

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO RULES COMMITTEE PRINT 115-53**  
**OFFERED BY MR. AMASH OF MICHIGAN**

Page 1, strike line 1 and all that follows 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 Reforming and  
4 Improving the Government’s High-Tech Surveillance Act”  
5 or the “USA RIGHTS Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. Clarification on prohibition on querying of collections of communications to conduct warrantless queries for the communications of United States persons and persons inside the United States.
- Sec. 3. Prohibition on reverse targeting under certain authorities of the Foreign Intelligence Surveillance Act of 1978.
- Sec. 4. Prohibition on acquisition, pursuant to certain FISA authorities to target certain persons outside the United States, of communications that do not include persons targeted under such authorities.
- Sec. 5. Prohibition on acquisition of entirely domestic communications under authorities to target certain persons outside the United States.
- Sec. 6. Limitation on use of information obtained under certain authority of Foreign Intelligence Surveillance Act of 1947 relating to United States persons.
- Sec. 7. Reforms of the Privacy and Civil Liberties Oversight Board.
- Sec. 8. Improved role in oversight of electronic surveillance by amici curiae appointed by courts under Foreign Intelligence Surveillance Act of 1978.
- Sec. 9. Reforms to the Foreign Intelligence Surveillance Court.
- Sec. 10. Study and report on diversity and representation on the FISA Court and the FISA Court of Review.

- Sec. 11. Grounds for determining injury in fact in civil action relating to surveillance under certain provisions of Foreign Intelligence Surveillance Act of 1978.
- Sec. 12. Clarification of applicability of requirement to declassify significant decisions of Foreign Intelligence Surveillance Court and Foreign Intelligence Surveillance Court of Review.
- Sec. 13. Clarification regarding treatment of information acquired under Foreign Intelligence Surveillance Act of 1978.
- Sec. 14. Limitation on technical assistance from electronic communication service providers under the Foreign Intelligence Surveillance Act of 1978.
- Sec. 15. Modification of authorities for public reporting by persons subject to nondisclosure requirement accompanying order under Foreign Intelligence Surveillance Act of 1978.
- Sec. 16. Annual publication of statistics on number of persons targeted outside the United States under certain Foreign Intelligence Surveillance Act of 1978 authority.
- Sec. 17. Repeal of nonapplicability to Federal Bureau of Investigation of certain reporting requirements under Foreign Intelligence Surveillance Act of 1978.
- Sec. 18. Publication of estimates regarding communications collected under certain provision of Foreign Intelligence Surveillance Act of 1978.
- Sec. 19. Four-year extension of FISA Amendments Act of 2008.

1 **SEC. 2. CLARIFICATION ON PROHIBITION ON QUERYING OF**  
2 **COLLECTIONS OF COMMUNICATIONS TO**  
3 **CONDUCT WARRANTLESS QUERIES FOR THE**  
4 **COMMUNICATIONS OF UNITED STATES PER-**  
5 **SONS AND PERSONS INSIDE THE UNITED**  
6 **STATES.**

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

- 9 (1) by redesignating paragraphs (1) through  
10 (5) as subparagraphs (A) through (E), respectively,  
11 and indenting such subparagraphs, as so redesign-  
12 nated, an additional two ems from the left margin;
- 13 (2) by striking “An acquisition” and inserting  
14 the following:

1           “(1) IN GENERAL.—An acquisition”; and  
2           (3) by adding at the end the following:

3           “(2) CLARIFICATION ON PROHIBITION ON  
4           QUERYING OF COLLECTIONS OF COMMUNICATIONS  
5           OF UNITED STATES PERSONS AND PERSONS INSIDE  
6           THE UNITED STATES.—

7                   “(A) IN GENERAL.—Except as provided in  
8                   subparagraphs (B) and (C), no officer or em-  
9                   ployee of the United States may conduct a  
10                  query of information acquired under this sec-  
11                  tion in an effort to find communications of or  
12                  about a particular United States person or a  
13                  person inside the United States.

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

20                          “(i) such United States person or per-  
21                          son inside the United States is the subject  
22                          of an order or emergency authorization au-  
23                          thorizing electronic surveillance or physical  
24                          search under section 105, 304, 703, 704,  
25                          or 705 of this Act, or under title 18,

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

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

9 “(iii) such United States person or  
10 person in the United States is a corpora-  
11 tion; or

12 “(iv) such United States person or  
13 person inside the United States has con-  
14 sented to the query.

15 “(C) QUERIES OF FEDERATED DATA SETS  
16 AND MIXED DATA.—If an officer or employee of  
17 the United States conducts a query of a data  
18 set, or of federated data sets, that includes any  
19 information acquired under this section, the  
20 system shall be configured not to return such  
21 information unless the officer or employee en-  
22 ters a code or other information indicating  
23 that—

1           “(i) the person associated with the  
2           search term is not a United States person  
3           or person inside the United States; or

4           “(ii) if the person associated with the  
5           search term is a United States person or  
6           person inside the United States, one or  
7           more of the conditions of subparagraph  
8           (B) are satisfied.

9           “(D) MATTERS RELATING TO EMERGENCY  
10          QUERIES.—

11           “(i) TREATMENT OF DENIALS.—In  
12           the event that a query for communications  
13           related to a particular United States per-  
14           son or a person inside the United States is  
15           conducted pursuant to an emergency au-  
16           thorization authorizing electronic surveil-  
17           lance or a physical search described in sub-  
18           section (B)(i) and the application for such  
19           emergency authorization is denied, or in  
20           any other case in which the query has been  
21           conducted and no order is issued approving  
22           the query—

23           “(I) no information obtained or  
24           evidence derived from such query may  
25           be received in evidence or otherwise

1 disclosed in any trial, hearing, or  
2 other proceeding in or before any  
3 court, grand jury, department, office,  
4 agency, regulatory body, legislative  
5 committee, or other authority of the  
6 United States, a State, or political  
7 subdivision thereof; and

8 “(II) no information concerning  
9 any United States person acquired  
10 from such query may subsequently be  
11 used or disclosed in any other manner  
12 by Federal officers or employees with-  
13 out the consent of such person, except  
14 with the approval of the Attorney  
15 General if the information indicates a  
16 threat of death or serious bodily harm  
17 to any person.

18 “(ii) ASSESSMENT OF COMPLIANCE.—  
19 The Attorney General shall assess compli-  
20 ance with the requirements under clause  
21 (i).”.

1 **SEC. 3. PROHIBITION ON REVERSE TARGETING UNDER**  
2 **CERTAIN AUTHORITIES OF THE FOREIGN IN-**  
3 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

4 Section 702 of the Foreign Intelligence Surveillance  
5 Act of 1978 (50 U.S.C. 1881a), as amended by section  
6 2, is further amended—

7 (1) in subsection (b)(1)(B), as redesignated by  
8 section 2, by striking “the purpose of such acquisi-  
9 tion is to target” and inserting “a significant pur-  
10 pose of such acquisition is to acquire the commu-  
11 nications of”;

12 (2) in subsection (d)(1)(A)—

13 (A) by striking “ensure that” and insert-  
14 ing the following: “ensure—

15 “(i) that”; and

16 (B) by adding at the end the following:

17 “(ii) that an application is filed under  
18 title I, if otherwise required, when a sig-  
19 nificant purpose of an acquisition author-  
20 ized under subsection (a) is to acquire the  
21 communications of a particular, known  
22 person reasonably believed to be located in  
23 the United States; and”;

24 (3) in subsection (g)(2)(A)(i)(I)—

25 (A) by striking “ensure that” and insert-  
26 ing the following: “ensure—

1 “(aa) that”; and

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

3 “(bb) that an application is  
4 filed under title I, if otherwise re-  
5 quired, when a significant pur-  
6 pose of an acquisition authorized  
7 under subsection (a) is to acquire  
8 the communications of a par-  
9 ticular, known person reasonably  
10 believed to be located in the  
11 United States; and”; and

12 (4) in subsection (i)(2)(B)(i)—

13 (A) by striking “ensure that” and insert-  
14 ing the following: “ensure—

15 “(I) that”; and

16 (B) by adding at the end the following:

17 “(II) that an application is filed  
18 under title I, if otherwise required,  
19 when a significant purpose of an ac-  
20 quisition authorized under subsection  
21 (a) is to acquire the communications  
22 of a particular, known person reason-  
23 ably believed to be located in the  
24 United States; and”.



1 **SEC. 4. PROHIBITION ON ACQUISITION, PURSUANT TO CER-**  
2 **TAIN FISA AUTHORITIES TO TARGET CER-**  
3 **TAIN PERSONS OUTSIDE THE UNITED**  
4 **STATES, OF COMMUNICATIONS THAT DO NOT**  
5 **INCLUDE PERSONS TARGETED UNDER SUCH**  
6 **AUTHORITIES.**

7 Section 702(b)(1) of the Foreign Intelligence Surveil-  
8 lance Act of 1978, as redesignated by section 2, is amend-  
9 ed—

10 (1) in subparagraph (D), as redesignated by  
11 section 2, by striking “; and” and inserting a semi-  
12 colon;

13 (2) by redesignating subparagraph (E) as sub-  
14 paragraph (G); and

15 (3) by inserting after subparagraph (D) the fol-  
16 lowing:

17 “(E) may not acquire a communication as  
18 to which no participant is a person who is tar-  
19 geted pursuant to the authorized acquisition;”.

20 **SEC. 5. PROHIBITION ON ACQUISITION OF ENTIRELY DO-**  
21 **MESTIC COMMUNICATIONS UNDER AUTHORI-**  
22 **TIES TO TARGET CERTAIN PERSONS OUTSIDE**  
23 **THE UNITED STATES.**

24 Section 702(b)(1) of the Foreign Intelligence Surveil-  
25 lance Act of 1978, as redesignated by section 2 and  
26 amended by section 4, is further amended by inserting

1 after subparagraph (E), as added by section 4, the fol-  
2 lowing:

3           “(F) may not acquire communications  
4           known to be entirely domestic; and”.

5 **SEC. 6. LIMITATION ON USE OF INFORMATION OBTAINED**  
6           **UNDER CERTAIN AUTHORITY OF FOREIGN IN-**  
7           **TELLIGENCE SURVEILLANCE ACT OF 1947 RE-**  
8           **LATING TO UNITED STATES PERSONS.**

9           Section 706(a) of the Foreign Intelligence Surveil-  
10 lance Act of 1978 (50 U.S.C. 1881e(a)) is amended—

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

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

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

15           “(2) LIMITATION ON USE IN CRIMINAL, CIVIL,  
16           AND ADMINISTRATIVE PROCEEDINGS AND INVES-  
17           TIGATIONS.—No communication to or from, or infor-  
18           mation about, a person acquired under section 702  
19           who is either a United States person or is located in  
20           the United States may be introduced as evidence  
21           against the person in any criminal, civil, or adminis-  
22           trative proceeding or used as part of any criminal,  
23           civil, or administrative investigation, except—

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

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

4                   “(i) terrorism (as defined in clauses  
5                   (i) through (iii) of section 2332(g)(5)(B)  
6                   of title 18, United States Code);

7                   “(ii) espionage (as used in chapter 37  
8                   of title 18, United States Code);

9                   “(iii) proliferation or use of a weapon  
10                  of mass destruction (as defined in section  
11                  2332a(c) of title 18, United States Code);

12                  “(iv) a cybersecurity threat from a  
13                  foreign country;

14                  “(v) incapacitation or destruction of  
15                  critical infrastructure (as defined in section  
16                  1016(e) of the USA PATRIOT Act (42  
17                  U.S.C. 5195c(e))); or

18                  “(vi) a threat to the armed forces of  
19                  the United States or an ally of the United  
20                  States or to other personnel of the United  
21                  States Government or a government of an  
22                  ally of the United States.”.

1 **SEC. 7. REFORMS OF THE PRIVACY AND CIVIL LIBERTIES**  
2 **OVERSIGHT BOARD.**

3 (a) INCLUSION OF FOREIGN INTELLIGENCE ACTIVI-  
4 TIES IN OVERSIGHT AUTHORITY OF THE PRIVACY AND  
5 CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061 of  
6 the Intelligence Reform and Terrorism Prevention Act of  
7 2004 (42 U.S.C. 2000ee) is amended—

8 (1) in subsection (c), by inserting “and to con-  
9 duct foreign intelligence activities” after “terrorism”  
10 each place such term appears; and

11 (2) in subsection (d), by inserting “and to con-  
12 duct foreign intelligence activities” after “terrorism”  
13 each place such term appears.

14 (b) SUBMISSION OF WHISTLEBLOWER COMPLAINTS  
15 TO THE PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
16 BOARD.—

17 (1) IN GENERAL.—Section 1061 of the Intel-  
18 ligence Reform and Terrorism Prevention Act of  
19 2004 (42 U.S.C. 2000ee), as amended by subsection  
20 (a), is further amended—

21 (A) in subsection (d), by adding at the end  
22 the following:

23 “(5) WHISTLEBLOWER COMPLAINTS.—

24 “(A) SUBMISSION TO BOARD.—An em-  
25 ployee of, or contractor or detailee to, an ele-  
26 ment of the intelligence community may submit

1 to the Board a complaint or information that  
2 such employee, contractor, or detailee believes  
3 relates to a privacy or civil liberties concern.  
4 The confidentiality provisions under section  
5 2409(b)(3) of title 10, United States Code,  
6 shall apply to a submission under this subpara-  
7 graph. Any disclosure under this subparagraph  
8 shall be protected against discrimination under  
9 the procedures, burdens of proof, and remedies  
10 set forth in section 2409 of such title.

11 “(B) AUTHORITY OF BOARD.—The Board  
12 may take such action as the Board considers  
13 appropriate with respect to investigating a com-  
14 plaint or information submitted under subpara-  
15 graph (A) or transmitting such complaint or in-  
16 formation to any other Executive agency or the  
17 congressional intelligence committees.

18 “(C) RELATIONSHIP TO EXISTING LAWS.—  
19 The authority under subparagraph (A) of an  
20 employee, contractor, or detailee to submit to  
21 the Board a complaint or information shall be  
22 in addition to any other authority under an-  
23 other provision of law to submit a complaint or  
24 information. Any action taken under any other  
25 provision of law by the recipient of a complaint

1 or information shall not preclude the Board  
2 from taking action relating to the same com-  
3 plaint or information.

4 “(D) RELATIONSHIP TO ACTIONS TAKEN  
5 UNDER OTHER LAWS.—Nothing in this para-  
6 graph shall prevent—

7 “(i) any individual from submitting a  
8 complaint or information to any authorized  
9 recipient of the complaint or information;  
10 or

11 “(ii) the recipient of a complaint or  
12 information from taking independent ac-  
13 tion on the complaint or information.”;  
14 and

15 (B) by adding at the end the following:

16 “(n) DEFINITIONS.—In this section, the terms ‘con-  
17 gressional intelligence committees’ and ‘intelligence com-  
18 munity’ have the meanings given such terms in section  
19 3 of the National Security Act of 1947 (50 U.S.C.  
20 3003).”.

21 (2) PROHIBITED PERSONNEL PRACTICES.—Sec-  
22 tion 2302(b)(8)(B) of title 5, United States Code, is  
23 amended, in the matter preceding clause (i), by  
24 striking “or to the Inspector of an agency or another  
25 employee designated by the head of the agency to re-

1       ceive such disclosures” and inserting “the Inspector  
2       General of an agency, a supervisor in the employee’s  
3       direct chain of command (up to and including the  
4       head of the employing agency), the Privacy and Civil  
5       Liberties Oversight Board, or an employee des-  
6       ignated by any of the aforementioned individuals for  
7       the purpose of receiving such disclosures”.

8       (c) PRIVACY AND CIVIL LIBERTIES OVERSIGHT  
9       BOARD SUBPOENA POWER.—Section 1061(g) of the Intel-  
10      ligence Reform and Terrorism Prevention Act of 2004 (42  
11      U.S.C. 2000ee(g)) is amended—

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

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

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

18       (d) APPOINTMENT OF STAFF OF THE PRIVACY AND  
19      CIVIL LIBERTIES OVERSIGHT BOARD.—Section 1061(j)  
20      of the Intelligence Reform and Terrorism Prevention Act  
21      of 2004 (42 U.S.C. 2000ee(j)) is amended—

22             (1) by redesignating paragraphs (2) and (3) as  
23      paragraphs (3) and (4), respectively; and

24             (2) by inserting after paragraph (1) the fol-  
25      lowing:

1           “(2) APPOINTMENT IN ABSENCE OF CHAIR-  
2           MAN.—If the position of chairman of the Board is  
3           vacant, during the period of the vacancy the Board,  
4           at the direction of the majority of the members of  
5           the Board, may exercise the authority of the chair-  
6           man under paragraph (1).”.

7           (e) TENURE AND COMPENSATION OF PRIVACY AND  
8           CIVIL LIBERTIES OVERSIGHT BOARD MEMBERS AND  
9           STAFF.—

10           (1) IN GENERAL.—Section 1061 of the Intel-  
11           ligence Reform and Terrorism Prevention Act of  
12           2004 (42 U.S.C. 2000ee), as amended by sub-  
13           sections (a) and (b), is further amended—

14                   (A) in subsection (h)—

15                           (i) in paragraph (1), by inserting  
16                           “full-time” after “4 additional”; and

17                           (ii) in paragraph (4)(B), by striking  
18                           “, except that” and all that follows  
19                           through the end and inserting a period;

20                   (B) in subsection (i)(1)—

21                           (i) in subparagraph (A), by striking  
22                           “level III of the Executive Schedule under  
23                           section 5314” and inserting “level II of the  
24                           Executive Schedule under section 5313”;  
25                           and



1 (ii) in subparagraph (B), by striking  
2 “level IV of the Executive Schedule” and  
3 all that follows through the end and insert-  
4 ing “level III of the Executive Schedule  
5 under section 5314 of title 5, United  
6 States Code.”; and

7 (C) in subsection (j)(1), by striking “level  
8 V of the Executive Schedule under section  
9 5316” and inserting “level IV of the Executive  
10 Schedule under section 5315”.

11 (2) EFFECTIVE DATE; APPLICABILITY.—

12 (A) IN GENERAL.—The amendments made  
13 by paragraph (1)—

14 (i) shall take effect on the date of the  
15 enactment of this Act; and

16 (ii) except as provided in paragraph  
17 (2), shall apply to any appointment to a  
18 position as a member of the Privacy and  
19 Civil Liberties Oversight Board made on or  
20 after the date of the enactment of this Act.

21 (B) EXCEPTIONS.—

22 (i) COMPENSATION CHANGES.—The  
23 amendments made by subparagraphs  
24 (B)(i) and (C) of paragraph (1) shall take  
25 effect on the first day of the first pay pe-

1                   riod beginning after the date of the enact-  
2                   ment of this Act.

3                   (ii) ELECTION TO SERVE FULL TIME  
4                   BY INCUMBENTS.—

5                   (I) IN GENERAL.—An individual  
6                   serving as a member of the Privacy  
7                   and Civil Liberties Oversight Board  
8                   on the date of the enactment of this  
9                   Act, including a member continuing to  
10                  serve as a member under section  
11                  1061(h)(4)(B) of the Intelligence Re-  
12                  form and Terrorism Prevention Act of  
13                  2004 (42 U.S.C. 2000ee(h)(4)(B)),  
14                  (referred to in this clause as a “cur-  
15                  rent member”) may make an election  
16                  to—

17                  (aa) serve as a member of  
18                  the Privacy and Civil Liberties  
19                  Oversight Board on a full-time  
20                  basis and in accordance with sec-  
21                  tion 1061 of the Intelligence Re-  
22                  form and Terrorism Prevention  
23                  Act of 2004 (42 U.S.C. 2000ee),  
24                  as amended by this section; or

1 (bb) serve as a member of  
2 the Privacy and Civil Liberties  
3 Oversight Board on a part-time  
4 basis in accordance with such  
5 section 1061, as in effect on the  
6 day before the date of the enact-  
7 ment of this Act, including the  
8 limitation on service after the ex-  
9 piration of the term of the mem-  
10 ber under subsection (h)(4)(B) of  
11 such section, as in effect on the  
12 day before the date of the enact-  
13 ment of this Act.

14 (II) ELECTION TO SERVE FULL  
15 TIME.—A current member making an  
16 election under subclause (I)(aa) shall  
17 begin serving as a member of the Pri-  
18 vacy and Civil Liberties Oversight  
19 Board on a full-time basis on the first  
20 day of the first pay period beginning  
21 not less than 60 days after the date  
22 on which the current member makes  
23 such election.

24 (f) PROVISION OF INFORMATION ABOUT GOVERN-  
25 MENT ACTIVITIES UNDER THE FOREIGN INTELLIGENCE

1 SURVEILLANCE ACT OF 1978 TO THE PRIVACY AND CIVIL  
2 LIBERTIES OVERSIGHT BOARD.—The Attorney General  
3 shall fully inform the Privacy and Civil Liberties Oversight  
4 Board about any activities carried out by the Government  
5 under the Foreign Intelligence Surveillance Act of 1978  
6 (50 U.S.C. 1801 et seq.), including by providing to the  
7 Board—

8 (1) copies of each detailed report submitted to  
9 a committee of Congress under such Act; and

10 (2) copies of each decision, order, and opinion  
11 of the Foreign Intelligence Surveillance Court or the  
12 Foreign Intelligence Surveillance Court of Review re-  
13 quired to be included in the report under section  
14 601(a) of such Act (50 U.S.C. 1871(a)).

15 **SEC. 8. IMPROVED ROLE IN OVERSIGHT OF ELECTRONIC**  
16 **SURVEILLANCE BY AMICI CURIAE AP-**  
17 **POINTED BY COURTS UNDER FOREIGN IN-**  
18 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

19 (a) **ROLE OF AMICI CURIAE GENERALLY.—**

20 (1) **IN GENERAL.—**Section 103(i)(1) of the For-  
21 eign Intelligence Surveillance Act of 1978 (50  
22 U.S.C. 1803(i)(1)) is amended by adding at the end  
23 the following: “Any amicus curiae designated pursu-  
24 ant to this paragraph may raise any issue with the  
25 Court at any time.”.

1           (2) REFERRAL OF CASES FOR REVIEW.—Sec-  
2           tion 103(i) of such Act is amended—

3                   (A) by redesignating paragraphs (5)  
4                   through (10) as paragraphs (6) through (11),  
5                   respectively; and

6                   (B) by inserting after paragraph (4) the  
7                   following:

8           “(5) REFERRAL FOR REVIEW.—

9                   “(A) REFERRAL TO FOREIGN INTEL-  
10                   LIGENCE SURVEILLANCE COURT EN BANC.—If  
11                   the court established under subsection (a) ap-  
12                   points an amicus curiae under paragraph  
13                   (2)(A) to assist the Court in the consideration  
14                   of any matter presented to the Court under this  
15                   Act and the Court makes a decision with re-  
16                   spect to such matter, the Court, in response to  
17                   an application by the amicus curiae or any  
18                   other individual designated under paragraph  
19                   (1), may refer the decision to the Court en banc  
20                   for review as the Court considers appropriate.

21                   “(B) REFERRAL TO FOREIGN INTEL-  
22                   LIGENCE SURVEILLANCE COURT OF REVIEW.—  
23                   If the court established under subsection (a)  
24                   appoints an amicus curiae under paragraph  
25                   (2)(A) to assist the Court in the consideration

1 of any matter presented to the Court under this  
2 Act and the Court makes a decision with re-  
3 spect to such matter, the Court, in response to  
4 an application by the amicus curiae or any  
5 other individual designated under paragraph (1)  
6 may refer the decision to the court established  
7 under subsection (b) for review as the Court  
8 considers appropriate.

9 “(C) REFERRAL TO SUPREME COURT.—If  
10 the Court of Review appoints an amicus curiae  
11 under paragraph (2) to assist the Court of Re-  
12 view in the review of any matter presented to  
13 the Court of Review under this Act or a ques-  
14 tion of law that may affect resolution of a mat-  
15 ter in controversy and the Court of Review  
16 makes a decision with respect to such matter or  
17 question of law, the Court of Review, in re-  
18 sponse to an application by the amicus curiae  
19 or any other individual designated under para-  
20 graph (1) may refer the decision to the Su-  
21 preme Court for review as the Court of Review  
22 considers appropriate.

23 “(D) ANNUAL REPORT.—Not later than 60  
24 days after the end of each calendar year, the  
25 Court and the Court of Review shall each pub-

1           lish, on their respective websites, a report list-  
2           ing—

3                   “(i) the number of applications for re-  
4                   ferral received by the Court or the Court  
5                   of Review, as applicable, during the most  
6                   recently concluded calendar year; and

7                   “(ii) the number of such applications  
8                   for referral that were granted by the Court  
9                   or the Court of Review, as applicable, dur-  
10                  ing such calendar year.”.

11           (3) ASSISTANCE.—Section 103(i)(6) of such  
12           Act, as redesignated, is further amended to read as  
13           follows:

14                   “(6) ASSISTANCE.—Any individual designated  
15                   pursuant to paragraph (1) may raise a legal or tech-  
16                   nical issue or any other issue with the Court or the  
17                   Court of Review at any time. If an amicus curiae is  
18                   appointed under paragraph (2)(A)—

19                   “(A) the court shall notify all other amicus  
20                   curiae designated under paragraph (1) of such  
21                   appointment;

22                   “(B) the appointed amicus curiae may re-  
23                   quest, either directly or through the court, the  
24                   assistance of the other amici curiae designated  
25                   under paragraph (1); and

1           “(C) all amici curiae designated under  
2 paragraph (1) may provide input to the court  
3 whether or not such input was formally re-  
4 quested by the court or the appointed amicus  
5 curiae.”.

6           (4) ACCESS TO INFORMATION.—Section  
7 103(i)(7) of such Act, as redesignated, is further  
8 amended—

9           (A) in subparagraph (A)—

10           (i) in clause (i)—

11           (I) by striking “that the court”  
12 and inserting the following: “that—

13           “(I) the court”; and

14           (II) by striking “and” at the end  
15 and inserting the following: “or

16           “(II) are cited by the Govern-  
17 ment in an application or case with  
18 respect to which an amicus curiae is  
19 assisting a court under this sub-  
20 section;”;

21           (ii) by redesignating clause (ii) as  
22 clause (iii); and

23           (iii) by inserting after clause (i) the  
24 following:



1           “(ii) shall have access to an  
2           unredacted copy of each decision made by  
3           a court established under subsection (a) or  
4           (b) in which the court decides a question  
5           of law, notwithstanding whether the deci-  
6           sion is classified; and”;

7           (B) in subparagraph (B), by striking  
8           “may” and inserting “shall”; and  
9           (C) in subparagraph (C)—

10           (i) in the subparagraph heading, by  
11           striking “CLASSIFIED INFORMATION” and  
12           inserting “ACCESS TO INFORMATION”; and

13           (ii) by striking “court may have ac-  
14           cess” and inserting the following: “court—

15           “(i) shall have access to unredacted  
16           copies of each opinion, order, transcript,  
17           pleading, or other document of the Court  
18           and the Court of Review; and

19           “(ii) may have access”.

20           (5) PUBLIC NOTICE AND RECEIPT OF BRIEFS  
21           FROM THIRD PARTIES.—Section 103(i) of such Act,  
22           as amended by this subsection, is further amended  
23           by adding at the end the following:

24           “(12) PUBLIC NOTICE AND RECEIPT OF BRIEFS  
25           FROM THIRD PARTIES.—Whenever a court estab-

1 lished under subsection (a) or (b) considers a novel  
2 question of law that can be considered without dis-  
3 closing classified information, sources, or methods,  
4 the court shall, to the greatest extent practicable,  
5 consider such question in an open manner—

6 “(A) by publishing on its website each  
7 question of law that the court is considering;  
8 and

9 “(B) by accepting briefs from third parties  
10 relating to the question under consideration by  
11 the court.”.

12 (b) PARTICIPATION OF AMICI CURIAE IN OVERSIGHT  
13 OF AUTHORIZATIONS FOR TARGETING OF CERTAIN PER-  
14 SONS OUTSIDE THE UNITED STATES OTHER THAN  
15 UNITED STATES PERSONS.—

16 (1) IN GENERAL.—Section 702(i)(2) of such  
17 Act (50 U.S.C. 1881a(i)(2)) is amended—

18 (A) in subparagraph (B), by redesignating  
19 clauses (i) and (ii) as subclauses (I) and (II),  
20 respectively, and adjusting the indentation of  
21 the margin of such subclauses, as so redesign-  
22 nated, two ems to the right;

23 (B) by redesignating subparagraphs (A)  
24 through (C) as clauses (i) through (iii), respec-  
25 tively, and adjusting the indentation of the

1 margin of such clauses, as so redesignated, two  
2 ems to the right;

3 (C) by inserting before clause (i), as redesi-  
4 gnated by subparagraph (B), the following:

5 “(A) IN GENERAL.—”; and

6 (D) by adding at the end the following:

7 “(B) PARTICIPATION BY AMICI CURIAE.—

8 In reviewing a certification under subparagraph  
9 (A)(i), the Court shall randomly select an ami-  
10 cus curiae designated under section 103(i) to  
11 assist with such review.”.

12 (2) SCHEDULE.—Section 702(i)(5)(A) of such  
13 Act is amended by striking “at least 30 days prior  
14 to the expiration of such authorization” and insert-  
15 ing “such number of days before the expiration of  
16 such authorization as the Court considers necessary  
17 to comply with the requirements of paragraph  
18 (2)(B) or 30 days, whichever is greater”.

19 (c) PUBLIC NOTICE OF QUESTIONS OF LAW CER-  
20 TIFIED FOR REVIEW.—Section 103(j) of such Act (50  
21 U.S.C. 1803(j)) is amended—

22 (1) by striking “Following” and inserting the  
23 following:

24 “(1) IN GENERAL.—Following”; and

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

1 “(2) PUBLIC NOTICE.—

2 “(A) IN GENERAL.—Except as provided in  
3 subparagraph (B), whenever a court established  
4 under subsection (a) certifies a question of law  
5 for review under paragraph (1) of this sub-  
6 section, the court shall publish on its website—

7 “(i) a notice of the question of law to  
8 be reviewed; and

9 “(ii) briefs submitted by the parties,  
10 which may be redacted at the discretion of  
11 the court to protect sources, methods, and  
12 other classified information.

13 “(B) PROTECTION OF CLASSIFIED INFOR-  
14 MATION, SOURCES, AND METHODS.—Subpara-  
15 graph (A) shall apply to the greatest extent  
16 practicable, consistent with otherwise applicable  
17 law on the protection of classified information,  
18 sources, and methods.”.

19 **SEC. 9. REFORMS TO THE FOREIGN INTELLIGENCE SUR-**  
20 **VEILLANCE COURT.**

21 (a) FISA COURT JUDGES.—

22 (1) NUMBER AND DESIGNATION OF JUDGES.—  
23 Section 103(a)(1) of the Foreign Intelligence Sur-  
24 veillance Act of 1978 (50 U.S.C. 1803(a)(1)) is  
25 amended to read as follows:

1           “(1)(A) There is a court which shall have jurisdiction  
2 to hear applications for and to grant orders approving  
3 electronic surveillance anywhere within the United States  
4 under the procedures set forth in this Act.

5           “(B)(i) The court established under subparagraph  
6 (A) shall consist of 13 judges, one of whom shall be des-  
7 ignated from each judicial circuit (including the United  
8 States Court of Appeals for the District of Columbia and  
9 the United States Court of Appeals for the Federal Cir-  
10 cuit).

11          “(ii) The Chief Justice of the United States shall—

12                 “(I) designate each judge of the court estab-  
13 lished under subparagraph (A) from the nominations  
14 made under subparagraph (C); and

15                 “(II) make the name of each judge of such  
16 court available to the public.

17          “(C)(i) When a vacancy occurs in the position of a  
18 judge of the court established under subparagraph (A)  
19 from a judicial circuit, the chief judge of the circuit shall  
20 propose a district judge for a judicial district within the  
21 judicial circuit to be designated for that position.

22          “(ii) If the Chief Justice does not designate a district  
23 judge proposed under clause (i), the chief judge shall pro-  
24 pose 2 other district judges for a judicial district within  
25 the judicial circuit to be designated for that position and

1 the Chief Justice shall designate 1 such district judge to  
2 that position.

3 “(D) No judge of the court established under sub-  
4 paragraph (A) (except when sitting en banc under para-  
5 graph (2)) shall hear the same application for electronic  
6 surveillance under this Act which has been denied pre-  
7 viously by another judge of such court.

8 “(E) If any judge of the court established under sub-  
9 paragraph (A) denies an application for an order author-  
10 izing electronic surveillance under this Act, such judge  
11 shall provide immediately for the record a written state-  
12 ment of each reason for the judge’s decision and, on mo-  
13 tion of the United States, the record shall be transmitted,  
14 under seal, to the court of review established in subsection  
15 (b).”.

16 (2) TENURE.—Section 103(d) of such Act is  
17 amended by striking “redesignation,” and all that  
18 follows through the end and inserting “redesigna-  
19 tion.”.

20 (3) IMPLEMENTATION.—

21 (A) INCUMBENTS.—A district judge des-  
22 igned to serve on the court established under  
23 subsection (a) of such section before the date of  
24 enactment of this Act may continue to serve in  
25 that position until the end of the term of the

1 district judge under subsection (d) of such sec-  
2 tion, as in effect on the day before the date of  
3 the enactment of this Act.

4 (B) INITIAL APPOINTMENT AND TERM.—  
5 Notwithstanding any provision of such section,  
6 as amended by paragraphs (1) and (2), and not  
7 later than 180 days after the date of enactment  
8 of this Act, the Chief Justice of the United  
9 States shall—

10 (i) designate a district court judge  
11 who is serving in a judicial district within  
12 the District of Columbia circuit and pro-  
13 posed by the chief judge of such circuit to  
14 be a judge of the court established under  
15 section 103(a) of the Foreign Intelligence  
16 Surveillance Act of 1978 (50 U.S.C.  
17 1803(a)) for an initial term of 7 years; and

18 (ii) designate a district court judge  
19 who is serving in a judicial district within  
20 the Federal circuit and proposed by the  
21 chief judge of such circuit to be a judge of  
22 such court for an initial term of 4 years.

23 (b) COURT OF REVIEW.—Section 103(b) of such Act  
24 is amended—

1           (1) by striking “The Chief Justice” and insert-  
2           ing “(1) Subject to paragraph (2), the Chief Jus-  
3           tice”; and

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

5           “(2) The Chief Justice may designate a district court  
6           judge or circuit court judge to a position on the court es-  
7           tablished under paragraph (1) only if at least 5 associate  
8           justices approve the designation of such individual.”.

9           **SEC. 10. STUDY AND REPORT ON DIVERSITY AND REP-**  
10                                   **RESENTATION ON THE FISA COURT AND THE**  
11                                   **FISA COURT OF REVIEW.**

12           (a) STUDY.—The Committee on Intercircuit Assign-  
13           ments of the Judicial Conference of the United States  
14           shall conduct a study on how to ensure judges are ap-  
15           pointed to the court established under subsection (a) of  
16           section 103 of the Foreign Intelligence Surveillance Act  
17           of 1978 (50 U.S.C. 1803) and the court established under  
18           subsection (b) of such section in a manner that ensures  
19           such courts are diverse and representative.

20           (b) REPORT.—Not later than 1 year after the date  
21           of the enactment of this Act, the Committee on Intercir-  
22           cuit Assignments shall submit to Congress a report on the  
23           study carried out under subsection (a).



1 **SEC. 11. GROUNDS FOR DETERMINING INJURY IN FACT IN**  
2 **CIVIL ACTION RELATING TO SURVEILLANCE**  
3 **UNDER CERTAIN PROVISIONS OF FOREIGN**  
4 **INTELLIGENCE SURVEILLANCE ACT OF 1978.**

5 Section 702 of the Foreign Intelligence Surveillance  
6 Act of 1978 (50 U.S.C. 1881a), as amended by sections  
7 2, 3, 4, 5, and 8(b), is further amended by adding at the  
8 end the following:

9 “(m) **CHALLENGES TO GOVERNMENT SURVEIL-**  
10 **LANCE.—**

11 “(1) **INJURY IN FACT.—**In any claim in a civil  
12 action brought in a court of the United States relat-  
13 ing to surveillance conducted under this section, the  
14 person asserting the claim has suffered an injury in  
15 fact if the person—

16 “(A) has a reasonable basis to believe that  
17 the person’s communications will be acquired  
18 under this section; and

19 “(B) has taken objectively reasonable steps  
20 to avoid surveillance under this section.

21 “(2) **REASONABLE BASIS.—**A person shall be  
22 presumed to have demonstrated a reasonable basis  
23 to believe that the communications of the person will  
24 be acquired under this section if the profession of  
25 the person requires the person regularly to commu-

1        nicate foreign intelligence information with persons  
2        who—

3                “(A) are not United States persons; and

4                “(B) are located outside the United States.

5                “(3) OBJECTIVE STEPS.—A person shall be pre-  
6        sumed to have taken objectively reasonable steps to  
7        avoid surveillance under this section if the person  
8        demonstrates that the steps were taken in reason-  
9        able response to rules of professional conduct or  
10       analogous professional rules.”.

11 **SEC. 12. CLARIFICATION OF APPLICABILITY OF REQUIRE-**  
12 **MENT TO DECLASSIFY SIGNIFICANT DECI-**  
13 **SIONS OF FOREIGN INTELLIGENCE SURVEIL-**  
14 **LANCE COURT AND FOREIGN INTELLIGENCE**  
15 **SURVEILLANCE COURT OF REVIEW.**

16        Section 602 of the Foreign Intelligence Surveillance  
17 Act of 1978 (50 U.S.C. 1872) shall apply with respect  
18 to decisions, orders, and opinions described in subsection  
19 (a) of such section that were issued on, before, or after  
20 the date of the enactment of the Uniting and Strength-  
21 ening America by Fulfilling Rights and Ensuring Effective  
22 Discipline Over Monitoring Act of 2015 (Public Law 114–  
23 23).

1 **SEC. 13. CLARIFICATION REGARDING TREATMENT OF IN-**  
2 **FORMATION ACQUIRED UNDER FOREIGN IN-**  
3 **TELLIGENCE SURVEILLANCE ACT OF 1978.**

4 (a) DERIVED DEFINED.—

5 (1) IN GENERAL.—Section 101 of the Foreign  
6 Intelligence Surveillance Act of 1978 (50 U.S.C.  
7 1801) is amended by adding at the end the fol-  
8 lowing:

9 “(q) For the purposes of notification provisions of  
10 this Act, information or evidence is ‘derived’ from an elec-  
11 tronic surveillance, physical search, use of a pen register  
12 or trap and trace device, production of tangible things,  
13 or acquisition under this Act when the Government would  
14 not have originally possessed the information or evidence  
15 but for that electronic surveillance, physical search, use  
16 of a pen register or trap and trace device, production of  
17 tangible things, or acquisition, and regardless of any claim  
18 that the information or evidence is attenuated from the  
19 surveillance or search, would inevitably have been discov-  
20 ered, or was subsequently reobtained through other  
21 means.”.

22 (2) POLICIES AND GUIDANCE.—

23 (A) IN GENERAL.—Not later than 90 days  
24 after the date of the enactment of this Act, the  
25 Attorney General and the Director of National  
26 Intelligence shall publish the following:

1 (i) Policies concerning the application  
2 of subsection (q) of section 101 of such  
3 Act, as added by paragraph (1).

4 (ii) Guidance for all members of the  
5 intelligence community (as defined in sec-  
6 tion 3 of the National Security Act of  
7 1947 (50 U.S.C. 3003)) and all Federal  
8 agencies with law enforcement responsibil-  
9 ities concerning the application of such  
10 subsection.

11 (B) MODIFICATIONS.—Whenever the At-  
12 torney General and the Director modify a policy  
13 or guidance published under subparagraph (A),  
14 the Attorney General and the Director shall  
15 publish such modifications.

16 (b) USE OF INFORMATION ACQUIRED UNDER TITLE  
17 VII.—Section 706 of such Act (50 U.S.C. 1881e) is  
18 amended—

19 (1) in subsection (a), by striking “, except for  
20 the purposes of subsection (j) of such section”; and

21 (2) by amending subsection (b) to read as fol-  
22 lows:

23 “(b) INFORMATION ACQUIRED UNDER SECTIONS  
24 703–705.—Information acquired from an acquisition con-  
25 ducted under section 703, 704, or 705 shall be deemed

1 to be information acquired from an electronic surveillance  
2 pursuant to title I for the purposes of section 106.”.

3 **SEC. 14. LIMITATION ON TECHNICAL ASSISTANCE FROM**  
4 **ELECTRONIC COMMUNICATION SERVICE**  
5 **PROVIDERS UNDER THE FOREIGN INTEL-**  
6 **LIGENCE SURVEILLANCE ACT OF 1978.**

7 Section 702(h)(1) of the Foreign Intelligence Surveil-  
8 lance Act of 1978 (50 U.S.C. 1881a(h)(1)) is amended—

9 (1) by redesignating subparagraphs (A) and  
10 (B) as clauses (i) and (ii), respectively, and moving  
11 such clauses 2 ems to the right;

12 (2) by striking “With respect to” and inserting  
13 the following:

14 “(A) IN GENERAL.—Subject to subpara-  
15 graph (B), in carrying out”; and

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

17 “(B) LIMITATIONS.—The Attorney Gen-  
18 eral or the Director of National Intelligence  
19 may not request assistance from an electronic  
20 communication service provider under subpara-  
21 graph (A) without demonstrating, to the satis-  
22 faction of the Court, that the assistance  
23 sought—

24 “(i) is necessary;

1                   “(ii) is narrowly tailored to the sur-  
2                   veillance at issue; and

3                   “(iii) would not pose an undue burden  
4                   on the electronic communication service  
5                   provider or its customers who are not an  
6                   intended target of the surveillance.

7                   “(C) COMPLIANCE.—An electronic commu-  
8                   nication service provider is not obligated to  
9                   comply with a directive to provide assistance  
10                  under this paragraph unless—

11                  “(i) such assistance is a manner or  
12                  method that has been explicitly approved  
13                  by the Court; and

14                  “(ii) the Court issues an order, which  
15                  has been delivered to the provider, explic-  
16                  itly describing the assistance to be fur-  
17                  nished by the provider that has been ap-  
18                  proved by the Court.”.

1 **SEC. 15. MODIFICATION OF AUTHORITIES FOR PUBLIC RE-**  
2 **PORTING BY PERSONS SUBJECT TO NON-**  
3 **DISCLOSURE REQUIREMENT ACCOMPANYING**  
4 **ORDER UNDER FOREIGN INTELLIGENCE SUR-**  
5 **VEILLANCE ACT OF 1978.**

6 (a) MODIFICATION OF AGGREGATION BANDING.—

7 Subsection (a) of section 604 of the Foreign Intelligence  
8 Surveillance Act of 1978 (50 U.S.C. 1874) is amended—

9 (1) by striking paragraphs (1) through (3) and  
10 inserting the following:

11 “(1) A semiannual report that aggregates the  
12 number of orders, directives, or national security let-  
13 ters with which the person was required to comply  
14 into separate categories of—

15 “(A) the number of national security let-  
16 ters received, reported—

17 “(i) for the first 1000 national secu-  
18 rity letters received, in bands of 200 start-  
19 ing with 1–200; and

20 “(ii) for more than 1000 national se-  
21 curity letters received, the precise number  
22 of national security letters received;

23 “(B) the number of customer selectors tar-  
24 getted by national security letters, reported—

1                   “(i) for the first 1000 customer selec-  
2                   tors targeted, in bands of 200 starting  
3                   with 1–200; and

4                   “(ii) for more than 1000 customer se-  
5                   lectors targeted, the precise number of cus-  
6                   tomer selectors targeted;

7                   “(C) the number of orders or directives re-  
8                   ceived, combined, under this Act for contents—

9                   “(i) reported—

10                   “(I) for the first 1000 orders and  
11                   directives received, in bands of 200  
12                   starting with 1–200; and

13                   “(II) for more than 1000 orders  
14                   and directives received, the precise  
15                   number of orders received; and

16                   “(ii) disaggregated by whether the  
17                   order or directive was issued under section  
18                   105, 402, 501, 702, 703, or 704;

19                   “(D) the number of customer selectors tar-  
20                   geted under orders or directives received, com-  
21                   bined, under this Act for contents—

22                   “(i) reported—

23                   “(I) for the first 1000 customer  
24                   selectors targeted, in bands of 200  
25                   starting with 1–200; and



1                   “(II) for more than 1000 cus-  
2                   tomer selectors targeted, the precise  
3                   number of customer selectors tar-  
4                   geted; and

5                   “(ii) disaggregated by whether the  
6                   order or directive was issued under section  
7                   105, 402, 501, 702, 703, or 704;

8                   “(E) the number of orders or directives re-  
9                   ceived under this Act for noncontents—

10                   “(i) reported—

11                   “(I) for the first 1000 orders or  
12                   directives received, in bands of 200  
13                   starting with 1–200; and

14                   “(II) for more than 1000 orders  
15                   or directives received, the precise  
16                   number of orders received; and

17                   “(ii) disaggregated by whether the  
18                   order or directive was issued under section  
19                   105, 402, 501, 702, 703, or 704; and

20                   “(F) the number of customer selectors tar-  
21                   geted under orders or directives under this Act  
22                   for noncontents—

23                   “(i) reported—

1                   “(I) for the first 1000 customer  
2                   selectors targeted, in bands of 200  
3                   starting with 1–200; and

4                   “(II) for more than 1000 cus-  
5                   tomer selectors targeted, the precise  
6                   number of customer selectors tar-  
7                   geted; and

8                   “(ii) disaggregated by whether the  
9                   order or directive was issued under section  
10                  105, 402, 501, 702, 703, or 704.”; and

11                  (2) by redesignating paragraph (4) as para-  
12                  graph (2).

13                  (b) **ADDITIONAL DISCLOSURES.**—Such section is  
14                  amended—

15                  (1) by redesignating subsections (b) through (d)  
16                  as subsections (c) through (e), respectively; and

17                  (2) by inserting after subsection (a) the fol-  
18                  lowing:

19                  “(b) **ADDITIONAL DISCLOSURES.**—A person who  
20                  publicly reports information under subsection (a) may also  
21                  publicly report the following information, relating to the  
22                  previous 180 days, using a semiannual report that indi-  
23                  cates whether the person was or was not required to com-  
24                  ply with an order, directive, or national security letter

1 issued under each of sections 105, 402, 501, 702, 703,  
2 and 704 and the provisions listed in section 603(e)(3).”.

3 **SEC. 16. ANNUAL PUBLICATION OF STATISTICS ON NUM-**  
4 **BER OF PERSONS TARGETED OUTSIDE THE**  
5 **UNITED STATES UNDER CERTAIN FOREIGN**  
6 **INTELLIGENCE SURVEILLANCE ACT OF 1978**  
7 **AUTHORITY.**

8 Not less frequently than once each year, the Director  
9 of National Intelligence shall publish the following:

10 (1) A description of the subject matter of each  
11 of the certifications provided under subsection (g) of  
12 section 702 of the Foreign Intelligence Surveillance  
13 Act of 1978 (50 U.S.C. 1881a) in the last calendar  
14 year.

15 (2) Statistics revealing the number of persons  
16 targeted in the last calendar year under subsection  
17 (a) of such section, disaggregated by certification  
18 under which the person was targeted.

19 **SEC. 17. REPEAL OF NONAPPLICABILITY TO FEDERAL BU-**  
20 **REAU OF INVESTIGATION OF CERTAIN RE-**  
21 **PORTING REQUIREMENTS UNDER FOREIGN**  
22 **INTELLIGENCE SURVEILLANCE ACT OF 1978.**

23 Section 603(d)(2) of the Foreign Intelligence Surveil-  
24 lance Act of 1978 (50 U.S.C. 1873(d)(2)) is amended by  
25 striking “(A) FEDERAL BUREAU” and all that follows

1 through “Paragraph (3)(B) of” and inserting “Paragraph  
2 (3)(B)”.

3 **SEC. 18. PUBLICATION OF ESTIMATES REGARDING COMMU-**  
4 **NICATIONS COLLECTED UNDER CERTAIN**  
5 **PROVISION OF FOREIGN INTELLIGENCE SUR-**  
6 **VEILLANCE ACT OF 1978.**

7 (a) IN GENERAL.—Except as provided in subsection  
8 (b), not later than 90 days after the date of the enactment  
9 of this Act, the Director of National Intelligence shall pub-  
10 lish an estimate of—

11 (1) the number of United States persons whose  
12 communications are collected under section 702 of  
13 the Foreign Intelligence Surveillance Act of 1978  
14 (50 U.S.C. 1881a); or

15 (2) the number of communications collected  
16 under such section to which a party is a person in-  
17 side the United States.

18 (b) IN CASE OF TECHNICAL IMPOSSIBILITY.—If the  
19 Director determines that publishing an estimate pursuant  
20 to subsection (a) is not technically possible—

21 (1) subsection (a) shall not apply; and

22 (2) the Director shall publish an assessment in  
23 unclassified form explaining such determination, but  
24 may submit a classified annex to the appropriate  
25 committees of Congress as necessary.

1 (c) APPROPRIATE COMMITTEES OF CONGRESS DE-  
2 FINED.—In this section, the term “appropriate commit-  
3 tees of Congress” means—

4 (1) the congressional intelligence committees  
5 (as defined in section 3 of the National Security Act  
6 of 1947 (50 U.S.C. 3003));

7 (2) the Committee on the Judiciary of the Sen-  
8 ate; and

9 (3) the Committee on the Judiciary of the  
10 House of Representatives.

11 **SEC. 19. FOUR-YEAR EXTENSION OF FISA AMENDMENTS**

12 **ACT OF 2008.**

13 (a) EXTENSION.—Section 403(b) of the FISA  
14 Amendments Act of 2008 (Public Law 110–261) is  
15 amended—

16 (1) in paragraph (1) (50 U.S.C. 1881–1881g  
17 note), by striking “December 31, 2017” and insert-  
18 ing “September 30, 2021”; and

19 (2) in paragraph (2) (18 U.S.C. 2511 note), in  
20 the material preceding subparagraph (A), by striking  
21 “December 31, 2017” and inserting “September 30,  
22 2021”.

23 (b) CONFORMING AMENDMENT.—The heading of sec-  
24 tion 404(b)(1) of the FISA Amendments Act of 2008  
25 (Public Law 110–261; 50 U.S.C. 1801 note) is amended

1 by striking “DECEMBER 31, 2017” and inserting “SEP-  
2 TEMBER 30, 2021”.

