

**AMENDMENT TO H.R. 2397, AS REPORTED
OFFERED BY MR. SCHIFF OF CALIFORNIA**

At the end of the bill (before the short title), insert
the following new section:

1 SEC. _____. (a) None of the funds made available by
2 this Act for the Office of the Director of National Intel-
3 ligence may be used after March 31, 2014, unless the Di-
4 rector of National Intelligence declassifies, in a manner
5 consistent with the protection of national security, intel-
6 ligence sources and methods, and other properly classified
7 and sensitive information, each decision, order, or opinion
8 issued by the Foreign Intelligence Surveillance Court or
9 the Foreign Intelligence Surveillance Court of Review (as
10 those terms are defined in section 601 of the Foreign In-
11 telligence Surveillance Act of 1978 (50 U.S.C. 1871)) be-
12 tween July 10, 2008, and the date of the enactment of
13 this Act that includes a significant construction or inter-
14 pretation of section 501 or section 702 of the Foreign In-
15 telligence Surveillance Act of 1978 (50 U.S.C. 1861 and
16 1881a).

17 (b) Notwithstanding subsection (a), if the Director of
18 National Intelligence makes a determination that a deci-
19 sion, order, or opinion described in subsection (a) may not

1 be declassified and made available in a manner that pro-
2 tects the national security of the United States, including
3 intelligence sources and methods—

4 (1) the Director of National Intelligence shall
5 release an unclassified summary of such decision,
6 order, or opinion; and

7 (2) such unclassified summary shall be deemed
8 to be a declassification of such decision, order, or
9 opinion for purposes of subsection (a).

10 (c) Notwithstanding subsections (a) and (b), if the
11 Director of National Intelligence makes a determination
12 that certain decisions, orders, or opinions described in sub-
13 section (a) may not be declassified and made available in
14 a manner that protects the national security of the United
15 States, including intelligence sources and methods, and an
16 unclassified summary of such decisions, orders, or opin-
17 ions may not be made available under subsection (b)—

18 (1) the Director of National Intelligence shall
19 make available to the public an unclassified report
20 on the status of the internal deliberations and proc-
21 ess carried out by personnel of the Executive branch
22 with regard to the declassification of such decisions,
23 orders, or opinions, including—

1 (A) an estimate of the number of decisions,
2 orders, or opinions that will be declassified at
3 the end of such deliberations and process; and

4 (B) an estimate of the number of deci-
5 sions, orders, or opinions that, through a deter-
6 mination by the Director of National Intel-
7 ligence, shall remain classified to protect the
8 national security of the United States; and

9 (2) such report shall be deemed to be a declas-
10 sification of such decisions, orders, or opinions for
11 purposes of subsection (a).

