.S.C.
13 1841 et seq.) and whether the minimization
14 procedures adequately protect the constitutional
15 rights of United States persons.

16 (2) SUBMISSION DATES FOR ASSESSMENT.—
17 Not later than June 1, 2016, the Inspector General
18 of the Intelligence Community shall submit to the
19 Committee on the Judiciary and the Select Com-
20 mittee on Intelligence of the Senate and the Com-
21 mittee on the Judiciary and the Permanent Select
22 Committee on Intelligence of the House of Rep-
23 resentatives a report containing the results of the
24 assessment for calendar years 2010 through 2014.

1 (e) PRIOR NOTICE TO ATTORNEY GENERAL AND DI-
2 RECTOR OF NATIONAL INTELLIGENCE; COMMENTS.—

3 (1) NOTICE.—Not later than 30 days before the
4 submission of any report under subsection (c) or (d),
5 the Inspector General of the Department of Justice
6 and the Inspector General of the Intelligence Com-
7 munity shall provide the report to the Attorney Gen-
8 eral and the Director of National Intelligence.

9 (2) COMMENTS.—The Attorney General or the
10 Director of National Intelligence may provide such
11 comments to be included in any report submitted
12 under subsection (c) or (d) as the Attorney General
13 or the Director of National Intelligence may consider
14 necessary.

15 (f) UNCLASSIFIED FORM.—Each report submitted
16 under subsection (c) and any comments included in that
17 report under subsection (e)(2) shall be in unclassified
18 form, but may include a classified annex.

19 (g) DEFINITIONS.—In this section—

20 (1) the terms “Attorney General”, “foreign in-
21 telligence information”, and “United States person”
22 have the meanings given those terms in section 101
23 of the Foreign Intelligence Surveillance Act of 1978
24 (50 U.S.C. 1801);

1 (2) the term “intelligence community” has the
2 meaning given that term in section 3 of the National
3 Security Act of 1947 (50 U.S.C. 3003);

4 (3) the term “minimization procedures” has the
5 meaning given that term in section 401 of the For-
6 eign Intelligence Surveillance Act of 1978 (50
7 U.S.C. 1841), as amended by this Act; and

8 (4) the terms “pen register” and “trap and
9 trace device” have the meanings given those terms
10 in section 3127 of title 18, United States Code.

11 **TITLE III—FISA ACQUISITIONS**
12 **TARGETING PERSONS OUT-**
13 **SIDE THE UNITED STATES RE-**
14 **FORMS**

15 **SEC. 301. CLARIFICATION ON PROHIBITION ON SEARCHING**
16 **OF COLLECTIONS OF COMMUNICATIONS TO**
17 **CONDUCT WARRANTLESS SEARCHES FOR**
18 **THE COMMUNICATIONS OF UNITED STATES**
19 **PERSONS.**

20 Section 702(b) of the Foreign Intelligence Surveil-
21 lance Act of 1978 (50 U.S.C. 1881a(b)) is amended—

22 (1) by redesignating paragraphs (1) through
23 (5) as subparagraphs (A) through (E), respectively,
24 and indenting such subparagraphs, as so redesign-
25 ated, an additional two ems from the left margin;

1 (2) by striking “An acquisition” and inserting
2 the following:

3 “(1) IN GENERAL.—An acquisition”; and

4 (3) by adding at the end the following new
5 paragraph:

6 “(2) CLARIFICATION ON PROHIBITION ON
7 SEARCHING OF COLLECTIONS OF COMMUNICATIONS
8 OF UNITED STATES PERSONS.—

9 “(A) IN GENERAL.—Except as provided in
10 subparagraph (B), no officer or employee of the
11 United States may conduct a search of a collec-
12 tion of communications acquired under this sec-
13 tion in an effort to find communications of a
14 particular United States person (other than a
15 corporation).

16 “(B) CONCURRENT AUTHORIZATION AND
17 EXCEPTION FOR EMERGENCY SITUATIONS.—
18 Subparagraph (A) shall not apply to a search
19 for communications related to a particular
20 United States person if—

21 “(i) such United States person is the
22 subject of an order or emergency author-
23 ization authorizing electronic surveillance
24 or physical search under section 105, 304,
25 703, 704, or 705, or title 18, United

1 States Code, for the effective period of that
2 order;

3 “(ii) the entity carrying out the
4 search has a reasonable belief that the life
5 or safety of such United States person is
6 threatened and the information is sought
7 for the purpose of assisting that person; or

8 “(iii) such United States person has
9 consented to the search.”.

10 **SEC. 302. PROTECTION AGAINST COLLECTION OF WHOLLY**
11 **DOMESTIC COMMUNICATIONS.**

12 (a) IN GENERAL.—Section 702 of the Foreign Intel-
13 ligence Surveillance Act of 1978 (50 U.S.C. 1881a) is
14 amended—

15 (1) in subsection (d)(1)—

16 (A) in subparagraph (A), by striking
17 “and” at the end;

18 (B) in subparagraph (B), by striking the
19 period and inserting “; and”; and

20 (C) by adding at the end the following new
21 subparagraph:

22 “(C) limit the acquisition of the contents
23 of any communication to those communica-
24 tions—

1 “(i) to which any party is a target of
2 the acquisition; or

3 “(ii) that contain an account identifier
4 of a target of an acquisition, only if such
5 communications are acquired to protect
6 against international terrorism or the
7 international proliferation of weapons of
8 mass destruction.”; and

9 (2) in subsection (i)(2)(B)—

10 (A) in clause (i), by striking “; and” and
11 inserting a semicolon;

12 (B) in clause (ii), by striking the period
13 and inserting “; and”; and

14 (C) by adding at the end the following new
15 clause:

16 “(iii) limit the acquisition of the con-
17 tents of any communication to those com-
18 munications—

19 “(I) to which any party is a tar-
20 get of the acquisition; or

21 “(II) that contain an account
22 identifier of the target of an acquisi-
23 tion, only if such communications are
24 acquired to protect against inter-
25 national terrorism or the international

1 proliferation of weapons of mass de-
2 struction.”.

3 (b) CONFORMING AMENDMENT.—Section 701 of the
4 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
5 1881) is amended—

6 (1) in subsection (a)—

7 (A) by inserting “‘international ter-
8 rorism’,” after “‘foreign power’,”; and

9 (B) by striking “and ‘United States per-
10 son’” and inserting “‘United States person’,
11 and ‘weapon of mass destruction’”; and

12 (2) in subsection (b)—

13 (A) by redesignating paragraphs (1)
14 through (5) as paragraphs (2) through (6), re-
15 spectively; and

16 (B) by inserting before paragraph (2), as
17 so redesignated, the following new paragraph:

18 “(1) ACCOUNT IDENTIFIER.—The term ‘ac-
19 count identifier’ means a telephone or instrument
20 number, other subscriber number, email address, or
21 username used to uniquely identify an account.”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 subsections (a) and (b) shall take effect on the date that
24 is 180 days after the date of the enactment of this Act.

1 **SEC. 303. PROHIBITION ON REVERSE TARGETING.**

2 Section 702(b)(1)(B) of the Foreign Intelligence Sur-
3 veillance Act of 1978 (50 U.S.C. 1881a), as redesignated
4 by section 301(1) of this Act, is amended by striking “the
5 purpose” and inserting “a significant purpose”.

6 **SEC. 304. LIMITS ON USE OF UNLAWFULLY OBTAINED IN-**
7 **FORMATION.**

8 Section 702(i)(3) of the Foreign Intelligence Surveil-
9 lance Act of 1978 (50 U.S.C. 1881a(i)(3)) is amended by
10 striking subparagraph (B) and inserting the following new
11 subparagraph:

12 “(B) CORRECTION OF DEFICIENCIES.—

13 “(i) IN GENERAL.—If the Court finds
14 that a certification required by subsection
15 (g) does not contain all of the required ele-
16 ments, or that the procedures required by
17 subsections (d) and (e) are not consistent
18 with the requirements of those subsections
19 or the Fourth Amendment to the Constitu-
20 tion of the United States, the Court shall
21 issue an order directing the Government
22 to, at the Government’s election and to the
23 extent required by the order of the
24 Court—

25 “(I) correct any deficiency identi-
26 fied by the order of the Court not

1 later than 30 days after the date on
2 which the Court issues the order; or

3 “(II) cease, or not begin, the im-
4 plementation of the authorization for
5 which such certification was sub-
6 mitted.

7 “(ii) LIMITATION ON USE OF INFOR-
8 MATION.—

9 “(I) IN GENERAL.—Except as
10 provided in subclause (II), no infor-
11 mation obtained or evidence derived
12 from an acquisition pursuant to a cer-
13 tification or targeting or minimization
14 procedures subject to an order under
15 clause (i) concerning any United
16 States person shall be received in evi-
17 dence or otherwise disclosed in any
18 trial, hearing, or other proceeding in
19 or before any court, grand jury, de-
20 partment, office, agency, regulatory
21 body, legislative committee, or other
22 authority of the United States, a
23 State, or political subdivision thereof,
24 and no information concerning any
25 United States person acquired from

1 the acquisition shall subsequently be
2 used or disclosed in any other manner
3 by Federal officers or employees with-
4 out the consent of the United States
5 person, except with the approval of
6 the Attorney General if the informa-
7 tion indicates a threat of death or se-
8 rious bodily harm to any person.

9 “(II) EXCEPTION.—If the Gov-
10 ernment corrects any deficiency iden-
11 tified by the order of the Court under
12 clause (i), the Court may permit the
13 use or disclosure of information ac-
14 quired before the date of the correc-
15 tion under such minimization proce-
16 dures as the Court shall establish for
17 purposes of this clause.”.

18 **SEC. 305. INSPECTOR GENERAL REVIEWS OF AUTHORITIES.**

19 (a) AGENCY ASSESSMENTS.—Section 702(l)(2) of the
20 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
21 1881a(l)(2)) is amended—

22 (1) in the matter preceding subparagraph (A),
23 by striking “authorized to acquire foreign intel-
24 ligence information under subsection (a)” and in-

1 serting “subject to the targeting or minimization
2 procedures approved under this section”;

3 (2) in subparagraph (C), by inserting “United
4 States persons or” after “later determined to be”;
5 and

6 (3) in subparagraph (D)—

7 (A) in the matter preceding clause (i), by
8 striking “such review” and inserting “review
9 conducted under this paragraph”;

10 (B) in clause (ii), by striking “and” at the
11 end;

12 (C) by redesignating clause (iii) as clause
13 (iv); and

14 (D) by inserting after clause (ii) the fol-
15 lowing new clause:

16 “(iii) the Inspector General of the In-
17 telligence Community; and”.

18 (b) INSPECTOR GENERAL OF THE INTELLIGENCE
19 COMMUNITY REVIEW.—

20 (1) RECURRING REVIEWS.—Section 702(l) of
21 the Foreign Intelligence Surveillance Act of 1978
22 (50 U.S.C. 1881a(l)) is amended—

23 (A) by redesignating paragraph (3) as
24 paragraph (4); and

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

3 “(3) INSPECTOR GENERAL OF THE INTEL-
4 LIGENCE COMMUNITY REVIEW.—

5 “(A) IN GENERAL.—The Inspector General
6 of the Intelligence Community is authorized to
7 review the acquisition, use, and dissemination
8 of information acquired under subsection (a) to
9 review compliance with the targeting and mini-
10 mization procedures adopted in accordance with
11 subsections (d) and (e) and the guidelines
12 adopted in accordance with subsection (f), and
13 in order to conduct the review required under
14 subparagraph (B).

15 “(B) MANDATORY REVIEW.—The Inspec-
16 tor General of the Intelligence Community shall
17 review the procedures and guidelines developed
18 by the elements of the intelligence community
19 to implement this section, with respect to the
20 protection of the privacy rights of United States
21 persons, including—

22 “(i) an evaluation of the limitations
23 outlined in subsection (b), the procedures
24 approved in accordance with subsections
25 (d) and (e), and the guidelines adopted in

1 accordance with subsection (f), with re-
2 spect to the protection of the privacy rights
3 of United States persons; and

4 “(ii) an evaluation of the cir-
5 cumstances under which the contents of
6 communications acquired under subsection
7 (a) may be searched in order to review the
8 communications of particular United
9 States persons.

10 “(C) CONSIDERATION OF OTHER REVIEWS
11 AND ASSESSMENTS.—In conducting a review
12 under subparagraph (B), the Inspector General
13 of the Intelligence Community shall take into
14 consideration, to the extent relevant and appro-
15 priate, any reviews or assessments that have
16 been completed or are being undertaken under
17 this section.

18 “(D) PUBLIC REPORTING OF FINDINGS
19 AND CONCLUSIONS.—In a manner consistent
20 with the protection of the national security of
21 the United States, and in unclassified form, the
22 Inspector General of the Intelligence Commu-
23 nity shall make publicly available a summary of
24 the findings and conclusions of the review con-
25 ducted under subparagraph (B).”.

1 (2) REPORT.—Not later than June 1, 2016, the
2 Inspector General of the Intelligence Community
3 shall submit a report regarding the reviews con-
4 ducted under paragraph (3) of section 702(l) of the
5 Foreign Intelligence Surveillance Act of 1978 (50
6 U.S.C. 1881a(l)), as amended by paragraph (1) of
7 this subsection, to—

8 (A) the Attorney General;

9 (B) the Director of National Intelligence;

10 and

11 (C) consistent with the Rules of the House
12 of Representatives, the Standing Rules of the
13 Senate, and Senate Resolution 400 of the 94th
14 Congress or any successor Senate resolution—

15 (i) the congressional intelligence com-
16 mittees; and

17 (ii) the Committee on the Judiciary of
18 the Senate and the Committee on the Ju-
19 diciary of the House of Representatives.

20 (c) ANNUAL REVIEWS.—Section 702(l)(4)(A) of the
21 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
22 1881a(l)(4)(A)), as redesignated by subsection (b)(1), is
23 amended—

24 (1) in the matter preceding clause (i)—

25 (A) in the first sentence—

1 (i) by striking “conducting an acquisi-
2 tion authorized under subsection (a)” and
3 inserting “subject to targeting or mini-
4 mization procedures approved under this
5 section”; and

6 (ii) by striking “the acquisition” and
7 inserting “acquisitions under subsection
8 (a)”; and

9 (B) in the second sentence, by striking
10 “acquisitions” and inserting “information ob-
11 tained through an acquisition”; and

12 (2) in clause (iii), by inserting “United States
13 persons or” after “later determined to be”.

14 **TITLE IV—FOREIGN INTEL-**
15 **LIGENCE SURVEILLANCE**
16 **COURT REFORMS**

17 **SEC. 401. OFFICE OF THE SPECIAL ADVOCATE.**

18 (a) ESTABLISHMENT.—The Foreign Intelligence Sur-
19 veillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended
20 by adding at the end the following new title:

21 **“TITLE IX—OFFICE OF THE**
22 **SPECIAL ADVOCATE**

23 **“SEC. 901. DEFINITIONS.**

24 “In this title:

1 “(1) DECISION.—The term ‘decision’ means a
2 decision, order, or opinion issued by the Foreign In-
3 telligence Surveillance Court or the Foreign Intel-
4 ligence Surveillance Court of Review.

5 “(2) FOREIGN INTELLIGENCE SURVEILLANCE
6 COURT; COURT.—The terms ‘Foreign Intelligence
7 Surveillance Court’ and ‘Court’ mean the court es-
8 tablished under section 103(a) and the petition re-
9 view pool established under section 103(e).

10 “(3) FOREIGN INTELLIGENCE SURVEILLANCE
11 COURT OF REVIEW; COURT OF REVIEW.—The terms
12 ‘Foreign Intelligence Surveillance Court of Review’
13 and ‘Court of Review’ mean the court of review es-
14 tablished under section 103(b).

15 “(4) OFFICE.—The term ‘Office’ means the Of-
16 fice of the Special Advocate established under sec-
17 tion 902(a).

18 “(5) SIGNIFICANT CONSTRUCTION OR INTER-
19 PRETATION OF LAW.—The term ‘significant con-
20 struction or interpretation of law’ means a signifi-
21 cant construction or interpretation of a provision, as
22 that term is construed under section 601(c).

23 “(6) SPECIAL ADVOCATE.—The term ‘Special
24 Advocate’ means the Special Advocate appointed
25 under section 902(b).

1 **“SEC. 902. OFFICE OF THE SPECIAL ADVOCATE.**

2 “(a) ESTABLISHMENT.—There is established within
3 the judicial branch of the United States an Office of the
4 Special Advocate.

5 “(b) SPECIAL ADVOCATE.—

6 “(1) IN GENERAL.—The head of the Office is
7 the Special Advocate.

8 “(2) APPOINTMENT AND TERM.—

9 “(A) APPOINTMENT.—The Chief Justice of
10 the United States shall appoint the Special Ad-
11 vocate from the list of candidates submitted
12 under subparagraph (B).

13 “(B) LIST OF CANDIDATES.—The Privacy
14 and Civil Liberties Oversight Board shall sub-
15 mit to the Chief Justice a list of not less than
16 5 qualified candidates to serve as Special Advo-
17 cate. The Board shall select candidates for such
18 list whom the Board believes will be zealous and
19 effective advocates in defense of civil liberties
20 and consider with respect to each potential can-
21 didate—

22 “(i) the litigation and other profes-
23 sional experience of such candidate;

24 “(ii) the experience of such candidate
25 in areas of law that the Special Advocate

1 is likely to encounter in the course of the
2 duties of the Special Advocate; and

3 “(iii) the demonstrated commitment
4 of such candidate to civil liberties.

5 “(C) SECURITY CLEARANCE.—An indi-
6 vidual may be appointed Special Advocate with-
7 out regard to whether the individual possesses
8 a security clearance on the date of the appoint-
9 ment.

10 “(D) TERM AND DISMISSAL.—A Special
11 Advocate shall be appointed for a term of 3
12 years and may be removed only for good cause
13 shown, including the demonstrated inability to
14 qualify for an adequate security clearance.

15 “(E) REAPPOINTMENT.—There shall be no
16 limit to the number of consecutive terms served
17 by a Special Advocate. The reappointment of a
18 Special Advocate shall be made in the same
19 manner as appointment of a Special Advocate.

20 “(F) ACTING SPECIAL ADVOCATE.—If the
21 position of Special Advocate is vacant, the Chief
22 Justice of the United States may appoint an
23 Acting Special Advocate from among the quali-
24 fied employees of the Office. If there are no
25 such qualified employees, the Chief Justice may

1 appoint an Acting Special Advocate from the
2 most recent list of candidates provided by the
3 Privacy and Civil Liberties Oversight Board
4 pursuant to subparagraph (B). The Acting Spe-
5 cial Advocate shall have all of the powers of a
6 Special Advocate and shall serve until a Special
7 Advocate is appointed.

8 “(3) EMPLOYEES.—The Special Advocate may
9 appoint and terminate and fix the compensation of
10 employees of the Office without regard to the provi-
11 sions of title 5, United States Code, governing ap-
12 pointments in the competitive service.

13 “(c) DUTIES AND AUTHORITIES OF THE SPECIAL
14 ADVOCATE.—

15 “(1) IN GENERAL.—The Special Advocate—

16 “(A) may consider any request for con-
17 sultation by a party who has been served with
18 an order or directive issued under this Act re-
19 quiring the party to provide information, facili-
20 ties, or assistance to the Federal Government;

21 “(B) may request to participate in a pro-
22 ceeding before the Foreign Intelligence Surveil-
23 lance Court;

24 “(C) shall participate in such proceeding if
25 such request is granted;

1 “(D) shall participate in a proceeding be-
2 fore the Court if appointed to participate by the
3 Court under section 903(a);

4 “(E) may request reconsideration of a de-
5 cision of the Court under section 903(b);

6 “(F) may appeal or seek review of a deci-
7 sion of the Court or the Foreign Intelligence
8 Surveillance Court of Review under section 904;
9 and

10 “(G) shall participate in such appeal or re-
11 view.

12 “(2) ACCESS TO APPLICATIONS AND DECI-
13 SIONS.—

14 “(A) APPLICATIONS.—The Attorney Gen-
15 eral shall provide to the Special Advocate each
16 application submitted to a judge of the Foreign
17 Intelligence Surveillance Court under this Act
18 at the same time as the Attorney General sub-
19 mits such applications.

20 “(B) DECISIONS.—The Foreign Intel-
21 ligence Surveillance Court and the Foreign In-
22 telligence Surveillance Court of Review shall
23 provide to the Special Advocate access to each
24 decision of the Court and the Court of Review,
25 respectively, issued after the date of the enact-

1 ment of the USA FREEDOM Act of 2015 and
2 all documents and other material relevant to
3 such decision in complete, unredacted form.

4 “(3) ADVOCACY.—The Special Advocate shall
5 vigorously advocate before the Foreign Intelligence
6 Surveillance Court or the Foreign Intelligence Sur-
7 veillance Court of Review, as appropriate, in support
8 of legal interpretations that protect individual pri-
9 vacy and civil liberties.

10 “(4) OUTSIDE COUNSEL.—The Special Advo-
11 cate may delegate to a competent outside counsel
12 who has or is able to obtain an appropriate security
13 clearance any duty or responsibility of the Special
14 Advocate set out in subparagraph (E) or (F) of
15 paragraph (1) with respect to participation in a mat-
16 ter before the Court, the Court of Review, or the Su-
17 preme Court of the United States.

18 “(5) AVAILABILITY OF DOCUMENTS AND MATE-
19 RIAL.—The Court or the Court of Review, as appro-
20 priate, shall order any agency, department, or entity
21 to make available to the Special Advocate, or appro-
22 priate outside counsel if the Special Advocate has
23 delegated duties or responsibilities to the outside
24 counsel under paragraph (4), any documents or

1 other material necessary to carry out the duties de-
2 scribed in paragraph (1).

3 “(d) SECURITY CLEARANCES.—The appropriate de-
4 partments, agencies, and elements of the Executive branch
5 shall cooperate with the Office, to the extent possible
6 under existing procedures and requirements, to expedi-
7 tiously provide the Special Advocate, appropriate employ-
8 ees of the Office, and outside counsel to whom the Special
9 Advocate delegates a duty or responsibility under sub-
10 section (c)(4) with the security clearances necessary to
11 carry out the duties of the Special Advocate.

12 **“SEC. 903. ADVOCACY BEFORE THE FOREIGN INTEL-
13 LIGENCE SURVEILLANCE COURT.**

14 “(a) APPOINTMENT TO PARTICIPATE.—

15 “(1) IN GENERAL.—The Foreign Intelligence
16 Surveillance Court may appoint the Special Advocate
17 to participate in a proceeding before the Court.

18 “(2) STANDING.—If the Special Advocate is ap-
19 pointed to participate in a Court proceeding pursu-
20 ant to paragraph (1), the Special Advocate shall
21 have standing as a party before the Court in that
22 proceeding.

23 “(b) RECONSIDERATION OF A FOREIGN INTEL-
24 LIGENCE SURVEILLANCE COURT DECISION.—

1 “(1) AUTHORITY TO MOVE FOR RECONSIDER-
2 ATION.—The Special Advocate may move the Court
3 to reconsider any decision of the Court made after
4 the date of the enactment of the USA FREEDOM
5 Act of 2015 by petitioning the Court not later than
6 30 days after the date on which all documents and
7 materials relevant to the decision are made available
8 to the Special Advocate.

9 “(2) DISCRETION OF THE COURT.—The Court
10 shall have discretion to grant or deny a motion for
11 reconsideration made pursuant to paragraph (1).

12 “(c) AMICI CURIAE PARTICIPATION.—

13 “(1) MOTION BY THE SPECIAL ADVOCATE.—
14 The Special Advocate may file a motion with the
15 Court to permit and facilitate participation of amici
16 curiae, including participation in oral argument if
17 appropriate, in any proceeding. The Court shall have
18 the discretion to grant or deny such a motion.

19 “(2) FACILITATION BY THE FOREIGN INTEL-
20 LIGENCE SURVEILLANCE COURT.—The Court may,
21 sua sponte, permit and facilitate participation by
22 amici curiae, including participation in oral argu-
23 ment if appropriate, in proceedings before the Court.

24 “(3) REGULATIONS.—Not later than 180 days
25 after the date of the enactment of the USA FREE-

1 DOM Act of 2015, the Court shall promulgate regu-
2 lations to provide the public with information suffi-
3 cient to allow interested parties to participate as
4 amici curiae.

5 **“SEC. 904. APPELLATE REVIEW.**

6 “(a) APPEAL OF FOREIGN INTELLIGENCE SURVEIL-
7 LANCE COURT DECISIONS.—

8 “(1) AUTHORITY TO APPEAL.—The Special Ad-
9 vocate may appeal any decision of the Foreign Intel-
10 ligence Surveillance Court issued after the date of
11 the enactment of the USA FREEDOM Act of 2015
12 not later than 90 days after the date on which the
13 decision is issued.

14 “(2) STANDING AS APPELLANT.—If the Special
15 Advocate appeals a decision of the Court pursuant
16 to paragraph (1), the Special Advocate shall have
17 standing as a party before the Foreign Intelligence
18 Surveillance Court of Review in such appeal.

19 “(3) MANDATORY REVIEW.—The Court of Re-
20 view shall review any Foreign Intelligence Surveil-
21 lance Court decision appealed by the Special Advo-
22 cate and issue a decision in such appeal, unless it
23 would be apparent to all reasonable jurists that such
24 decision is dictated by statute or by precedent.

1 “(4) STANDARD OF REVIEW.—The standard for
2 a mandatory review of a Foreign Intelligence Sur-
3 veillance Court decision pursuant to paragraph (3)
4 shall be—

5 “(A) de novo with respect to issues of law;
6 and

7 “(B) clearly erroneous with respect to de-
8 termination of facts.

9 “(5) AMICI CURIAE PARTICIPATION.—

10 “(A) IN GENERAL.—The Court of Review
11 shall accept amici curiae briefs from interested
12 parties in all mandatory reviews pursuant to
13 paragraph (3) and shall provide for amici cu-
14 riae participation in oral argument if appro-
15 priate.

16 “(B) REGULATIONS.—Not later than 180
17 days after the date of the enactment of the
18 USA FREEDOM Act of 2015, the Court of
19 Review shall promulgate regulations to provide
20 the public with information sufficient to allow
21 interested parties to participate as amici curiae.

22 “(b) REVIEW OF FOREIGN INTELLIGENCE SURVEIL-
23 LANCE COURT OF REVIEW DECISIONS.—

24 “(1) AUTHORITY.—The Special Advocate may
25 seek a writ of certiorari from the Supreme Court of

1 the United States for review of any decision of the
2 Foreign Intelligence Surveillance Court of Review.

3 “(2) **STANDING.**—In any proceedings before the
4 Supreme Court of the United States relating to a
5 petition of certiorari filed under paragraph (1) and
6 any proceedings in a matter for which certiorari is
7 granted, the Special Advocate shall have standing as
8 a party.

9 **“SEC. 905. DISCLOSURE.**

10 “(a) **REQUIREMENT TO DISCLOSE.**—The Attorney
11 General shall publicly disclose—

12 “(1) all decisions issued by the Foreign Intel-
13 ligence Surveillance Court or the Foreign Intel-
14 ligence Surveillance Court of Review after July 10,
15 2003, that include a significant construction or in-
16 terpretation of law;

17 “(2) any decision of the Court appealed by the
18 Special Advocate pursuant to this title; and

19 “(3) any Court of Review decision that is issued
20 after an appeal by the Special Advocate.

21 “(b) **DISCLOSURE DESCRIBED.**—For each disclosure
22 required by subsection (a) with respect to a decision, the
23 Attorney General shall make available to the public docu-
24 ments sufficient—

1 “(1) to identify with particularity each legal
2 question addressed by the decision and how such
3 question was resolved;

4 “(2) to describe in general terms the context in
5 which the matter arises;

6 “(3) to describe the construction or interpreta-
7 tion of any statute, constitutional provision, or other
8 legal authority relied on by the decision; and

9 “(4) to indicate whether the decision departed
10 from any prior decision of the Court or Court of Re-
11 view.

12 “(c) DOCUMENTS DESCRIBED.—The Attorney Gen-
13 eral shall satisfy the disclosure requirements in subsection
14 (b) by—

15 “(1) releasing a Court or Court of Review deci-
16 sion in its entirety or as redacted;

17 “(2) releasing a summary of a Court or Court
18 of Review decision; or

19 “(3) releasing an application made to the
20 Court, briefs filed before the Court or the Court of
21 Review, or other materials, in full or as redacted.

22 “(d) EXTENSIVE DISCLOSURE.—The Attorney Gen-
23 eral shall release as much information regarding the facts
24 and analysis contained in a decision described in sub-

1 section (a) or documents described in subsection (c) as is
2 consistent with legitimate national security concerns.

3 “(e) TIMING OF DISCLOSURE.—

4 “(1) DECISIONS ISSUED PRIOR TO ENACT-
5 MENT.—The Attorney General shall disclose a deci-
6 sion issued prior to the date of the enactment of the
7 USA FREEDOM Act of 2015 that is required to be
8 disclosed under subsection (a)(1) not later than 180
9 days after the date of the enactment of such Act.

10 “(2) FISA COURT DECISIONS.—The Attorney
11 General shall release Court decisions appealed by the
12 Special Advocate not later than 30 days after the
13 date on which the appeal is filed.

14 “(3) FISA COURT OF REVIEW DECISIONS.—The
15 Attorney General shall release Court of Review deci-
16 sions for which the Special Advocate seeks a writ of
17 certiorari not later than 90 days after the date on
18 which the petition is filed.

19 “(f) PETITION BY THE SPECIAL ADVOCATE.—

20 “(1) AUTHORITY TO PETITION.—The Special
21 Advocate may petition the Court or the Court of Re-
22 view to order—

23 “(A) the public disclosure of a decision of
24 the Court or Court of Review, and documents
25 or other material relevant to such a decision,

1 previously designated as classified information;
2 or

3 “(B) the release of an unclassified sum-
4 mary of such decisions and documents.

5 “(2) CONTENTS OF PETITION.—Each petition
6 filed under paragraph (1) shall contain a detailed
7 declassification proposal or a summary of the deci-
8 sion and documents that the Special Advocate pro-
9 poses to have released publicly.

10 “(3) ROLE OF THE ATTORNEY GENERAL.—

11 “(A) COPY OF PETITION.—The Special
12 Advocate shall provide to the Attorney General
13 a copy of each petition filed under paragraph
14 (1).

15 “(B) OPPOSITION.—The Attorney General
16 may oppose a petition filed under paragraph (1)
17 by submitting any objections in writing to the
18 Court or the Court of Review, as appropriate,
19 not later than 90 days after the date such peti-
20 tion was submitted.

21 “(4) PUBLIC AVAILABILITY.—Not less than 91
22 days after receiving a petition under paragraph (1),
23 and taking into account any objections from the At-
24 torney General made under paragraph (3)(B), the
25 Court or the Court of Review, as appropriate, shall

1 declassify and make readily available to the public
2 any decision, document, or other material requested
3 in such petition, to the greatest extent possible, con-
4 sistent with legitimate national security consider-
5 ations.

6 “(5) EFFECTIVE DATE.—The Special Advocate
7 may not file a petition under paragraph (1) until
8 181 days after the date of the enactment of the
9 USA FREEDOM Act of 2015, except with respect
10 to a decision appealed by the Special Advocate.

11 **“SEC. 906. ANNUAL REPORT TO CONGRESS.**

12 “(a) REQUIREMENT FOR ANNUAL REPORT.—The
13 Special Advocate shall submit to Congress an annual re-
14 port on the implementation of this title.

15 “(b) CONTENTS.—Each annual report submitted
16 under subsection (a) shall—

17 “(1) detail the activities of the Office of the
18 Special Advocate;

19 “(2) provide an assessment of the effectiveness
20 of this title; and

21 “(3) propose any new legislation to improve the
22 functioning of the Office or the operation of the For-
23 eign Intelligence Surveillance Court or the Foreign
24 Intelligence Surveillance Court of Review that the
25 Special Advocate considers appropriate.”.

1 (b) TABLE OF CONTENTS AMENDMENT.—The table
2 of contents in the first section of the Foreign Intelligence
3 Surveillance Act of 1978, as amended by section 101(c)(2)
4 of this Act, is further amended by adding at the end the
5 following new items:

“TITLE IX—OFFICE OF THE SPECIAL ADVOCATE

“Sec. 901. Definitions.

“Sec. 902. Office of the Special Advocate.

“Sec. 903. Advocacy before the Foreign Intelligence Surveillance Court.

“Sec. 904. Appellate review.

“Sec. 905. Disclosure.

“Sec. 906. Annual report to Congress.”.

6 **SEC. 402. FOREIGN INTELLIGENCE SURVEILLANCE COURT**

7 **DISCLOSURE OF OPINIONS.**

8 Section 103 of the Foreign Intelligence Surveillance
9 Act of 1978 (50 U.S.C. 1803) is amended—

10 (1) by redesignating subsections (g) and (h) as
11 subsections (h) and (i), respectively; and

12 (2) by inserting after subsection (f) the fol-
13 lowing new subsection:

14 “(g)(1) A judge of the court established under sub-
15 section (a) who authored an order, opinion, or other deci-
16 sion may sua sponte or on motion by a party request that
17 such order, opinion, or other decision be made publicly
18 available.

19 “(2) Upon a request under paragraph (1), the pre-
20 siding judge of the court established under subsection (a),
21 in consultation with the other judges of such court, may

1 direct that such order, opinion, or other decision be made
2 publicly available.

3 “(3) Prior to making an order, opinion, or other deci-
4 sion of the court established under subsection (a) publicly
5 available in accordance with this subsection, the presiding
6 judge of such court may direct the Executive branch to
7 review such order, opinion, or other decision and redact
8 such order, opinion, or other decision as necessary to en-
9 sure that properly classified information is appropriately
10 protected.”.

11 **SEC. 403. PRESERVATION OF RIGHTS.**

12 Nothing in this title or an amendment made by this
13 title shall be construed—

14 (1) to provide the Attorney General with au-
15 thority to prevent the FISA Court or FISA Court of
16 Review from declassifying decisions or releasing in-
17 formation pursuant to this title or an amendment
18 made by this title; and

19 (2) to eliminate the public’s ability to secure in-
20 formation under section 552 of title 5, United States
21 Code (commonly known as the “Freedom of Infor-
22 mation Act”) or any other provision of law.

1 **TITLE V—NATIONAL SECURITY**
2 **LETTER REFORMS**

3 **SEC. 501. NATIONAL SECURITY LETTER AUTHORITY.**

4 (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE
5 TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of
6 title 18, United States Code, is amended—

7 (1) in subsection (b)—

8 (A) by striking “may—” and all that fol-
9 lows through the period at the end and insert-
10 ing the following: “may request the name, ad-
11 dress, length of service, and local and long dis-
12 tance toll billing records of a person or entity
13 if the Director (or his designee) certifies in
14 writing to the wire or electronic communication
15 service provider to which the request is made
16 that—”; and

17 (B) by adding at the end the following new
18 paragraphs:

19 “(1) the name, address, length of service, and
20 toll billing records sought are relevant and material
21 to an authorized investigation to protect against
22 international terrorism or clandestine intelligence ac-
23 tivities, provided that such an investigation of a
24 United States person is not conducted solely on the

1 basis of activities protected by the First Amendment
2 to the Constitution of the United States; and

3 “(2) there are reasonable grounds to believe
4 that the name, address, length of service, and toll
5 billing records sought pertain to—

6 “(A) a foreign power or agent of a foreign
7 power;

8 “(B) the activities of a suspected agent of
9 a foreign power who is the subject of such au-
10 thorized investigation; or

11 “(C) an individual in contact with, or
12 known to, a suspected agent of a foreign
13 power.”; and

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

16 “(g) For purposes of this subsection, the terms ‘agent
17 of a foreign power’, ‘foreign power’, ‘international ter-
18 rorism’, and ‘United States person’ have the same mean-
19 ings as in section 101 of the Foreign Intelligence Surveil-
20 lance Act of 1978 (50 U.S.C. 1801).”.

21 (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN
22 INTELLIGENCE AND PROTECTIVE PURPOSES.—Section
23 1114 of the Right to Financial Privacy Act of 1978 (12
24 U.S.C. 3414) is amended to read as follows:

1 **“SEC. 1114. ACCESS TO FINANCIAL RECORDS FOR CERTAIN**
2 **INTELLIGENCE AND PROTECTIVE PURPOSES.**

3 “(a) AUTHORIZATION.—

4 “(1) IN GENERAL.—The Director of the Fed-
5 eral Bureau of Investigation, or a designee of the
6 Director whose rank shall be no lower than Deputy
7 Assistant Director at Bureau headquarters or Spe-
8 cial Agent in Charge in a Bureau field office, may
9 issue in writing and cause to be served on a financial
10 institution, a request requiring the production of—

11 “(A) the name of a customer of the finan-
12 cial institution;

13 “(B) the address of a customer of the fi-
14 nancial institution;

15 “(C) the length of time during which a
16 person has been, or was, a customer of the fi-
17 nancial institution (including the start date)
18 and the type of service provided by the financial
19 institution to the customer; and

20 “(D) any account number or other unique
21 identifier associated with a customer of the fi-
22 nancial institution.

23 “(2) LIMITATION.—A request issued under this
24 subsection may not require the production of records
25 or information not listed in paragraph (1).

26 “(b) REQUIREMENTS.—

1 “(1) IN GENERAL.—A request issued under
2 subsection (a) shall—

3 “(A) be subject to the requirements of sub-
4 sections (d) through (g) of section 2709 of title
5 18, United States Code, in the same manner
6 and to the same extent as those provisions
7 apply with respect to a request under section
8 2709(b) of title 18, United States Code, to a
9 wire or electronic communication service pro-
10 vider; and

11 “(B) include a statement of facts showing
12 that there are reasonable grounds to believe
13 that the records or other things sought—

14 “(i) are relevant and material to an
15 authorized investigation (other than a
16 threat assessment and provided that such
17 an investigation of a United States person
18 is not conducted solely on the basis of ac-
19 tivities protected by the First Amendment
20 to the Constitution of the United States)
21 to—

22 “(I) obtain foreign intelligence
23 information not concerning a United
24 States person; or

1 “(II) protect against inter-
2 national terrorism or clandestine intel-
3 ligence activities; and

4 “(ii) pertain to—

5 “(I) a foreign power or an agent
6 of a foreign power;

7 “(II) the activities of a suspected
8 agent of a foreign power who is the
9 subject of such authorized investiga-
10 tion; or

11 “(III) an individual in contact
12 with, or known to, a suspected agent
13 of a foreign power.

14 “(2) DEFINITIONS.—For purposes of this sub-
15 section, the terms ‘agent of a foreign power’, ‘for-
16 eign intelligence information’, ‘foreign power’, ‘inter-
17 national terrorism’, and ‘United States person’ have
18 the same meanings as in section 101 of the Foreign
19 Intelligence Surveillance Act of 1978 (50 U.S.C.
20 1801).

21 “(c) DEFINITION OF FINANCIAL INSTITUTION.—For
22 purposes of this section (and sections 1115 and 1117, in-
23 sofar as the sections relate to the operation of this sec-
24 tion), the term ‘financial institution’ has the same mean-
25 ing as in subsections (a)(2) and (c)(1) of section 5312 of

1 title 31, United States Code, except that the term shall
2 include only a financial institution any part of which is
3 located inside any State or territory of the United States,
4 the District of Columbia, Puerto Rico, Guam, American
5 Samoa, the Commonwealth of the Northern Mariana Is-
6 lands, or the United States Virgin Islands.”.

7 (c) NATIONAL SECURITY LETTER AUTHORITY FOR
8 CERTAIN CONSUMER REPORT RECORDS.—

9 (1) IN GENERAL.—Section 626 of the Fair
10 Credit Reporting Act (15 U.S.C. 1681u) is amend-
11 ed—

12 (A) by striking subsections (a) through (c)
13 and inserting the following new subsections:

14 “(a) AUTHORIZATION.—

15 “(1) IN GENERAL.—The Director of the Fed-
16 eral Bureau of Investigation, or a designee of the
17 Director whose rank shall be no lower than Deputy
18 Assistant Director at Bureau headquarters or Spe-
19 cial Agent in Charge in a Bureau field office, may
20 issue in writing and cause to be served on a con-
21 sumer reporting agency a request requiring the pro-
22 duction of—

23 “(A) the name of a consumer;

24 “(B) the current and former address of a
25 consumer;

1 “(C) the current and former places of em-
2 ployment of a consumer; and

3 “(D) the name and address of any finan-
4 cial institution (as that term is defined in sec-
5 tion 1101 of the Right to Financial Privacy Act
6 of 1978 (12 U.S.C. 3401)) at which a consumer
7 maintains or has maintained an account, to the
8 extent that the information is in the files of the
9 consumer reporting agency.

10 “(2) LIMITATION.—A request issued under this
11 subsection may not require the production of a con-
12 sumer report.

13 “(b) REQUIREMENTS.—

14 “(1) IN GENERAL.—A request issued under
15 subsection (a) shall—

16 “(A) be subject to the requirements of sub-
17 sections (d) through (g) of section 2709 of title
18 18, United States Code, in the same manner
19 and to the same extent as those provisions
20 apply with respect to a request under section
21 2709(b) of title 18, United States Code, to a
22 wire or electronic communication service pro-
23 vider; and

1 “(B) include a statement of facts showing
2 that there are reasonable grounds to believe
3 that the records or other things sought—

4 “(i) are relevant and material to an
5 authorized investigation (other than a
6 threat assessment and provided that such
7 an investigation of a United States person
8 is not conducted solely on the basis of ac-
9 tivities protected by the First Amendment
10 to the Constitution of the United States)
11 to—

12 “(I) obtain foreign intelligence
13 information not concerning a United
14 States person; or

15 “(II) protect against inter-
16 national terrorism or clandestine intel-
17 ligence activities; and

18 “(ii) pertain to—

19 “(I) a foreign power or an agent
20 of a foreign power;

21 “(II) the activities of a suspected
22 agent of a foreign power who is the
23 subject of such authorized investiga-
24 tion; or

1 “(III) an individual in contact
2 with, or known to, a suspected agent
3 of a foreign power.

4 “(2) DEFINITIONS.—In this subsection, the
5 terms ‘agent of a foreign power’, ‘foreign intelligence
6 information’, ‘foreign power’, ‘international ter-
7 rorism’, and ‘United States person’ have the mean-
8 ing given such terms in section 101 of the Foreign
9 Intelligence Surveillance Act of 1978 (50 U.S.C.
10 1801).”;

11 (B) by striking subsections (f) through (h);

12 and

13 (C) by redesignating subsections (d), (e),
14 (i), (j), (k), (l), and (m) as subsections (c), (d),
15 (e), (f), (g), (h), and (i), respectively.

16 (2) REPEAL.—Section 627 of the Fair Credit
17 Reporting Act (15 U.S.C. 1681v) is repealed.

18 **SEC. 502. LIMITATIONS ON DISCLOSURE OF NATIONAL SE-**
19 **CURITY LETTERS.**

20 (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE
21 TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of
22 title 18, United States Code, is amended by striking sub-
23 section (c) and inserting the following new subsection:

24 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

25 “(1) PROHIBITION.—

1 “(A) IN GENERAL.—If a certification is
2 issued under subparagraph (B) and notice of
3 the right to judicial review under subsection (d)
4 is provided, no wire or electronic communica-
5 tion service provider, or officer, employee, or
6 agent thereof, that receives a request under
7 subsection (b), shall disclose to any person that
8 the Director of the Federal Bureau of Inves-
9 tigation has sought or obtained access to infor-
10 mation or records under this section.

11 “(B) CERTIFICATION.—The requirements
12 of subparagraph (A) shall apply if the Director
13 of the Federal Bureau of Investigation, or a
14 designee of the Director whose rank shall be no
15 lower than Deputy Assistant Director at Bu-
16 reau headquarters or a Special Agent in Charge
17 of a Bureau field office, certifies that the ab-
18 sence of a prohibition of disclosure under this
19 subsection may result in—

20 “(i) endangering the life or physical
21 safety of any person;

22 “(ii) flight from investigation or pros-
23 ecution;

24 “(iii) destruction of or tampering with
25 evidence;

1 “(iv) intimidation of potential wit-
2 nesses;

3 “(v) interference with diplomatic rela-
4 tions;

5 “(vi) alerting a target, an associate of
6 a target, or the foreign power of which the
7 target is an agent, of the interest of the
8 Government in the target; or

9 “(vii) otherwise seriously endangering
10 the national security of the United States.

11 “(2) EXCEPTION.—

12 “(A) IN GENERAL.—A wire or electronic
13 communication service provider, or officer, em-
14 ployee, or agent thereof, that receives a request
15 under subsection (b) may disclose information
16 otherwise subject to any applicable nondisclo-
17 sure requirement to—

18 “(i) those persons to whom disclosure
19 is necessary in order to comply with the re-
20 quest;

21 “(ii) an attorney in order to obtain
22 legal advice or assistance regarding the re-
23 quest; or

1 “(iii) other persons as permitted by
2 the Director of the Federal Bureau of In-
3 vestigation or the designee of the Director.

4 “(B) APPLICATION.—A person to whom
5 disclosure is made under subparagraph (A)
6 shall be subject to the nondisclosure require-
7 ments applicable to a person to whom a request
8 is issued under subsection (b) in the same man-
9 ner as the person to whom the request is
10 issued.

11 “(C) NOTICE.—Any recipient that dis-
12 closes to a person described in subparagraph
13 (A) information otherwise subject to a non-
14 disclosure requirement shall notify the person of
15 the applicable nondisclosure requirement.

16 “(D) IDENTIFICATION OF DISCLOSURE RE-
17 CIPIENTS.—At the request of the Director of
18 the Federal Bureau of Investigation or the des-
19 ignee of the Director, any person making or in-
20 tending to make a disclosure under clause (i) or
21 (iii) of subparagraph (A) shall identify to the
22 Director or such designee the person to whom
23 such disclosure will be made or to whom such
24 disclosure was made prior to the request.

1 “(3) TERMINATION.—In the case of any request
2 for which a recipient has submitted a notification or
3 filed a petition for judicial review under paragraph
4 (3)(B), if the facts supporting a nondisclosure re-
5 quirement cease to exist, an appropriate official of
6 the Federal Bureau of Investigation shall promptly
7 notify the wire or electronic service provider, or offi-
8 cer, employee, or agent thereof, subject to the non-
9 disclosure requirement that the nondisclosure re-
10 quirement is no longer in effect.”.

11 (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN
12 INTELLIGENCE AND PROTECTIVE PURPOSES.—Section
13 1114 of the Right to Financial Privacy Act of 1978 (12
14 U.S.C. 3414), as amended by section 501(b) of this Act,
15 is further amended—

16 (1) by redesignating subsection (c) as sub-
17 section (d); and

18 (2) by inserting after subsection (b) the fol-
19 lowing new subsection:

20 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

21 “(1) PROHIBITION.—

22 “(A) IN GENERAL.—If a certification is
23 issued under subparagraph (B) and notice of
24 the right to judicial review under subsection (d)
25 is provided, no financial institution, or officer,

1 employee, or agent thereof, that receives a re-
2 quest under subsection (a) shall disclose to any
3 person that the Federal Bureau of Investigation
4 has sought or obtained access to information or
5 records under subsection (a).

6 “(B) CERTIFICATION.—The requirements
7 of subparagraph (A) shall apply if the Director
8 of the Federal Bureau of Investigation, or a
9 designee of the Director whose rank shall be no
10 lower than Deputy Assistant Director at Bu-
11 reau headquarters or a Special Agent in Charge
12 of a Bureau field office, certifies that the ab-
13 sence of a prohibition of disclosure under this
14 subsection may result in—

15 “(i) endangering the life or physical
16 safety of any person;

17 “(ii) flight from investigation or pros-
18 ecution;

19 “(iii) destruction of or tampering with
20 evidence;

21 “(iv) intimidation of potential wit-
22 nesses;

23 “(v) interference with diplomatic rela-
24 tions;

1 “(vi) alerting a target, an associate of
2 a target, or the foreign power of which the
3 target is an agent, of the interest of the
4 Government in the target; or

5 “(vii) otherwise seriously endangering
6 the national security of the United States.

7 “(2) EXCEPTION.—

8 “(A) IN GENERAL.—A financial institu-
9 tion, or officer, employee, or agent thereof, that
10 receives a request under subsection (a) may dis-
11 close information otherwise subject to any ap-
12 plicable nondisclosure requirement to—

13 “(i) those persons to whom disclosure
14 is necessary in order to comply with the re-
15 quest;

16 “(ii) an attorney in order to obtain
17 legal advice or assistance regarding the re-
18 quest; or

19 “(iii) other persons as permitted by
20 the Director of the Federal Bureau of In-
21 vestigation or the designee of the Director.

22 “(B) APPLICATION.—A person to whom
23 disclosure is made under subparagraph (A)
24 shall be subject to the nondisclosure require-
25 ments applicable to a person to whom a request

1 is issued under subsection (a) in the same man-
2 ner as the person to whom the request is
3 issued.

4 “(C) NOTICE.—Any recipient that dis-
5 closes to a person described in subparagraph
6 (A) information otherwise subject to a non-
7 disclosure requirement shall inform the person
8 of the applicable nondisclosure requirement.

9 “(D) IDENTIFICATION OF DISCLOSURE RE-
10 CIPIENTS.—At the request of the Director of
11 the Federal Bureau of Investigation or the des-
12 ignee of the Director, any person making or in-
13 tending to make a disclosure under clause (i) or
14 (iii) of subparagraph (A) shall identify to the
15 Director or such designee the person to whom
16 such disclosure will be made or to whom such
17 disclosure was made prior to the request.

18 “(3) TERMINATION.—In the case of any request
19 for which a financial institution has submitted a no-
20 tification or filed a petition for judicial review under
21 paragraph (3)(B), if the facts supporting a non-
22 disclosure requirement cease to exist, an appropriate
23 official of the Federal Bureau of Investigation shall
24 promptly notify the financial institution, or officer,
25 employee, or agent thereof, subject to the nondisclo-

1 sure requirement that the nondisclosure requirement
2 is no longer in effect.”.

3 (c) IDENTITY OF FINANCIAL INSTITUTIONS AND
4 CREDIT REPORTS.—Section 626 of the Fair Credit Re-
5 porting Act (15 U.S.C. 1681u), as amended by section
6 501(e) of this Act, is further amended by striking sub-
7 section (c) (as redesignated by section 501(e)(1)(D) of this
8 Act) and inserting the following new subsection:

9 “(c) PROHIBITION OF CERTAIN DISCLOSURE.—

10 “(1) PROHIBITION.—

11 “(A) IN GENERAL.—If a certification is
12 issued under subparagraph (B) and notice of
13 the right to judicial review under subsection (d)
14 is provided, no consumer reporting agency, or
15 officer, employee, or agent thereof, that receives
16 a request under subsection (a) shall disclose or
17 specify in any consumer report, that the Fed-
18 eral Bureau of Investigation has sought or ob-
19 tained access to information or records under
20 subsection (a) or (b).

21 “(B) CERTIFICATION.—The requirements
22 of subparagraph (A) shall apply if the Director
23 of the Federal Bureau of Investigation, or a
24 designee of the Director whose rank shall be no
25 lower than Deputy Assistant Director at Bu-

1 reau headquarters or a Special Agent in Charge
2 of a Bureau field office, certifies that the ab-
3 sence of a prohibition of disclosure under this
4 subsection may result in—

5 “(i) endangering the life or physical
6 safety of any person;

7 “(ii) flight from investigation or pros-
8 ecution;

9 “(iii) destruction of or tampering with
10 evidence;

11 “(iv) intimidation of potential wit-
12 nesses;

13 “(v) interference with diplomatic rela-
14 tions;

15 “(vi) alerting a target, an associate of
16 a target, or the foreign power of which the
17 target is an agent, of the interest of the
18 Government in the target; or

19 “(vii) otherwise seriously endangering
20 the national security of the United States.

21 “(2) EXCEPTION.—

22 “(A) IN GENERAL.—A consumer reporting
23 agency, or officer, employee, or agent thereof,
24 that receives a request under subsection (a)

1 may disclose information otherwise subject to
2 any applicable nondisclosure requirement to—

3 “(i) those persons to whom disclosure
4 is necessary in order to comply with the re-
5 quest;

6 “(ii) an attorney in order to obtain
7 legal advice or assistance regarding the re-
8 quest; or

9 “(iii) other persons as permitted by
10 the Director of the Federal Bureau of In-
11 vestigation or the designee of the Director.

12 “(B) APPLICATION.—A person to whom
13 disclosure is made under subparagraph (A)
14 shall be subject to the nondisclosure require-
15 ments applicable to a person to whom a request
16 is issued under subsection (a) or (b) in the
17 same manner as the person to whom the re-
18 quest is issued.

19 “(C) NOTICE.—Any recipient that dis-
20 closes to a person described in subparagraph
21 (A) information otherwise subject to a non-
22 disclosure requirement shall inform the person
23 of the applicable nondisclosure requirement.

24 “(D) IDENTIFICATION OF DISCLOSURE RE-
25 CIPIENTS.—At the request of the Director of

1 the Federal Bureau of Investigation or the des-
2 ignee of the Director, any person making or in-
3 tending to make a disclosure under clause (i) or
4 (iii) of subparagraph (A) shall identify to the
5 Director or such designee the person to whom
6 such disclosure will be made or to whom such
7 disclosure was made prior to the request.

8 “(3) TERMINATION.—In the case of any request
9 for which a consumer reporting agency has sub-
10 mitted a notification or filed a petition for judicial
11 review under paragraph (3)(B), if the facts sup-
12 porting a nondisclosure requirement cease to exist,
13 an appropriate official of the Federal Bureau of In-
14 vestigation shall promptly notify the consumer re-
15 porting agency, or officer, employee, or agent there-
16 of, subject to the nondisclosure requirement that the
17 nondisclosure requirement is no longer in effect.”.

18 (d) INVESTIGATIONS OF PERSONS WITH ACCESS TO
19 CLASSIFIED INFORMATION.—Section 802 of the National
20 Security Act of 1947 (50 U.S.C. 3162) is amended by
21 striking subsection (b) and inserting the following new
22 subsection:

23 “(b) PROHIBITION OF CERTAIN DISCLOSURE.—

24 “(1) PROHIBITION.—

1 “(A) IN GENERAL.—If a certification is
2 issued under subparagraph (B) and notice of
3 the right to judicial review under subsection (c)
4 is provided, no governmental or private entity,
5 or officer, employee, or agent thereof, that re-
6 ceives a request under subsection (a), shall dis-
7 close to any person that an authorized inves-
8 tigative agency described in subsection (a) has
9 sought or obtained access to information under
10 subsection (a).

11 “(B) CERTIFICATION.—The requirements
12 of subparagraph (A) shall apply if the head of
13 an authorized investigative agency described in
14 subsection (a), or a designee, certifies that the
15 absence of a prohibition of disclosure under this
16 subsection may result in—

17 “(i) endangering the life or physical
18 safety of any person;

19 “(ii) flight from investigation or pros-
20 ecution;

21 “(iii) destruction of or tampering with
22 evidence;

23 “(iv) intimidation of potential wit-
24 nesses;

1 “(v) interference with diplomatic rela-
2 tions;

3 “(vi) alerting a target, an associate of
4 a target, or the foreign power of which the
5 target is an agent, of the interest of the
6 Government in the target; or

7 “(vii) otherwise seriously endangering
8 the national security of the United States.

9 “(2) EXCEPTION.—

10 “(A) IN GENERAL.—A governmental or
11 private entity, or officer, employee, or agent
12 thereof, that receives a request under sub-
13 section (a) may disclose information otherwise
14 subject to any applicable nondisclosure require-
15 ment to—

16 “(i) those persons to whom disclosure
17 is necessary in order to comply with the re-
18 quest;

19 “(ii) an attorney in order to obtain
20 legal advice or assistance regarding the re-
21 quest; or

22 “(iii) other persons as permitted by
23 the head of the authorized investigative
24 agency described in subsection (a).

1 “(B) APPLICATION.—A person to whom
2 disclosure is made under subparagraph (A)
3 shall be subject to the nondisclosure require-
4 ments applicable to a person to whom a request
5 is issued under subsection (a) in the same man-
6 ner as the person to whom the request is
7 issued.

8 “(C) NOTICE.—Any recipient that dis-
9 closes to a person described in subparagraph
10 (A) information otherwise subject to a non-
11 disclosure requirement shall inform the person
12 of the applicable nondisclosure requirement.

13 “(D) IDENTIFICATION OF DISCLOSURE RE-
14 CIPIENTS.—At the request of the head of an
15 authorized investigative agency described in
16 subsection (a), or a designee, any person mak-
17 ing or intending to make a disclosure under
18 clause (i) or (iii) of subparagraph (A) shall
19 identify to the head of the authorized investiga-
20 tive agency or such designee the person to
21 whom such disclosure will be made or to whom
22 such disclosure was made prior to the request.

23 “(3) TERMINATION.—In the case of any request
24 for which a governmental or private entity has sub-
25 mitted a notification or filed a petition for judicial

1 review under paragraph (3)(B), if the facts sup-
2 porting a nondisclosure requirement cease to exist,
3 an appropriate official of the authorized investigative
4 agency described in subsection (a) shall promptly no-
5 tify the governmental or private entity, or officer,
6 employee, or agent thereof, subject to the nondisclo-
7 sure requirement that the nondisclosure requirement
8 is no longer in effect.”.

9 (e) JUDICIAL REVIEW.—Section 3511 of title 18,
10 United States Code, is amended by striking subsection (b)
11 and inserting the following new subsection:

12 “(b) NONDISCLOSURE.—

13 “(1) IN GENERAL.—

14 “(A) NOTICE.—If a recipient of a request
15 for a report, records, or other information
16 under section 2709 of this title, section 626 of
17 the Fair Credit Reporting Act (15 U.S.C.
18 1681u), section 1114 of the Right to Financial
19 Privacy Act of 1978 (12 U.S.C. 3414), or sec-
20 tion 802 of the National Security Act of 1947
21 (50 U.S.C. 3162), wishes to have a court review
22 a nondisclosure requirement imposed in connec-
23 tion with the request, the recipient may notify
24 the Government or file a petition for judicial re-
25 view in any court described in subsection (a).

1 “(B) APPLICATION.—Not later than 30
2 days after the date of receipt of a notification
3 under subparagraph (A), the Government shall
4 apply for an order prohibiting the disclosure of
5 the existence or contents of the relevant re-
6 quest. An application under this subparagraph
7 may be filed in the district court of the United
8 States for the judicial district in which the re-
9 cipient of the order is doing business or in the
10 district court of the United States for any judi-
11 cial district within which the authorized inves-
12 tigation that is the basis for the request is
13 being conducted. The applicable nondisclosure
14 requirement shall remain in effect during the
15 pendency of proceedings relating to the require-
16 ment.

17 “(C) CONSIDERATION.—A district court of
18 the United States that receives a petition under
19 subparagraph (A) or an application under sub-
20 paragraph (B) should rule expeditiously, and
21 shall, subject to paragraph (3), issue a non-
22 disclosure order that includes conditions appro-
23 priate to the circumstances.

24 “(2) APPLICATION CONTENTS.—An application
25 for a nondisclosure order or extension thereof or a

1 response to a petition filed under paragraph (1)
2 shall include a certification from the Attorney Gen-
3 eral, Deputy Attorney General, an Assistant Attor-
4 ney General, or the Director of the Federal Bureau
5 of Investigation, or in the case of a request by a de-
6 partment, agency, or instrumentality of the Federal
7 Government other than the Department of Justice,
8 the head or deputy head of the department, agency,
9 or instrumentality, containing a statement of specific
10 facts indicating that the absence of a prohibition of
11 disclosure under this subsection may result in—

12 “(A) endangering the life or physical safety
13 of any person;

14 “(B) flight from investigation or prosecu-
15 tion;

16 “(C) destruction of or tampering with evi-
17 dence;

18 “(D) intimidation of potential witnesses;

19 “(E) interference with diplomatic relations;

20 “(F) alerting a target, an associate of a
21 target, or the foreign power of which the target
22 is an agent, of the interest of the Government
23 in the target; or

24 “(G) otherwise seriously endangering the
25 national security of the United States.

1 “(3) STANDARD.—A district court of the
2 United States shall issue a nondisclosure require-
3 ment order or extension thereof under this sub-
4 section if the court determines that there is reason
5 to believe that disclosure of the information subject
6 to the nondisclosure requirement during the applica-
7 ble time period will result in—

8 “(A) endangering the life or physical safety
9 of any person;

10 “(B) flight from investigation or prosecu-
11 tion;

12 “(C) destruction of or tampering with evi-
13 dence;

14 “(D) intimidation of potential witnesses;

15 “(E) interference with diplomatic relations;

16 “(F) alerting a target, an associate of a
17 target, or the foreign power of which the target
18 is an agent, of the interest of the Government
19 in the target; or

20 “(G) otherwise seriously endangering the
21 national security of the United States.”.

22 **SEC. 503. JUDICIAL REVIEW.**

23 (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE
24 TOLL AND TRANSACTIONAL RECORDS.—Section 2709 of

1 title 18, United States Code, as amended by section
2 501(a) of this Act, is further amended—

3 (1) by redesignating subsections (d), (e), (f),
4 and (g) as subsections (e), (f), (g), and (h), respec-
5 tively; and

6 (2) by inserting after subsection (c) the fol-
7 lowing new subsection:

8 “(d) JUDICIAL REVIEW.—

9 “(1) IN GENERAL.—A request under subsection
10 (b) or a non-disclosure requirement imposed in con-
11 nection with such request under subsection (c) shall
12 be subject to judicial review under section 3511.

13 “(2) NOTICE.—A request under subsection (b)
14 shall include notice of the availability of judicial re-
15 view described in paragraph (1).”.

16 (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN
17 INTELLIGENCE AND PROTECTIVE PURPOSES.—Section
18 1114 of the Right to Financial Privacy Act of 1978 (12
19 U.S.C. 3414), as amended by section 502(b) of this Act,
20 is further amended—

21 (1) by redesignating subsection (d) (as redesign-
22 nated by such section 502(b)) as subsection (e); and

23 (2) by inserting after subsection (c) the fol-
24 lowing new subsection:

25 “(d) JUDICIAL REVIEW.—

1 “(1) IN GENERAL.—A request under subsection
2 (a) or a non-disclosure requirement imposed in con-
3 nection with such request under subsection (c) shall
4 be subject to judicial review under section 3511 of
5 title 18, United States Code.

6 “(2) NOTICE.—A request under subsection (a)
7 shall include notice of the availability of judicial re-
8 view described in paragraph (1).”.

9 (c) IDENTITY OF FINANCIAL INSTITUTIONS AND
10 CREDIT REPORTS.—Section 626 of the Right to Financial
11 Privacy Act (15 U.S.C. 1681u), as amended by section
12 502(e) of this Act, is further amended—

13 (1) by redesignating subsections (d) through (i)
14 (as redesignated by such section 502(e)) as sub-
15 sections (e) through (j), respectively; and

16 (2) by inserting after subsection (c) the fol-
17 lowing new subsection:

18 “(d) JUDICIAL REVIEW.—

19 “(1) IN GENERAL.—A request under subsection
20 (a) or a non-disclosure requirement imposed in con-
21 nection with such request under subsection (c) shall
22 be subject to judicial review under section 3511 of
23 title 18, United States Code.

1 “(2) NOTICE.—A request under subsection (a)
2 shall include notice of the availability of judicial re-
3 view described in paragraph (1).”.

4 (d) INVESTIGATIONS OF PERSONS WITH ACCESS TO
5 CLASSIFIED INFORMATION.—Section 802 of the National
6 Security Act of 1947 (50 U.S.C. 3162) is amended—

7 (1) by redesignating subsections (e) through (e)
8 as subsections (d) through (f), respectively; and

9 (2) by inserting after subsection (b) the fol-
10 lowing new subsection:

11 “(c) JUDICIAL REVIEW.—

12 “(1) IN GENERAL.—A request under subsection
13 (a) or a non-disclosure requirement imposed in con-
14 nection with such request under subsection (c) shall
15 be subject to judicial review under section 3511 of
16 title 18, United States Code.

17 “(2) NOTICE.—A request under subsection (a)
18 shall include notice of the availability of judicial re-
19 view described in paragraph (1).”.

20 **SEC. 504. INSPECTOR GENERAL REPORTS ON NATIONAL SE-**
21 **CURITY LETTERS.**

22 Section 119 of the USA PATRIOT Improvement and
23 Reauthorization Act of 2005 (Public Law 109–177; 120
24 Stat. 219) is amended—

25 (1) in subsection (b)—

1 (A) in paragraph (1), by inserting “and
2 calendar years 2010 through 2014” after
3 “2006”; and

4 (B) in paragraph (3)(C), by striking “(as
5 such term is defined in section 3(4) of the Na-
6 tional Security Act of 1947 (50 U.S.C.
7 401a(4)))”;

8 (2) in subsection (c), by adding at the end the
9 following new paragraph:

10 “(3) CALENDAR YEARS 2010 THROUGH 2013.—
11 Not later than June 1, 2016, the Inspector General
12 of the Department of Justice shall submit to the
13 Committee on the Judiciary and the Permanent Se-
14 lect Committee on Intelligence of the House of Rep-
15 resentatives and the Committee on the Judiciary and
16 the Select Committee on Intelligence of the Senate
17 a report containing the results of the audit con-
18 ducted under subsection (a) for calendar years 2010
19 through 2014.”;

20 (3) by striking subsection (g) and inserting the
21 following new subsection:

22 “(h) DEFINITIONS.—In this section:

23 “(1) INTELLIGENCE COMMUNITY.—The term
24 ‘intelligence community’ has the meaning given that

1 term in section 3 of the National Security Act of
2 1947 (50 U.S.C. 3003).

3 “(2) NATIONAL SECURITY LETTER.—The term
4 ‘national security letter’ means a request for infor-
5 mation under—

6 “(A) section 2709(b) of title 18, United
7 States Code (to access certain communication
8 service provider records);

9 “(B) section 1114 of the Right to Finan-
10 cial Privacy Act of 1978 (12 U.S.C.
11 3414(a)(5)(A)) (to obtain financial institution
12 customer records);

13 “(C) section 802 of the National Security
14 Act of 1947 (50 U.S.C. 3162) (to obtain finan-
15 cial information, records, and consumer re-
16 ports); or

17 “(D) section 626 of the Fair Credit Re-
18 porting Act (15 U.S.C. 1681u) (to obtain cer-
19 tain financial information and consumer re-
20 ports).

21 “(3) UNITED STATES PERSON.—The term
22 ‘United States person’ has the meaning given that
23 term in section 101 of the Foreign Intelligence Sur-
24 veillance Act of 1978 (50 U.S.C. 1801).”;

1 (4) by redesignating subsections (d), (e), and
2 (f) as subsections (e), (f), and (g), respectively;

3 (5) by inserting after subsection (c) the fol-
4 lowing new subsection:

5 “(d) INTELLIGENCE ASSESSMENT.—

6 “(1) IN GENERAL.—For the period beginning
7 on January 1, 2010, and ending on December 31,
8 2014, the Inspector General of the Intelligence Com-
9 munity shall—

10 “(A) examine the use of national security
11 letters by the intelligence community during the
12 period;

13 “(B) describe any noteworthy facts or cir-
14 cumstances relating to the use of national secu-
15 rity letters by the intelligence community, in-
16 cluding any improper or illegal use of such au-
17 thority;

18 “(C) assess the importance of information
19 received under the national security letters to
20 the activities of the intelligence community; and

21 “(D) examine the manner in which infor-
22 mation received under the national security let-
23 ters was collected, retained, analyzed, and dis-
24 seminated.

1 “(2) SUBMISSION DATE FOR ASSESSMENT.—
2 Not later than June 1, 2016, the Inspector General
3 of the Intelligence Community shall submit to the
4 Committee on the Judiciary and the Select Com-
5 mittee on Intelligence of the Senate and the Com-
6 mittee on the Judiciary and the Permanent Select
7 Committee on Intelligence of the House of Rep-
8 resentatives a report containing the results of the
9 assessment for calendar years 2010 through 2014.”;

10 (6) in subsection (e), as redesignated by para-
11 graph (4)—

12 (A) in paragraph (1)—

13 (i) by striking “a report under sub-
14 section (c)(1) or (c)(2)” and inserting “any
15 report under subsection (c) or (d)”; and

16 (ii) by striking “Inspector General of
17 the Department of Justice” and inserting
18 “Inspector General of the Department of
19 Justice, the Inspector General of the Intel-
20 ligence Community, and any Inspector
21 General of an element of the intelligence
22 community that prepares a report to assist
23 the Inspector General of the Department
24 of Justice or the Inspector General of the

1 Intelligence Community in complying with
2 the requirements of this section”; and

3 (B) in paragraph (2), by striking “the re-
4 ports submitted under subsection (c)(1) or
5 (c)(2)” and inserting “any report submitted
6 under subsection (c) or (d)”;

7 (7) in subsection (f), as redesignated by para-
8 graph (4)—

9 (A) by striking “The reports submitted
10 under subsections (c)(1) or (c)(2)” and insert-
11 ing “Each report submitted under subsection
12 (c)”;

13 (B) by striking “subsection (d)(2)” and in-
14 serting “subsection (e)(2)”.

15 **SEC. 505. TECHNICAL AND CONFORMING AMENDMENTS.**

16 Section 3511 of title 18, United States Code, is
17 amended in subsections (a), (c), and (d), by striking “or
18 627(a)” each place it appears.

19 **TITLE VI—FISA AND NATIONAL**
20 **SECURITY LETTER TRANS-**
21 **PARENCY REFORMS**

22 **SEC. 601. THIRD-PARTY REPORTING ON FISA ORDERS AND**
23 **NATIONAL SECURITY LETTERS.**

24 (a) IN GENERAL.—Each electronic service provider
25 may report information to the public in accordance with

1 this section about demands and requests for information
2 made by any Government entity under a surveillance law,
3 and is exempt in accordance with subsection (d) from li-
4 ability with respect to that report, even if such provider
5 would otherwise be prohibited by a surveillance law from
6 reporting that information.

7 (b) PERIODIC AGGREGATE REPORTS.—An electronic
8 service provider may report such information not more
9 often than quarterly and only to the following extent:

10 (1) ESTIMATE OF NUMBERS OF DEMANDS AND
11 REQUESTS MADE.—The report may reveal an esti-
12 mate of the number of the demands and requests de-
13 scribed in subsection (a) made during the period to
14 which the report pertains.

15 (2) ESTIMATE OF NUMBERS OF DEMANDS AND
16 REQUESTS COMPLIED WITH.—The report may reveal
17 an estimate of the numbers of the demands and re-
18 quests described in subsection (a) the electronic
19 service provider complied with during the period to
20 which the report pertains, regardless of when the de-
21 mands or requests were made.

22 (3) ESTIMATE OF NUMBER OF USERS OR AC-
23 COUNTS.—The report may reveal an estimate of the
24 numbers of users or accounts, or both, of the elec-
25 tronic service provider, for which information was

1 demanded, requested, or provided during the period
2 to which the report pertains.

3 (c) SPECIAL RULES FOR REPORTS.—

4 (1) LEVEL OF DETAIL BY AUTHORIZING SUR-
5 VEILLANCE LAW.—Any estimate disclosed under this
6 section may be an overall estimate or broken down
7 by categories of authorizing surveillance laws or by
8 provisions of authorizing surveillance laws.

9 (2) LEVEL OF DETAIL BY NUMERICAL
10 RANGE.—Each estimate disclosed under this section
11 shall be rounded to the nearest 100. If an estimate
12 is zero, an electronic service provider may report the
13 estimate as zero.

14 (3) REPORT MAY BE BROKEN DOWN BY PERI-
15 ODS NOT LESS THAN CALENDAR QUARTERS.—For
16 any reporting period, an electronic service provider
17 may break down the report by calendar quarters or
18 any other time periods greater than a calendar quar-
19 ter.

20 (d) LIMITATION ON LIABILITY.—An electronic serv-
21 ice provider making a report that the electronic service
22 provider reasonably believes in good faith is authorized by
23 this section is not criminally or civilly liable in any court
24 for making the report.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall be construed to prohibit disclosures other than
3 those authorized by this section.

4 (f) DEFINITIONS.—In this section:

5 (1) ELECTRONIC SERVICE PROVIDER.—The
6 term “electronic service provider” means an elec-
7 tronic communications service provider (as that term
8 is defined in section 2510 of title 18, United States
9 Code) or a remote computing service provider (as
10 that term is defined in section 2711 of title 18,
11 United States Code).

12 (2) SURVEILLANCE LAW.—The term “surveil-
13 lance law” means any provision of any of the fol-
14 lowing:

15 (A) The Foreign Intelligence Surveillance
16 Act of 1978 (50 U.S.C. 1801 et seq.).

17 (B) Section 802(a) of the National Secu-
18 rity Act of 1947 (50 U.S.C. 436(a)).

19 (C) Section 2709 of title 18, United States
20 Code.

21 (D) Section 1114 of the Right to Financial
22 Privacy Act of 1978 (12 U.S.C. 3414(a)(5)(A)).

23 (E) Subsection (a) or (b) of section 626 of
24 the Fair Credit Reporting Act (15 U.S.C.
25 1681u(a), 1681u(b)).

1 (F) Section 627(a) of the Fair Credit Re-
2 porting Act (15 U.S.C. 1681v(a)) (as in effect
3 on the day before the date of the enactment of
4 this Act).

5 **SEC. 602. GOVERNMENT REPORTING ON FISA ORDERS.**

6 (a) ELECTRONIC SURVEILLANCE.—

7 (1) REPORT OF ELECTRONIC SURVEILLANCE.—

8 Section 107 of the Foreign Intelligence Surveillance
9 Act of 1978 (50 U.S.C. 1807) is amended—

10 (A) by redesignating subsections (a) and
11 (b) as paragraphs (1) and (2), respectively;

12 (B) in the matter preceding paragraph (1)
13 (as redesignated by subparagraph (A) of this
14 paragraph)—

15 (i) by striking “In April” and insert-
16 ing “(a) In April”; and

17 (ii) by striking “Congress” and insert-
18 ing “the Permanent Select Committee on
19 Intelligence and the Committee on the Ju-
20 diciary of the House of Representatives
21 and the Select Committee on Intelligence
22 and the Committee on the Judiciary of the
23 Senate”;

24 (C) in subsection (a) (as designated by
25 subparagraph (B) of this paragraph)—

1 (i) in paragraph (1) (as redesignated
2 by subparagraph (A) of this paragraph),
3 by striking “; and” and inserting a semi-
4 colon;

5 (ii) in paragraph (2) (as so redesign-
6 nated), by striking the period and inserting
7 a semicolon; and

8 (iii) by adding at the end the fol-
9 lowing new paragraphs:

10 “(3) the total number of individuals who were
11 subject to electronic surveillance conducted under an
12 order entered under this title, rounded to the nearest
13 100; and

14 “(4) the total number of United States persons
15 who were subject to electronic surveillance conducted
16 under an order entered under this title, rounded to
17 the nearest 100.”; and

18 (D) by adding at the end the following new
19 subsection:

20 “(b)(1) Each report required under subsection (a)
21 shall be submitted in unclassified form.

22 “(2) Not later than 7 days after a report is submitted
23 under subsection (a), the Attorney General shall make
24 such report publicly available.”.

1 (2) CONGRESSIONAL OVERSIGHT.—Section
2 108(a)(1) of the Foreign Intelligence Surveillance
3 Act of 1978 (50 U.S.C. 1808) is amended by strik-
4 ing “the House Permanent Select Committee on In-
5 telligence and the Senate Select Committee on Intel-
6 ligence, and the Committee on the Judiciary of the
7 Senate” and inserting “the Permanent Select Com-
8 mittee on Intelligence and the Committee on the Ju-
9 diciary of the House of Representatives and the Se-
10 lect Committee on Intelligence and the Committee
11 on the Judiciary of the Senate”.

12 (b) PHYSICAL SEARCHES.—Section 306 of the For-
13 eign Intelligence Surveillance Act of 1978 (50 U.S.C.
14 1826) is amended—

15 (1) in the first sentence, by striking “Perma-
16 nent Select Committee on Intelligence of the House
17 of Representatives and the Select Committee on In-
18 telligence of the Senate, and the Committee on the
19 Judiciary of the Senate” and inserting “Permanent
20 Select Committee on Intelligence and the Committee
21 on the Judiciary of the House of Representatives
22 and the Select Committee on Intelligence and the
23 Committee on the Judiciary of the Senate”; and

1 (2) in the second sentence, by striking “and the
2 Committee on the Judiciary of the House of Rep-
3 resentatives”.

4 (c) PEN REGISTER AND TRAP AND TRACE DE-
5 VICES.—Section 406 of the Foreign Intelligence Surveil-
6 lance Act of 1978 (50 U.S.C. 1846) is amended—

7 (1) in subsection (b)—

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

10 (B) in paragraph (3), by striking the pe-
11 riod and inserting a semicolon; and

12 (C) by adding at the end the following new
13 paragraphs:

14 “(4) each department or agency on behalf of
15 which the Government has made application for or-
16 ders approving the use of pen registers or trap and
17 trace devices under this title;

18 “(5) for each department or agency described in
19 paragraph (4), a breakdown of the numbers required
20 by paragraphs (1), (2), and (3);

21 “(6) a good faith estimate of the total number
22 of individuals who were targeted by the installation
23 and use of a pen register or trap and trace device
24 authorized under an order entered under this title,
25 rounded to the nearest 100;

1 “(7) a good faith estimate of the total number
2 of United States persons who were targeted by the
3 installation and use of a pen register or trap and
4 trace device authorized under an order entered
5 under this title, rounded to the nearest 100; and

6 “(8) a good faith estimate of the total number
7 of United States persons who were targeted by the
8 installation and use of a pen register or trap and
9 trace device authorized under an order entered
10 under this title and whose information acquired by
11 such pen register or trap and trace device was sub-
12 sequently reviewed or accessed by a Federal officer,
13 employee, or agent, rounded to the nearest 100.”;
14 and

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

17 “(c)(1) Each report required under subsection (b)
18 shall be submitted in unclassified form.

19 “(2) Not later than 7 days after a report is submitted
20 under subsection (b), the Attorney General shall make
21 such report publicly available.”.

22 (d) ACCESS TO CERTAIN BUSINESS RECORDS AND
23 OTHER TANGIBLE THINGS.—Section 503 of the Foreign
24 Intelligence Surveillance Act of 1978, as redesignated by
25 section 101(c) of this Act, is amended—

1 (1) in subsection (a), by striking “Permanent
2 Select Committee on Intelligence of the House of
3 Representatives and the Select Committee on Intel-
4 ligence and the Committee on the Judiciary of the
5 Senate” and inserting after “Permanent Select
6 Committee on Intelligence of the House of Rep-
7 resentatives, the Select Committee on Intelligence of
8 the Senate, and the Committees on the Judiciary of
9 the House of Representatives and the Senate”;

10 (2) in subsection (b)—

11 (A) in the matter preceding paragraph (1),
12 by striking “to the preceding calendar year—”
13 and inserting “to the preceding calendar year
14 the following:”;

15 (B) in paragraph (1)—

16 (i) by striking “the total” and insert-
17 ing “The total”; and

18 (ii) by striking the semicolon and in-
19 serting a period;

20 (C) in paragraph (2)—

21 (i) by striking “the total” and insert-
22 ing “The total”; and

23 (ii) by striking “; and” and inserting
24 a period;

25 (D) in paragraph (3)—

1 (i) in the matter preceding subpara-
2 graph (A), by striking “the number” and
3 inserting “The number”; and

4 (ii) by adding at the end the following
5 new subparagraphs:

6 “(F) Records concerning electronic com-
7 munications.

8 “(G) Records concerning wire communica-
9 tions.”; and

10 (E) by adding at the end the following new
11 paragraphs:

12 “(4) A description of all other tangible things
13 sought by an application made for the production of
14 any tangible things under section 501, and the num-
15 ber of orders under such section 501 granted, modi-
16 fied, or denied, for each tangible thing.

17 “(5) A description of each order under section
18 501 granted, modified, or denied for the production
19 of tangible things on an ongoing basis.

20 “(6) Each department or agency on whose be-
21 half the Director of the Federal Bureau of Investiga-
22 tion or a designee of the Director has made an ap-
23 plication for an order requiring the production of
24 any tangible things under section 501.

1 “(7) For each department or agency described
2 in paragraph (6), a breakdown of the numbers and
3 descriptions required by paragraphs (1), (2), (3),
4 (4), and (5).”; and

5 (3) in subsection (c)—

6 (A) in paragraph (1)—

7 (i) in subparagraph (A), by striking “;
8 and” and inserting a semicolon;

9 (ii) in subparagraph (B), by striking
10 the period and inserting a semicolon; and

11 (iii) by adding at the end the fol-
12 lowing new subparagraphs:

13 “(C) a good faith estimate of the total number
14 of individuals whose tangible things were produced
15 under an order entered under section 501, rounded
16 to the nearest 100;

17 “(D) a good faith estimate of the total number
18 of United States persons whose tangible things were
19 produced under an order entered under section 501,
20 rounded to the nearest 100; and

21 “(E) a good faith estimate of the total number
22 of United States persons whose tangible things were
23 produced under an order entered under section 501
24 and subsequently reviewed or accessed by a Federal

1 officer, employee, or agent, rounded to the nearest
2 100.”; and

3 (B) by adding at the end the following new
4 paragraph:

5 “(3) Not later than 7 days after the date on which
6 a report is submitted under paragraph (1), the Attorney
7 General shall make such report publicly available.”.

8 (e) ADDITIONAL PROCEDURES REGARDING CERTAIN
9 PERSONS OUTSIDE THE UNITED STATES.—Section 707
10 of the Foreign Intelligence Surveillance Act of 1978 (50
11 U.S.C. 1881f) is amended by adding at the end the fol-
12 lowing new subsection:

13 “(c) ADDITIONAL ANNUAL REPORT.—

14 “(1) REPORT REQUIRED.—In April of each
15 year, the Attorney General shall submit to the Per-
16 manent Select Committee on Intelligence and the
17 Committee on the Judiciary of the House of Rep-
18 resentatives and the Select Committee on Intel-
19 ligence and the Committee on the Judiciary of the
20 Senate a report setting forth with respect to the pre-
21 ceding year—

22 “(A) the total number of—

23 “(i) directives issued under section
24 702;

1 “(ii) orders granted under section
2 703; and

3 “(iii) orders granted under section
4 704;

5 “(B) good faith estimates of the total num-
6 ber of individuals, rounded to the nearest 100,
7 whose electronic or wire communications or
8 communications records were collected pursuant
9 to—

10 “(i) a directive issued under section
11 702;

12 “(ii) an order granted under section
13 703; and

14 “(iii) an order granted under section
15 704;

16 “(C) good faith estimates of the total num-
17 ber, rounded to the nearest 100, of United
18 States persons whose electronic or wire commu-
19 nications or communications records were col-
20 lected pursuant to—

21 “(i) a directive issued under section
22 702;

23 “(ii) an order granted under section
24 703; and

1 “(iii) an order granted under section
2 704; and

3 “(D) a good faith estimate of the total
4 number of United States persons whose elec-
5 tronic or wire communications or communica-
6 tions records were collected pursuant to a direc-
7 tive issued under section 702 and subsequently
8 reviewed or accessed by a Federal officer, em-
9 ployee, or agent, rounded to the nearest 100.

10 “(2) FORM.—Each report required under para-
11 graph (1) shall be submitted in unclassified form.

12 “(3) PUBLIC AVAILABILITY.—Not later than 7
13 days after the date on which a report is submitted
14 under paragraph (1), the Attorney General shall
15 make such report publicly available.”.

16 **SEC. 603. GOVERNMENT REPORTING ON NATIONAL SECUR-**
17 **RITY LETTERS.**

18 Section 118(c) of the USA PATRIOT Improvement
19 and Reauthorization Act of 2005 (18 U.S.C. 3511 note)
20 is amended to read as follows:

21 “(c) REPORT ON REQUESTS FOR NATIONAL SECUR-

22 RITY LETTERS.—

23 “(1) CLASSIFIED FORM.—

24 “(A) IN GENERAL.—Not later than March
25 1, 2016, and every 180 days thereafter, the At-

1 torney General shall submit to the Select Com-
2 mittee on Intelligence, the Committee on the
3 Judiciary, and the Committee on Banking,
4 Housing, and Urban Affairs of the Senate and
5 the Permanent Select Committee on Intel-
6 ligence, the Committee on the Judiciary, and
7 the Committee on Financial Services of the
8 House of Representatives a report fully inform-
9 ing the committees concerning the requests
10 made under section 2709(a) of title 18, United
11 States Code, section 1114 of the Right to Fi-
12 nancial Privacy Act of 1978 (12 U.S.C.
13 3414(a)(5)(A)), section 626 of the Fair Credit
14 Reporting Act (15 U.S.C. 1681u), or section
15 802 of the National Security Act of 1947 (50
16 U.S.C. 3162) during the applicable period.

17 “(B) CONTENTS.—Each report under sub-
18 paragraph (A) shall include, for each provision
19 of law described in subparagraph (A)—

20 “(i) authorized requests under the
21 provision, including requests for subscriber
22 information; and

23 “(ii) the number of authorized re-
24 quests under the provision—

1 “(I) that relate to a United
2 States person;

3 “(II) that relate to a person that
4 is not a United States person;

5 “(III) that relate to a person
6 that is—

7 “(aa) the subject of an au-
8 thorized national security inves-
9 tigation; or

10 “(bb) an individual who has
11 been in contact with or otherwise
12 directly linked to the subject of
13 an authorized national security
14 investigation; and

15 “(IV) that relate to a person that
16 is not known to be the subject of an
17 authorized national security investiga-
18 tion.

19 “(2) UNCLASSIFIED FORM.—

20 “(A) IN GENERAL.—Not later than March
21 1, 2016, and every 180 days thereafter, the At-
22 torney General shall submit to the Select Com-
23 mittee on Intelligence, the Committee on the
24 Judiciary, and the Committee on Banking,
25 Housing, and Urban Affairs of the Senate and

1 the Permanent Select Committee on Intel-
2 ligence, the Committee on the Judiciary, and
3 the Committee on Financial Services of the
4 House of Representatives a report fully inform-
5 ing the committees concerning the aggregate
6 total of all requests identified under paragraph
7 (1) during the applicable period. Each report
8 under this paragraph shall be in unclassified
9 form.

10 “(B) CONTENTS.—Each report under sub-
11 paragraph (A) shall include the aggregate total
12 of requests—

13 “(i) that relate to a United States
14 person;

15 “(ii) that relate to a person that is
16 not a United States person;

17 “(iii) that relate to a person that is—

18 “(I) the subject of an authorized
19 national security investigation; or

20 “(II) an individual who has been
21 in contact with or otherwise directly
22 linked to the subject of an authorized
23 national security investigation; and

1 “(iv) that relate to a person that is
2 not known to be the subject of an author-
3 ized national security investigation.

4 “(3) DEFINITIONS.—In this subsection:

5 “(A) APPLICABLE PERIOD.—The term ‘ap-
6 plicable period’ means—

7 “(i) with respect to the first report
8 submitted under paragraph (1) or (2), the
9 period beginning 90 days after the date of
10 enactment of the USA FREEDOM Act of
11 2015 and ending on December 31, 2015;
12 and

13 “(ii) with respect to the second report
14 submitted under paragraph (1) or (2), and
15 each report thereafter, the 6-month period
16 ending on the last day of the second month
17 before the date for submission of the re-
18 port.

19 “(B) UNITED STATES PERSON.—The term
20 ‘United States person’ has the meaning given
21 that term in section 101 of the Foreign Intel-
22 ligence Surveillance Act of 1978 (50 U.S.C.
23 1801).”.

1 **TITLE VII—PRIVACY AND CIVIL**
2 **LIBERTIES OVERSIGHT**
3 **BOARD SUBPOENA AUTHOR-**
4 **ITY**

5 **SEC. 701. PRIVACY AND CIVIL LIBERTIES OVERSIGHT**
6 **BOARD SUBPOENA AUTHORITY.**

7 Section 1061(g) of the Intelligence Reform and Ter-
8 rorism Prevention Act of 2004 (42 U.S.C. 2000ee(g)) is
9 amended—

10 (1) in paragraph (1)(D), by striking “submit a
11 written request to the Attorney General of the
12 United States that the Attorney General”;

13 (2) by striking paragraph (2); and

14 (3) by redesignating paragraphs (3) and (4) as
15 paragraphs (2) and (3).

16 **TITLE VIII—SUNSETS**

17 **SEC. 801. SUNSETS OF AUTHORITY RELATING TO ROVING**
18 **SURVEILLANCE AND AUTHORITY RELATING**
19 **TO INDIVIDUAL TERRORISTS AS AGENTS OF**
20 **FOREIGN POWERS.**

21 (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-
22 IZATION ACT OF 2005.—Section 102(b)(1) of the USA
23 PATRIOT Improvement and Reauthorization Act of 2005
24 (50 U.S.C. 1805 note) is amended by striking “June 1,
25 2015” and inserting “June 30, 2017”.

1 (b) INTELLIGENCE REFORM AND TERRORISM PRE-
2 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-
3 ligence Reform and Terrorism Prevention Act of 2004 (50
4 U.S.C. 1801 note) is amended by striking “June 1, 2015”
5 and inserting “June 30, 2017”.

6 **SEC. 802. NATIONAL SECURITY LETTER SUNSET.**

7 (a) REPEAL.—Effective on June 30, 2017—

8 (1) section 2709 of title 18, United States
9 Code, is amended to read as such provision read on
10 October 25, 2001;

11 (2) section 1114 of the Right to Financial Pri-
12 vacy Act of 1978 (12 U.S.C. 3414(a)(5)) is amended
13 to read as such provision read on October 25, 2001;

14 (3) subsections (a) and (b) of section 626 of the
15 Fair Credit Reporting Act (15 U.S.C. 1681u) are
16 amended to read as subsections (a) and (b), respec-
17 tively, of the second of the 2 sections designated as
18 section 624 of such Act (15 U.S.C. 1681u) (relating
19 to disclosure to the Federal Bureau of Investigation
20 for counterintelligence purposes), as added by sec-
21 tion 601 of the Intelligence Authorization Act for
22 Fiscal Year 1996 (Public Law 104–93; 109 Stat.
23 974), read on October 25, 2001; and

1 (4) section 802 of the National Security Act of
2 1947 (50 U.S.C. 3162) is amended to read as such
3 provision read on October 25, 2001.

4 (b) TRANSITION PROVISION.—Notwithstanding sub-
5 section (a), the provisions of law referred to in subsection
6 (a), as in effect on June 29, 2017, shall continue to apply
7 on and after June 30, 2017, with respect to any particular
8 foreign intelligence investigation or with respect to any
9 particular offense or potential offense that began or oc-
10 curred before June 30, 2017.

