

DECEMBER 7, 2023

RULES COMMITTEE PRINT 118–16
TEXT OF H.R. 6570, PROTECT LIBERTY AND END
WARRANTLESS SURVEILLANCE ACT

[Showing the text of H.R. 6570, as ordered reported by the
Committee on the Judiciary]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protect Liberty and
3 End Warrantless Surveillance Act of 2023”.

4 **SEC. 2. QUERY PROCEDURE REFORM.**

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

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

15 “(i) for each field office of the Federal
16 Bureau of Investigation, the most senior
17 official whose primary duty station is that
18 field office is authorized to designate not

1 more than five individuals whose primary
2 duty station is that field office who are eli-
3 gible to conduct a query using a United
4 States person query term; and

5 “(ii) for the headquarters of the Fed-
6 eral Bureau of Investigation, the Director
7 of the Federal Bureau of Investigation is
8 authorized to designate not more than five
9 individuals whose primary duty station is
10 the Headquarters of the Federal Bureau of
11 Investigation who are eligible to conduct a
12 query using a United States person query
13 term.”.

14 (b) PROHIBITION ON WARRANTLESS QUERIES FOR
15 THE COMMUNICATIONS OF UNITED STATES PERSONS
16 AND PERSONS LOCATED IN THE UNITED STATES.—Sec-
17 tion 702(f) of the Foreign Intelligence Surveillance Act of
18 1978 (50 U.S.C. 1881a(f)), as amended by subsection (a),
19 is further amended—

20 (1) in paragraph (1)—

21 (A) in subparagraph (A), by inserting
22 “and the limitations and requirements in para-
23 graph (2)” after “Constitution of the United
24 States”; and

1 (B) in subparagraph (B), by striking
2 “United States person query term used for a
3 query” and inserting “term for a United States
4 person or person reasonably believed to be in
5 the United States used for a query as required
6 by paragraph (3)”;

7 (2) by redesignating paragraph (3) as para-
8 graph (6); and

9 (3) by striking paragraph (2) and inserting the
10 following:

11 “(2) PROHIBITION ON WARRANTLESS QUERIES
12 FOR THE COMMUNICATIONS AND OTHER INFORMA-
13 TION OF UNITED STATES PERSONS AND PERSONS
14 LOCATED IN THE UNITED STATES.—

15 “(A) IN GENERAL.—Except as provided in
16 subparagraphs (B) and (C), no officer or em-
17 ployee of the United States may conduct a
18 query of information acquired under this sec-
19 tion in an effort to find communications or in-
20 formation the compelled production of which
21 would require a probable cause warrant if
22 sought for law enforcement purposes in the
23 United States, of or about 1 or more United
24 States persons or persons reasonably believed to
25 be located in the United States at the time of

1 the query or the time of the communication or
2 creation of the information.

3 “(B) EXCEPTIONS FOR CONCURRENT AU-
4 THORIZATION, CONSENT, EMERGENCY SITUA-
5 TIONS, AND CERTAIN DEFENSIVE CYBERSECU-
6 RITY QUERIES.—

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

14 “(I) such person is the subject of
15 an order or emergency authorization
16 authorizing electronic surveillance or
17 physical search under section 105 or
18 304 of this Act, or a warrant issued
19 pursuant to the Federal Rules of
20 Criminal Procedure by a court of
21 competent jurisdiction authorizing the
22 conduct of the query;

23 “(II)(aa) the officer or employee
24 carrying out the query has a reason-
25 able belief that—

1 “(AA) an emergency exists
2 involving an imminent threat of
3 death or serious bodily harm; and

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

10 “(bb) a description of the
11 query is provided to the Foreign
12 Intelligence Surveillance Court
13 and the congressional intelligence
14 committees and the Committees
15 on the Judiciary of the House of
16 Representatives and of the Sen-
17 ate in a timely manner;

18 “(III) such person or, if such
19 person is incapable of providing con-
20 sent, a third party legally authorized
21 to consent on behalf of such person,
22 has provided consent to the query on
23 a case-by-case basis; or

1 “(IV)(aa) the query uses a
2 known cybersecurity threat signature
3 as a query term;

4 “(bb) the query is conducted, and the results of the
5 query are used, for the sole purpose of identifying targeted
6 recipients of malicious software and preventing or miti-
7 gating harm from such malicious software;

8 “(cc) no additional contents of communications re-
9 trieved as a result of the query are accessed or reviewed;
10 and

11 “(dd) all such queries are reported to the Foreign In-
12 telligence Surveillance Court.

13 “(ii) LIMITATIONS.—

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

1 a State, or political subdivision there-
2 of, except in proceedings or investiga-
3 tions that arise from the threat that
4 prompted the query.

5 “(II) ASSESSMENT OF COMPLI-
6 ANCE.—The Attorney General shall
7 not less frequently than annually as-
8 sess compliance with the requirements
9 under subclause (I).

10 “(C) MATTERS RELATING TO EMERGENCY
11 QUERIES.—

12 “(i) TREATMENT OF DENIALS.—In
13 the event that a query for communications
14 or information, the compelled production of
15 which would require a probable cause war-
16 rant if sought for law enforcement pur-
17 poses in the United States, of or about 1
18 more United States persons or persons
19 reasonably believed to be located in the
20 United States at the time of the query or
21 the time of the communication or creation
22 of the information is conducted pursuant
23 to an emergency authorization described in
24 subparagraph (B)(i)(I) and the application
25 for such emergency authorization is denied,

1 or in any other case in which the query has
2 been conducted and no order is issued ap-
3 proving the query—

4 “(I) no information obtained or
5 evidence derived from such query may
6 be used, received in evidence, or other-
7 wise disseminated in any investiga-
8 tion, trial, hearing, or other pro-
9 ceeding in or before any court, grand
10 jury, department, office, agency, regu-
11 latory body, legislative committee, or
12 other authority of the United States,
13 a State, or political subdivision there-
14 of; and

15 “(II) no information concerning
16 any United States person or person
17 reasonably believed to be located in
18 the United States at the time of the
19 query or the time of the communica-
20 tion or the creation of the information
21 acquired from such query may subse-
22 quently be used or disclosed in any
23 other manner without the consent of
24 such person, except with the approval
25 of the Attorney General if the infor-

1 mation indicates a threat of death or
2 serious bodily harm to any person.

3 “(ii) ASSESSMENT OF COMPLIANCE.—

4 The Attorney General shall not less fre-
5 quently than annually assess compliance
6 with the requirements under clause (i).

7 “(D) FOREIGN INTELLIGENCE PURPOSE.—

8 Except as provided in subparagraph (B)(i), no
9 officer or employee of the United States may
10 conduct a query of information acquired under
11 this section in an effort to find information of
12 or about 1 or more United States persons or
13 persons reasonably believed to be located in the
14 United States at the time of the query or the
15 time of the communication or creation of the in-
16 formation unless the query is reasonably likely
17 to retrieve foreign intelligence information.

18 “(3) DOCUMENTATION.—No officer or employee
19 of the United States may conduct a query of infor-
20 mation acquired under this section in an effort to
21 find information of or about 1 or more United
22 States persons or persons reasonably believed to be
23 located in the United States at the time of query or
24 the time of the communication or the creation of the
25 information, unless first an electronic record is cre-

1 ated, and a system, mechanism, or business practice
2 is in place to maintain such record, that includes the
3 following:

4 “(A) Each term used for the conduct of
5 the query.

6 “(B) The date of the query.

7 “(C) The identifier of the officer or em-
8 ployee.

9 “(D) A statement of facts showing that the
10 use of each query term included under subpara-
11 graph (A) is—

12 “(i) reasonably likely to retrieve for-
13 eign intelligence information; or

14 “(ii) in furtherance of the exceptions
15 described in paragraph (2)(B)(i).

16 “(4) PROHIBITION ON RESULTS OF METADATA
17 QUERY AS A BASIS FOR ACCESS TO COMMUNICA-
18 TIONS AND OTHER PROTECTED INFORMATION.—If a
19 query of information acquired under this section is
20 conducted in an effort to find communications
21 metadata of 1 or more United States persons or per-
22 sons reasonably believed to be located in the United
23 States at the time of the query or communication
24 and the query returns such metadata, the results of
25 the query shall not be used as a basis for reviewing

1 communications or information a query for which is
2 otherwise prohibited under this section.

3 “(5) FEDERATED DATASETS.—The prohibitions
4 and requirements in this section shall apply to que-
5 ries of federated and mixed datasets that include in-
6 formation acquired under this section, unless a
7 mechanism exists to limit the query to information
8 not acquired under this section.”

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

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

19 “(2) LIMITATION ON USE IN CRIMINAL, CIVIL,
20 AND ADMINISTRATIVE PROCEEDINGS AND INVES-
21 TIGATIONS.—No information acquired pursuant to
22 section 702(f) of or about a United States person or
23 person reasonably believed to be located in the
24 United States at the time of acquisition or commu-
25 nication may be introduced as evidence against such

1 person in any criminal, civil, or administrative pro-
2 ceeding or used as part of any criminal, civil, or ad-
3 ministrative investigation, except—

4 “(A) with the prior approval of the Attor-
5 ney General; and

6 “(B) in a proceeding or investigation in
7 which the information is directly related to and
8 necessary to address a specific threat of—

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

13 “(ii) actions necessitating counter-
14 intelligence (as defined in section 3 of the
15 National Security Act of 1947 (50 U.S.C.
16 3003));

17 “(iii) the proliferation or the use of a
18 weapon of mass destruction (as defined in
19 section 2332a(e) of title 18, United States
20 Code);

21 “(iv) a cybersecurity breach or attack
22 from a foreign country;

23 “(v) incapacitation or destruction of
24 critical infrastructure (as defined in section
25 1016(e) of the Uniting and Strengthening

1 America by Providing Appropriate Tools
2 Required to Intercept and Obstruct Ter-
3 rorism (USA PATRIOT ACT) Act of 2001
4 (42 U.S.C. 5195c(e));

5 “(vi) an attack against the armed
6 forces of the United States or an ally of
7 the United States or to other personnel of
8 the United States Government or a govern-
9 ment of an ally of the United States; or
10 “(vii) international narcotics traf-
11 ficking.”.

12 **SEC. 4. REPEAL OF AUTHORITY FOR THE RESUMPTION OF**
13 **ABOUTS COLLECTION.**

14 (a) IN GENERAL.—Section 702(b)(5) of the Foreign
15 Intelligence Surveillance Act of 1978 (50 U.S.C.
16 1881a(b)(5)) is amended by striking “, except as provided
17 under section 103(b) of the FISA Amendments Reauthor-
18 ization Act of 2017”.

19 (b) CONFORMING AMENDMENTS.—

20 (1) FOREIGN INTELLIGENCE SURVEILLANCE
21 ACT OF 1978.—Section 702(m) of the Foreign Intel-
22 ligence Surveillance Act of 1978 (50 U.S.C.
23 1881a(m)) is amended—

1 (A) in the subsection heading, by striking
2 “REVIEWS, AND REPORTING” and inserting
3 “AND REVIEWS”; and

4 (B) by striking paragraph (4).

5 (2) FISA AMENDMENTS REAUTHORIZATION ACT
6 OF 2017.—Section 103 of the FISA Amendments Re-
7 authorization Act of 2017 (Public Law 115–118; 50
8 U.S.C. 1881a note) is amended—

9 (A) by striking subsection (b); and

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

11 **SEC. 5. FOREIGN INTELLIGENCE SURVEILLANCE COURT**
12 **REFORM.**

13 (a) REQUIREMENT FOR SAME JUDGE TO HEAR RE-
14 NEWAL APPLICATIONS.—Section 103(a)(1) of the Foreign
15 Intelligence Surveillance Act of 1978 (50 U.S.C.
16 1803(a)(1)) is amended by adding at the end the fol-
17 lowing: “To the extent practicable, no judge designated
18 under this subsection shall hear a renewal application for
19 electronic surveillance under this Act, which application
20 was previously granted by another judge designated under
21 this subsection, unless the term of the judge who granted
22 the application has expired, or that judge is otherwise no
23 longer serving on the court.”.

24 (b) USE OF AMICI CURIAE IN FOREIGN INTEL-
25 LIGENCE SURVEILLANCE COURT PROCEEDINGS.—

1 (1) EXPANSION OF APPOINTMENT AUTHOR-
2 ITY.—

3 (A) IN GENERAL.—Section 103(i)(2) of the
4 Foreign Intelligence Surveillance Act of 1978
5 (50 U.S.C. 1803(i)(2)) is amended—

6 (i) by striking subparagraph (A) and
7 inserting the following:

8 “(A) shall, unless the court issues a find-
9 ing that appointment is not appropriate, ap-
10 point 1 or more individuals who have been des-
11 ignated under paragraph (1), not fewer than 1
12 of whom possesses privacy and civil liberties ex-
13 pertise, unless the court finds that such a quali-
14 fication is inappropriate, to serve as amicus cu-
15 riae to assist the court in the consideration of
16 any application or motion for an order or review
17 that, in the opinion of the court—

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

20 “(ii) presents significant concerns
21 with respect to the activities of a United
22 States person that are protected by the
23 first amendment to the Constitution of the
24 United States;

1 “(iii) presents or involves a sensitive
2 investigative matter;

3 “(iv) presents a request for approval
4 of a new program, a new technology, or a
5 new use of existing technology;

6 “(v) presents a request for reauthor-
7 ization of programmatic surveillance;

8 “(vi) otherwise presents novel or sig-
9 nificant civil liberties issues; or

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

12 (ii) in subparagraph (B), by striking
13 “an individual or organization” each place
14 the term appears and inserting “1 or more
15 individuals or organizations”.

16 (B) DEFINITION OF SENSITIVE INVESTIGA-
17 TIVE MATTER.—Section 103(i) of the Foreign
18 Intelligence Surveillance Act of 1978 (50
19 U.S.C. 1803(i)) is amended by adding at the
20 end the following:

21 “(12) DEFINITION.—In this subsection, the
22 term ‘sensitive investigative matter’ means—

23 “(A) an investigative matter involving the
24 activities of—

1 “(i) a domestic public official or polit-
2 ical candidate, or an individual serving on
3 the staff of such an official or candidate;

4 “(ii) a domestic religious or political
5 organization, or a known or suspected
6 United States person prominent in such an
7 organization; or

8 “(iii) the domestic news media; or

9 “(B) any other investigative matter involv-
10 ing a domestic entity or a known or suspected
11 United States person that, in the judgment of
12 the applicable court established under sub-
13 section (a) or (b), is as sensitive as an inves-
14 tigative matter described in subparagraph
15 (A).”.

16 (2) **AUTHORITY TO SEEK REVIEW.**—Section
17 103(i) of the Foreign Intelligence Surveillance Act of
18 1978 (50 U.S.C. 1803(i)), as amended by subsection
19 (a) of this section, is amended—

20 (A) in paragraph (4)—

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

23 (ii) by redesignating subparagraphs
24 (A), (B), and (C) as clauses (i), (ii), and

1 (iii), respectively, and adjusting the mar-
2 gins accordingly;

3 (iii) in the matter preceding clause (i),
4 as so redesignated, by striking “the amicus
5 curiae shall” and inserting the following:
6 “the amicus curiae—
7 “(A) shall”;

8 (iv) in subparagraph (A)(i), as so re-
9 designated, by inserting before the semi-
10 colon at the end the following: “, including
11 legal arguments regarding any privacy or
12 civil liberties interest of any United States
13 person that would be significantly im-
14 pacted by the application or motion”;

15 (v) by striking the period at the end
16 and inserting the following: “; and

17 “(B) may seek leave to raise any novel or
18 significant privacy or civil liberties issue rel-
19 evant to the application or motion or other
20 issue directly impacting the legality of the pro-
21 posed electronic surveillance with the court, re-
22 gardless of whether the court has requested as-
23 sistance on that issue.”;

1 (B) by redesignating paragraphs (7)
2 through (12) as paragraphs (8) through (13),
3 respectively; and

4 (C) by inserting after paragraph (6) the
5 following:

6 “(7) AUTHORITY TO SEEK REVIEW OF DECI-
7 SIONS.—

8 “(A) FISA COURT DECISIONS.—

9 “(i) PETITION.—Following issuance of
10 an order under this Act by the Foreign In-
11 telligence Surveillance Court, an amicus
12 curiae appointed under paragraph (2) may
13 petition the Foreign Intelligence Surveil-
14 lance Court to certify for review to the
15 Foreign Intelligence Surveillance Court of
16 Review a question of law pursuant to sub-
17 section (j).

18 “(ii) WRITTEN STATEMENT OF REA-
19 SONS.—If the Foreign Intelligence Surveil-
20 lance Court denies a petition under this
21 subparagraph, the Foreign Intelligence
22 Surveillance Court shall provide for the
23 record a written statement of the reasons
24 for the denial.

1 “(iii) APPOINTMENT.—Upon certifi-
2 cation of any question of law pursuant to
3 this subparagraph, the Court of Review
4 shall appoint the amicus curiae to assist
5 the Court of Review in its consideration of
6 the certified question, unless the Court of
7 Review issues a finding that such appoint-
8 ment is not appropriate.

9 “(B) FISA COURT OF REVIEW DECI-
10 SIONS.—An amicus curiae appointed under
11 paragraph (2) may petition the Foreign Intel-
12 ligence Surveillance Court of Review to certify
13 for review to the Supreme Court of the United
14 States any question of law pursuant to section
15 1254(2) of title 28, United States Code.

16 “(C) DECLASSIFICATION OF REFER-
17 RALS.—For purposes of section 602, a petition
18 filed under subparagraph (A) or (B) of this
19 paragraph and all of its content shall be consid-
20 ered a decision, order, or opinion issued by the
21 Foreign Intelligence Surveillance Court or the
22 Foreign Intelligence Surveillance Court of Re-
23 view described in paragraph (2) of section
24 602(a).”.

25 (3) ACCESS TO INFORMATION.—

1 (A) APPLICATION AND MATERIALS.—Sec-
2 tion 103(i)(6) of the Foreign Intelligence Sur-
3 veillance Act of 1978 (50 U.S.C. 1803(i)(6)) is
4 amended by striking subparagraph (A) and in-
5 sserting the following:

6 “(A) IN GENERAL.—

7 “(i) RIGHT OF AMICUS.—If a court
8 established under subsection (a) or (b) ap-
9 points an amicus curiae under paragraph
10 (2), the amicus curiae—

11 “(I) shall have access, to the ex-
12 tent such information is available to
13 the Government, to—

14 “(aa) the application, certifi-
15 cation, petition, motion, and
16 other information and supporting
17 materials, including any informa-
18 tion described in section 901,
19 submitted to the Foreign Intel-
20 ligence Surveillance Court in con-
21 nection with the matter in which
22 the amicus curiae has been ap-
23 pointed, including access to any
24 relevant legal precedent (includ-
25 ing any such precedent that is

1 cited by the Government, includ-
2 ing in such an application);

3 “(bb) an unredacted copy of
4 each relevant decision made by
5 the Foreign Intelligence Surveil-
6 lance Court or the Foreign Intel-
7 ligence Surveillance Court of Re-
8 view in which the court decides a
9 question of law, without regard
10 to whether the decision is classi-
11 fied; and

12 “(cc) any other information
13 or materials that the court deter-
14 mines are relevant to the duties
15 of the amicus curiae; and

16 “(II) may make a submission to
17 the court requesting access to any
18 other particular materials or informa-
19 tion (or category of materials or infor-
20 mation) that the amicus curiae be-
21 lieves to be relevant to the duties of
22 the amicus curiae.

23 “(ii) SUPPORTING DOCUMENTATION
24 REGARDING ACCURACY.—The Foreign In-
25 telligence Surveillance Court, upon the mo-

1 tion of an amicus curiae appointed under
2 paragraph (2) or upon its own motion,
3 may require the Government to make
4 available the supporting documentation de-
5 scribed in section 902.”.

6 (B) CLARIFICATION OF ACCESS TO CER-
7 TAIN INFORMATION.—Section 103(i)(6) of the
8 Foreign Intelligence Surveillance Act of 1978
9 (50 U.S.C. 1803(i)(6)) is amended—

10 (i) in subparagraph (B), by striking
11 “may” and inserting “shall”; and

12 (ii) by striking subparagraph (C) and
13 inserting the following:

14 “(C) CLASSIFIED INFORMATION.—An ami-
15 cus curiae designated or appointed by the court
16 shall have access, to the extent such informa-
17 tion is available to the Government, to
18 unredacted copies of each opinion, order, tran-
19 script, pleading, or other document of the For-
20 eign Intelligence Surveillance Court and the
21 Foreign Intelligence Surveillance Court of Re-
22 view, including, if the individual is eligible for
23 access to classified information, any classified
24 documents, information, and other materials or
25 proceedings.”.

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

7 **SEC. 6. APPLICATION FOR AN ORDER APPROVING ELEC-**
8 **TRONIC SURVEILLANCE.**

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

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

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

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

19 (4) by inserting after paragraph (9) the fol-
20 lowing:

21 “(10) all information material to the applica-
22 tion, including any information that tends to
23 rebut—

24 “(A) any allegation set forth in the appli-
25 cation; or

1 “(B) the existence of probable cause to be-
2 lieve that—

3 “(i) the target of the electronic sur-
4 veillance is a foreign power or an agent of
5 a foreign power; and

6 “(ii) each of the facilities or places at
7 which the electronic surveillance is directed
8 is being used, or is about to be used, by a
9 foreign power or an agent of a foreign
10 power.”.

11 (b) PROHIBITION ON USE OF CERTAIN INFORMA-
12 TION.—Section 104 of the Foreign Intelligence Surveil-
13 lance Act of 1978 (50 U.S.C. 1804) is amended by adding
14 at the end the following:

15 “(e) The statement of facts and circumstances under
16 subsection (a)(3) may only include information obtained
17 from the content of a media source or information gath-
18 ered by a political campaign if—

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

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

1 (c) LIMITATION ON ISSUANCE OF ORDER.—Section
2 105(a) of the Foreign Intelligence Surveillance Act of
3 1978 (50 U.S.C. 1805(a)) is amended—

4 (1) in paragraph (3), by striking “; and” and
5 inserting a semicolon;

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

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

9 “(5) the statement of facts and circumstances
10 under subsection (a)(3) may only include informa-
11 tion obtained from the content of a media source or
12 information gathered by a political campaign if—

13 “(A) such information is disclosed in the
14 application as having been so obtained or gath-
15 ered; and

16 “(B) such information is not the sole
17 source of the information used to justify the ap-
18 plicant’s belief described in subsection (a)(3).”.

19 **SEC. 7. PUBLIC DISCLOSURE AND DECLASSIFICATION OF**
20 **CERTAIN DOCUMENTS.**

21 (a) SUBMISSION TO CONGRESS.—Section 601(c)(1)
22 of the Foreign Intelligence Surveillance Act of 1978 (50
23 U.S.C. 1871(c)) is amended by inserting “, including de-
24 classified copies that have undergone review under section
25 602” before “; and”.

1 (b) **TIMELINE FOR DECLASSIFICATION REVIEW.**—
2 Section 602(a) of the Foreign Intelligence Surveillance
3 Act of 1978 (50 U.S.C. 1872(a)) is amended—

4 (1) by inserting after “shall conduct a declas-
5 sification review” the following: “, to be concluded
6 not later than 45 days after the commencement of
7 such review,”; and

8 (2) by inserting after “a significant construc-
9 tion or interpretation of any provision of law” the
10 following: “or results in a change of application of
11 any provision of this Act or a novel application of
12 any provision of this Act”.

13 **SEC. 8. TRANSCRIPTIONS OF PROCEEDINGS; ATTENDANCE**
14 **OF CERTAIN CONGRESSIONAL OFFICIALS AT**
15 **CERTAIN PROCEEDINGS.**

16 Section 103(c) of the Foreign Intelligence Surveil-
17 lance Act of 1978 (50 U.S.C. 1803(c)) is amended—

18 (1) by striking “Proceedings under this Act”
19 and inserting the following: “(1) Proceedings under
20 this Act”;

21 (2) by striking “including applications made
22 and orders granted” and inserting “including appli-
23 cations made, orders granted, and transcriptions of
24 proceedings,”; and

25 (3) by adding at the end:

1 “(2) The chair and ranking minority member of each
2 of the congressional intelligence committees and of the
3 Committees on the Judiciary of the House of Representa-
4 tives and of the Senate shall be entitled to attend any pro-
5 ceeding of the Foreign Intelligence Surveillance Court or
6 any proceeding of the Foreign Intelligence Surveillance
7 Court of Review. Each person entitled to attend a pro-
8 ceeding pursuant to this paragraph may designate not
9 more than 2 Members of Congress and not more than 2
10 staff members of such committee to attend on their behalf,
11 pursuant to such procedures as the Attorney General, in
12 consultation with the Director of National Intelligence
13 may establish. Not later than 45 days after any such pro-
14 ceeding, a copy of any application made, order granted,
15 or transcription of the proceeding shall be made available
16 for review to each person who is entitled to attend a pro-
17 ceeding pursuant to this paragraph or who is designated
18 under this paragraph. Terms used in this paragraph have
19 the meanings given such terms in section 701(b).”.

20 **SEC. 9. ANNUAL AUDIT OF FISA COMPLIANCE BY INSPEC-**
21 **TOR GENERAL.**

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

1 **“SEC. 605. ANNUAL AUDIT OF FISA COMPLIANCE BY IN-**
2 **SPECTOR GENERAL.**

3 “Beginning with the first calendar year that begins
4 after the effective date of this section, by not later than
5 June 30th of that year and each year thereafter, the In-
6 spector General of the Department of Justice shall con-
7 duct an audit on alleged violations and failures to comply
8 with the requirements of this Act and any procedures es-
9 tablished pursuant to this Act, and submit a report there-
10 on to the congressional intelligence committees and the
11 Committees on the Judiciary of the House of Representa-
12 tives and of the Senate.”.

13 (b) CLERICAL AMENDMENT.—The table of contents
14 for the Foreign Intelligence Surveillance Act of 1978 (50
15 U.S.C. 1801 et seq.) is amended by adding at the end
16 the following:

“605. Annual audit of FISA compliance by Inspector General.”.

17 **SEC. 10. REPORTING ON ACCURACY AND COMPLETENESS**
18 **OF APPLICATIONS.**

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

21 (1) in subsection (a)(1)—

22 (A) by redesignating subparagraphs (B)
23 through (F) as subparagraphs (C) through (G)
24 respectively; and

1 (B) by inserting after subparagraph (A)
2 the following:

3 “(B) an analysis of the accuracy and com-
4 pleteness of such applications and certifications
5 submitted;” and

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

8 **SEC. 11. ANNUAL REPORT OF THE FEDERAL BUREAU OF IN-**
9 **VESTIGATION.**

10 (a) REPORT REQUIRED.—Title VI of the Foreign In-
11 telligence Surveillance Act of 1978 (50 U.S.C. 1871 et
12 seq.), as amended by this Act, is further amended by add-
13 ing at the end the following:

14 **“SEC. 606. ANNUAL REPORT OF THE FEDERAL BUREAU OF**
15 **INVESTIGATION.**

16 “Not later than 1 year after the date of enactment
17 of this section, and annually thereafter, the Director of
18 the Federal Bureau of Investigation shall submit to the
19 congressional intelligence committees and the Committees
20 on the Judiciary of the House of Representatives and of
21 the Senate—

22 “(1) a report on disciplinary activities taken by
23 the Director to address violations of the require-
24 ments of law or the procedures established under

1 this Act, including a comprehensive account of dis-
2 ciplinary investigations, including—

3 “(A) all such investigations ongoing as of
4 the date the report is submitted;

5 “(B) the adjudications of such investiga-
6 tions when concluded; and

7 “(C) disciplinary actions taken as a result
8 of such adjudications; and

9 “(2) a report on the conduct of queries con-
10 ducted under section 702 for the preceding year
11 using a United States person query term, includ-
12 ing—

13 “(A) the number of such queries con-
14 ducted;

15 “(B) what terms were used;

16 “(C) the number of warrants issued and
17 denied under section 702(f)(1); and

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

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

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

1 **SEC. 12. EXTENSION OF TITLE VII OF FISA; EXPIRATION OF**
2 **FISA AUTHORITIES; EFFECTIVE DATES.**

3 (a) EFFECTIVE DATES.—Section 403(b) of the FISA
4 Amendments Act of 2008 (Public Law 110–261; 122 Stat.
5 2474) is amended—

6 (1) in paragraph (1)—

7 (A) by striking “December 31, 2023” and
8 inserting “December 31, 2026”; and

9 (B) by striking “, as amended by section
10 101(a) and by the FISA Amendments Reau-
11 thorization Act of 2017,” and inserting “, as
12 most recently amended,”; and

13 (2) in paragraph (2) in the matter preceding
14 subparagraph (A), by striking “December 31, 2023”
15 and inserting “December 31, 2026”.

16 (b) CONFORMING AMENDMENTS.—Section 404(b) of
17 the FISA Amendments Act of 2008 (Public Law 110–261;
18 122 Stat. 2476), is amended—

19 (1) in paragraph (1)—

20 (A) in the heading, by striking “DECEM-
21 BER 31, 2023” and inserting “DECEMBER 31,
22 2026”; and

23 (B) by striking “, as amended by section
24 101(a) and by the FISA Amendments Reau-
25 thorization Act of 2017,” and inserting “, as
26 most recently amended,”;

1 (2) in paragraph (2), by striking “, as amended
2 by section 101(a) and by the FISA Amendments Re-
3 authorization Act of 2017,” and inserting “, as most
4 recently amended,”; and

5 (3) in paragraph (4)—

6 (A) by striking “, as added by section
7 101(a) and amended by the FISA Amendments
8 Reauthorization Act of 2017,” both places it
9 appears and inserting “, as added by section
10 101(a) and as most recently amended,”; and

11 (B) by striking “, as amended by section
12 101(a) and by the FISA Amendments Reau-
13 thorization Act of 2017,” and inserting “, as
14 most recently amended,” both places it appears.

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

16 (a) IN GENERAL.—Section 109 of the Foreign Intel-
17 ligence Surveillance Act of 1978 (50 U.S.C. 1809) is
18 amended as follows:

19 (1) ADDITIONAL OFFENSES.—In subsection
20 (a)—

21 (A) in the matter preceding paragraph (1),
22 by striking “intentionally”;

23 (B) in paragraph (1)—

24 (i) by inserting “intentionally” before
25 “engages in”; and

1 (ii) by striking “or” at the end;

2 (C) in paragraph (2)—

3 (i) by inserting “intentionally” before
4 “disclose or uses”; and

5 (ii) by striking the period at the end
6 and inserting a semicolon; and

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

8 “(3) knowingly submits any document to or
9 makes any false statement before the Foreign Intel-
10 ligence Surveillance Court or the Foreign Intel-
11 ligence Surveillance Court of Review, knowing such
12 document or statement to contain—

13 “(A) a false material declaration; or

14 “(B) a material omission; or

15 “(4) knowingly discloses the existence of an ap-
16 plication for an order authorizing surveillance under
17 this title, or any information contained therein, to
18 any person not authorized to receive such informa-
19 tion.”.

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

22 “(c) PENALTIES.—In the case of an offense under
23 any of paragraphs (1) through (4) of subsection (a), the
24 offense is punishable by a fine of not more than \$10,000
25 or imprisonment for not more than 8 years, or both.”.

1 (b) RULE OF CONSTRUCTION.—This Act and the
2 amendments made by this Act may not be construed to
3 interfere with the enforcement of section 798 of title 18,
4 United States Code, or any other provision of law regard-
5 ing the unlawful disclosure of classified information.

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

7 (a) IN GENERAL.—Chapter 21 of title 18, United
8 States Code, is amended—

9 (1) in section 402, by inserting after “any dis-
10 trict court of the United States” the following: “,
11 the Foreign Intelligence Surveillance Court, the For-
12 eign Intelligence Surveillance Court of Review,”; and

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

14 **“§ 404. Definitions**

15 “For purposes of this chapter—

16 “(1) the term ‘court of the United States’ in-
17 cludes the Foreign Intelligence Surveillance Court or
18 the Foreign Intelligence Surveillance Court of Re-
19 view; and

20 “(2) the terms ‘Foreign Intelligence Surveil-
21 lance Court’ and ‘Foreign Intelligence Surveillance
22 Court of Review’ have the meanings given such
23 terms in section 601(e) of the Foreign Intelligence
24 Surveillance Act of 1978.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
2 for such chapter is amended by inserting after the item
3 pertaining to section 403 the following:

“404. Definitions.”.

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

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

14 (a) INCREASED PENALTIES.—Section 110(a) of the
15 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
16 1810(a)) is amended to read as follows:

17 “(a) actual damages, but not less than liq-
18 uidated damages equal to the greater of—

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

22 “(2) for any other aggrieved person, \$1,000 or
23 \$100 per day for each day of violation;”.

1 (b) REPORTING REQUIREMENT.—Title I of the For-
2 eign Intelligence Surveillance Act of 1978 is amended by
3 inserting after section 110 the following:

4 **“SEC. 110A. REPORTING REQUIREMENTS FOR CIVIL AC-**
5 **TIONS.**

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

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

19 **SEC. 16. ACCOUNTABILITY PROCEDURES FOR INCIDENTS**
20 **RELATING TO QUERIES CONDUCTED BY THE**
21 **FEDERAL BUREAU OF INVESTIGATION.**

22 (a) IN GENERAL.—Title VII of the Foreign Intel-
23 ligence Surveillance Act of 1978 (50 U.S.C. 1881 et seq.)
24 is amended by adding at the end the following:

1 **“SEC. 709. ACCOUNTABILITY PROCEDURES FOR INCIDENTS**
2 **RELATING TO QUERIES CONDUCTED BY THE**
3 **FEDERAL BUREAU OF INVESTIGATION.**

4 “(a) IN GENERAL.—The Director of the Federal Bu-
5 reau of Investigation shall establish procedures to hold
6 employees of the Federal Bureau of Investigation account-
7 able for violations of law, guidance, and procedure gov-
8 erning queries of information acquired pursuant to section
9 702.

10 “(b) ELEMENTS.—The procedures established under
11 subsection (a) shall include the following:

12 “(1) Centralized tracking of individual employee
13 performance incidents involving negligent violations
14 of law, guidance, and procedure described in sub-
15 section (a), over time.

16 “(2) Escalating consequences for such inci-
17 dents, including—

18 “(A) consequences for initial incidents, in-
19 cluding, at a minimum—

20 “(i) suspension of access to informa-
21 tion acquired under this Act; and

22 “(ii) documentation of the incident in
23 the personnel file of each employee respon-
24 sible for the violation; and

25 “(B) consequences for subsequent inci-
26 dents, including, at a minimum—

1 “(i) possible indefinite suspension of
2 access to information acquired under this
3 Act;

4 “(ii) reassignment of each employee
5 responsible for the violation; and

6 “(iii) referral of the incident to the
7 Inspection Division of the Federal Bureau
8 of Investigation for review of potentially
9 reckless conduct.

10 “(3) Clarification of requirements for referring
11 intentional misconduct and reckless conduct to the
12 Inspection Division of the Federal Bureau of Inves-
13 tigation for investigation and disciplinary action by
14 the Office of Professional Responsibility of the Fed-
15 eral Bureau of Investigation.”.

16 (b) CLERICAL AMENDMENT.—The table of contents
17 for such Act is amended by inserting after the item relat-
18 ing to section 708 the following:

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

19 (c) REPORT REQUIRED.—

20 (1) INITIAL REPORT.—Not later than 180 days
21 after the date of the enactment of this Act, the Di-
22 rector of the Federal Bureau of Investigation shall
23 submit to the Committees on the Judiciary of the
24 House of Representatives and of the Senate and to

1 the congressional intelligence committees (as such
2 term is defined in section 801 of the Foreign Intel-
3 ligence Surveillance Act of 1978 (50 U.S.C. 1885))
4 a report detailing the procedures established under
5 section 709 of the Foreign Intelligence Surveillance
6 Act of 1978, as added by subsection (a).

7 (2) ANNUAL REPORT.—Not later than 1 year
8 after the date of enactment of this Act, and annually
9 thereafter, the Federal Bureau of Investigation shall
10 submit to the Committees on the Judiciary of the
11 House of Representatives and of the Senate and to
12 the congressional intelligence committees (as such
13 term is defined in section 801 of the Foreign Intel-
14 ligence Surveillance Act of 1978 (50 U.S.C. 1885))
15 a report on any disciplinary actions taken pursuant
16 to the procedures established under section 709 of
17 the Foreign Intelligence Surveillance Act of 1978, as
18 added by subsection (a), including a description of
19 the circumstances surrounding each such discipli-
20 nary action, and the results of each such disciplinary
21 action.

22 (3) FORM.—The reports required under para-
23 graphs (1) and (2) shall be submitted in unclassified
24 form, but may include a classified annex to the ex-
25 tent necessary to protect sources and methods.

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

2 (a) AGENCY PROCEDURES TO ENSURE COMPLI-
3 ANCE.—Title VI of the Foreign Intelligence Surveillance
4 Act of 1978 (50 U.S.C. 1871 et seq.), as amended by this
5 Act, is further amended by adding at the end the fol-
6 lowing:

7 **“SEC. 607. AGENCY PROCEDURES TO ENSURE COMPLI-**
8 **ANCE.**

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

12 “(1) setting forth clear rules on what con-
13 stitutes a violation of this Act by an officer or em-
14 ployee of that department or agency; and

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

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

“607. Agency procedures to ensure compliance.”.

24 (c) REPORT.—Not later than 3 months after the date
25 of enactment of this Act, the head of each Federal depart-

1 ment or agency that is required to establish procedures
2 under section 607 of the Foreign Intelligence Surveillance
3 Act of 1978 shall report to Congress on such procedures.

4 **SEC. 18. PROTECTION OF RECORDS HELD BY DATA BRO-**
5 **KERS.**

6 Section 2702 of title 18, United States Code, is
7 amended by adding at the end the following:

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

12 “(1) DEFINITIONS.—In this subsection—

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

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

16 “(I) a provider of an electronic
17 communication service to the public or
18 a provider of a remote computing
19 service of which the covered person
20 with respect to the covered record is a
21 subscriber or customer; or

22 “(II) an intermediary service pro-
23 vider that delivers, stores, or proc-
24 esses communications of such covered
25 person;

1 “(ii) collected by a third party from
2 an online account of a covered person; or

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

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

7 “(i) a person who is located inside the
8 United States; or

9 “(ii) a person—

10 “(I) who is located outside the
11 United States or whose location can-
12 not be determined; and

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

17 “(C) the term ‘covered record’ means a
18 record or other information that—

19 “(i) pertains to a covered person; and

20 “(ii) is—

21 “(I) a record or other informa-
22 tion described in the matter preceding
23 paragraph (1) of subsection (c);

24 “(II) the contents of a commu-
25 nication; or

1 “(III) location information;

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

5 “(E) the term ‘illegitimately obtained in-
6 formation’ means a covered record that—

7 “(i) was obtained—

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

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

16 “(bb) is inconsistent with
17 the privacy policy of the provider;

18 “(II) by deceiving the covered
19 person whose covered record was ob-
20 tained; or

21 “(III) through the unauthorized
22 accessing of an electronic device or
23 online account; or

24 “(ii) was—

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

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

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

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

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

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

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

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

9 “(ii) information—

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

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

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

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

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

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

1 “(II) a provider of a remote com-
2 puting service.

3 “(2) LIMITATION.—

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

10 “(B) INDIRECTLY ACQUIRED RECORDS
11 AND INFORMATION.—The limitation under sub-
12 paragraph (A) shall apply without regard to
13 whether the third party possessing the covered
14 customer or subscriber record or illegitimately
15 obtained information is the third party that ini-
16 tially obtained or collected, or is the third party
17 that initially received the disclosure of, the cov-
18 ered customer or subscriber record or illegiti-
19 mately obtained information.

20 “(3) LIMIT ON SHARING BETWEEN AGEN-
21 CIES.—An agency of a governmental entity that is
22 not a law enforcement agency or an element of the
23 intelligence community may not provide to a law en-
24 forcement agency of a governmental entity or an ele-
25 ment of the intelligence community a covered cus-

1 tomer or subscriber record or illegitimately obtained
2 information that was obtained from a third party in
3 exchange for anything of value.

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

16 “(5) MINIMIZATION PROCEDURES.—

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

23 “(B) USE BY AGENCIES.—If a law enforce-
24 ment agency of a governmental entity or ele-
25 ment of the intelligence community acquires in-

1 formation pertaining to a covered person in vio-
2 lation of paragraph (2) or (3), the law enforce-
3 ment agency of a governmental entity or ele-
4 ment of the intelligence community shall mini-
5 mize the acquisition and retention, and prohibit
6 the dissemination, of the information in accord-
7 ance with the procedures adopted under sub-
8 paragraph (A).”.

9 **SEC. 19. REQUIRED DISCLOSURE.**

10 Section 2703 of title 18, United States Code, is
11 amended by adding at the end the following:

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

14 “(1) DEFINITIONS.—In this subsection, the
15 terms ‘covered customer or subscriber record’, ‘ille-
16 gitimately obtained information’, and ‘third party’
17 have the meanings given such terms in section
18 2702(e).

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

1 service or a provider of electronic communication
2 service to the public to disclose such a covered cus-
3 tomer or subscriber record or illegitimately obtained
4 information that is a record of a customer or sub-
5 scriber of the provider.

6 “(3) ORDERS.—

7 “(A) IN GENERAL.—A court may only
8 issue an order requiring a third party to dis-
9 close a covered customer or subscriber record or
10 any illegitimately obtained information on the
11 same basis and subject to the same limitations
12 as would apply to a court order to require dis-
13 closure by a provider of remote computing serv-
14 ice or a provider of electronic communication
15 service to the public of a record of a customer
16 or subscriber of the provider.

17 “(B) STANDARD.—For purposes of sub-
18 paragraph (A), a court shall apply the most
19 stringent standard under Federal statute or the
20 Constitution of the United States that would be
21 applicable to a request for a court order to re-
22 quire a comparable disclosure by a provider of
23 remote computing service or a provider of elec-
24 tronic communication service to the public of a

1 record of a customer or subscriber of the pro-
2 vider.”.

3 **SEC. 20. INTERMEDIARY SERVICE PROVIDERS.**

4 (a) DEFINITION.—Section 2711 of title 18, United
5 States Code, is amended—

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

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

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

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

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

19 (1) in paragraph (1), by striking “and” at the
20 end;

21 (2) in paragraph (2), by striking “and” at the
22 end;

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

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

1 “(4) an intermediary service provider shall not
2 knowingly divulge—

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

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

17 **SEC. 21. LIMITS ON SURVEILLANCE CONDUCTED FOR FOR-**
18 **EIGN INTELLIGENCE PURPOSES OTHER**
19 **THAN UNDER THE FOREIGN INTELLIGENCE**
20 **SURVEILLANCE ACT OF 1978.**

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

23 “(f)(i)(A) Nothing contained in this chapter, chapter
24 121 or 206 of this title, or section 705 of the Communica-
25 tions Act of 1934 (47 U.S.C. 151 et seq.) shall be deemed

1 to affect an acquisition or activity described in clause (B)
2 that is carried out utilizing a means other than electronic
3 surveillance, as defined in section 101 of the Foreign In-
4 telligence Surveillance Act of 1978 (50 U.S.C. 1801).

5 “(B) An acquisition or activity described in this
6 clause is—

7 “(I) an acquisition by the United States Gov-
8 ernment of foreign intelligence information from
9 international or foreign communications that—

10 “(aa) is acquired pursuant to express stat-
11 utory authority; or

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

15 “(II) a foreign intelligence activity involving a
16 foreign electronic communications system that—

17 “(aa) is conducted pursuant to express
18 statutory authority; or

19 “(bb) only involves the acquisition by the
20 United States Government of information of
21 persons who are not United States persons and
22 are located outside the United States.

23 “(ii) The procedures in this chapter, chapter 121,
24 and the Foreign Intelligence Surveillance Act of 1978 (50
25 U.S.C. 1801 et seq.) shall be the exclusive means by which

1 electronic surveillance, as defined in section 101 of such
2 Act, and the interception of domestic wire, oral, and elec-
3 tronic communications may be conducted.”.

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

15 (c) EXCLUSIVE MEANS RELATED TO LOCATION IN-
16 FORMATION, WEB BROWSING HISTORY, AND INTERNET
17 SEARCH HISTORY.—

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

23 (2) EXCLUSIVE MEANS.—Title I and sections
24 303, 304, 703, 704, and 705 of the Foreign Intel-
25 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et

1 seq., 1823, 1824, 1881b, 1881c, 1881d) shall be the
2 exclusive means by which location information, web
3 browsing history, and internet search history of
4 United States persons or persons inside the United
5 States are acquired for foreign intelligence purposes
6 inside the United States or from a person or entity
7 located in the United States.

8 (d) EXCLUSIVE MEANS RELATED TO FOURTH
9 AMENDMENT-PROTECTED INFORMATION.—Title I and
10 sections 303, 304, 703, 704, and 705 of the Foreign Intel-
11 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.,
12 1823, 1824, 1881b, 1881c, 1881d) shall be the exclusive
13 means by which any information, records, data, or tangible
14 things are acquired for foreign intelligence purposes from
15 a person or entity located in the United States if the com-
16 pelled production of such information, records, data, or
17 tangible things would require a warrant for law enforce-
18 ment purposes.

19 (e) DEFINITION.—In this section, the term “United
20 States person” has the meaning given that term in section
21 101 of the Foreign Intelligence Surveillance Act of 1978
22 (50 U.S.C. 1801).

1 **SEC. 22. LIMIT ON CIVIL IMMUNITY FOR PROVIDING INFOR-**
2 **MATION, FACILITIES, OR TECHNICAL ASSIST-**
3 **ANCE TO THE GOVERNMENT ABSENT A**
4 **COURT ORDER.**

5 Section 2511(2)(a) of title 18, United States Code,
6 is amended—

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

9 “(B) a certification in writing—

10 “(I) by a person specified in section
11 2518(7) or the Attorney General of the United
12 States;

13 “(II) that the requirements for an emer-
14 gency authorization to intercept a wire, oral, or
15 electronic communication under section 2518(7)
16 have been met; and

17 “(III) that the specified assistance is re-
18 quired,”; and

19 (2) by striking subparagraph (iii) and inserting
20 the following:

21 “(iii) For assistance provided pursuant to a certifi-
22 cation under subparagraph (ii)(B), the limitation on
23 causes of action under the last sentence of the matter fol-
24 lowing subparagraph (ii)(B) shall only apply to the extent
25 that the assistance ceased at the earliest of the time the
26 application for a court order was denied, the time the com-

1 munication sought was obtained, or 48 hours after the
2 interception began.”.

3 **SEC. 23. PROHIBITION ON REVERSE TARGETING OF**
4 **UNITED STATES PERSONS AND PERSONS LO-**
5 **CATED IN THE UNITED STATES.**

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

8 (1) in subsection (b)(2)—

9 (A) by striking “may not intentionally”
10 and inserting the following: “may not—

11 “(A) intentionally”; and

12 (B) in subparagraph (A), as designated by
13 subparagraph (A) of this paragraph, by striking
14 “if the purpose of such acquisition is to target
15 a particular, known person reasonably believed
16 to be in the United States;” and inserting the
17 following: “if a significant purpose of such ac-
18 quisition is to acquire the information of 1 or
19 more United States persons or persons reason-
20 ably believed to be located in the United States
21 at the time of acquisition or communication,
22 unless—

23 “(i)(I) there is a reasonable belief that
24 an emergency exists involving an imminent
25 threat of death or serious bodily harm to

1 such United States person or person rea-
2 sonably believed to be located in the
3 United States at the time of the query or
4 the time of acquisition or communication;

5 “**(II)** the information is sought for the
6 purpose of assisting that person; and

7 “**(III)** a description of the targeting is
8 provided to the Foreign Intelligence Sur-
9 veillance Court and the appropriate com-
10 mittees of Congress in a timely manner; or

11 “**(ii)** the United States person or per-
12 sons reasonably believed to be located in
13 the United States at the time of acquisi-
14 tion or communication has provided con-
15 sent to the targeting, or if such person is
16 incapable of providing consent, a third
17 party legally authorized to consent on be-
18 half of such person has provided consent;
19 and

20 “**(B)** in the case of information acquired pursu-
21 ant to subparagraph **(A)(i)** or evidence derived from
22 such targeting, be used, received in evidence, or oth-
23 erwise disseminated in any investigation, trial, hear-
24 ing, or other proceeding in or before any court,
25 grand jury, department, office, agency, regulatory

1 body, legislative committee, or other authority of the
2 United States, a State, or political subdivision there-
3 of, except in proceedings or investigations that arise
4 from the threat that prompted the targeting;”;

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

7 “(A) ensure that—

8 “(i) any acquisition authorized under
9 subsection (a) is limited to targeting per-
10 sons reasonably believed to be non-United
11 States persons located outside the United
12 States; and

13 “(ii) except as provided in subsection
14 (b)(2), a significant purpose of an acquisi-
15 tion is not to acquire the information of 1
16 or more United States persons or persons
17 reasonably believed to be in the United
18 States at the time of acquisition or com-
19 munication; and”;

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

22 “(I) ensure that—

23 “(aa) an acquisition author-
24 ized under subsection (a) is lim-
25 ited to targeting persons reason-

1 ably believed to be non-United
2 States persons located outside
3 the United States; and

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

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

15 “(i) ensure that—

16 “(I) an acquisition authorized
17 under subsection (a) is limited to tar-
18 geting persons reasonably believed to
19 be non-United States persons located
20 outside the United States; and

21 “(II) except as provided in sub-
22 section (b)(2), a significant purpose of
23 an acquisition is not to acquire the in-
24 formation of 1 or more United States
25 persons or persons reasonably believed

1 to be in the United States at the time
2 of acquisition or communication;
3 and”.

4 **SEC. 24. REQUIRED DISCLOSURE OF RELEVANT INFORMA-**
5 **TION IN FOREIGN INTELLIGENCE SURVEIL-**
6 **LANCE ACT OF 1978 APPLICATIONS.**

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

10 **“TITLE IX—CERTIFICATION RE-**
11 **GARDING ACCURACY PROCE-**
12 **DURES**

13 **“SEC. 901. CERTIFICATION REGARDING ACCURACY PROCE-**
14 **DURES.**

15 “(a) DEFINITION OF ACCURACY PROCEDURES.—In
16 this section, the term ‘accuracy procedures’ means specific
17 procedures, adopted by the Attorney General, to ensure
18 that an application for a court order under this Act, in-
19 cluding any application for renewal of an existing order,
20 is accurate and complete, including procedures that en-
21 sure, at a minimum, that—

22 “(1) the application reflects all information that
23 might reasonably call into question the accuracy of
24 the information or the reasonableness of any assess-

1 ment in the application, or otherwise raises doubts
2 about the requested findings;

3 “(2) the application reflects all material infor-
4 mation that might reasonably call into question the
5 reliability and reporting of any information from a
6 confidential human source that is used in the appli-
7 cation;

8 “(3) a complete file documenting each factual
9 assertion in an application is maintained;

10 “(4) the applicant coordinates with the appro-
11 priate elements of the intelligence community (as de-
12 fined in section 3 of the National Security Act of
13 1947 (50 U.S.C. 3003)), concerning any prior or ex-
14 isting relationship with the target of any surveil-
15 lance, search, or other means of investigation, and
16 discloses any such relationship in the application;

17 “(5) before any application targeting a United
18 States person is made, the applicant Federal officer
19 shall document that the officer has collected and re-
20 viewed for accuracy and completeness supporting
21 documentation for each factual assertion in the ap-
22 plication; and

23 “(6) the applicant Federal agency establish
24 compliance and auditing mechanisms on an annual
25 basis to assess the efficacy of the accuracy proce-

1 dures that have been adopted and report such find-
2 ings to the Attorney General.

3 “(b) STATEMENT AND CERTIFICATION OF ACCURACY
4 PROCEDURES.—Any Federal officer making an applica-
5 tion for a court order under this Act shall include with
6 the application—

7 “(1) a description of the accuracy procedures
8 employed by the officer or the officer’s designee; and

9 “(2) a certification that the officer or the offi-
10 cer’s designee has collected and reviewed for accu-
11 racy and completeness—

12 “(A) supporting documentation for each
13 factual assertion contained in the application;

14 “(B) all information that might reasonably
15 call into question the accuracy of the informa-
16 tion or the reasonableness of any assessment in
17 the application, or otherwise raises doubts
18 about the requested findings; and

19 “(C) all material information that might
20 reasonably call into question the reliability and
21 reporting of any information from any confiden-
22 tial human source that is used in the applica-
23 tion.

24 “(c) NECESSARY FINDING FOR COURT ORDERS.—A
25 judge may not enter an order under this Act unless the

1 judge finds, in addition to any other findings required
2 under this Act, that the accuracy procedures described in
3 the application for the order, as required under subsection
4 (b)(1), are actually accuracy procedures as defined in this
5 section.”.

6 (b) CLERICAL AMENDMENT.—The table of contents
7 of the Foreign Intelligence Surveillance Act of 1978 is
8 amended by adding at the end the following:

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

9 **SEC. 25. ENHANCED ANNUAL REPORTS BY DIRECTOR OF**
10 **NATIONAL INTELLIGENCE.**

11 (a) IN GENERAL.—Subsection (b) of section 603 of
12 the Foreign Intelligence Surveillance Act of 1978 (50
13 U.S.C. 1873(b)) is amended—

14 (1) in paragraph (2)(C), by striking the semi-
15 colon and inserting “; and”;

16 (2) by redesignating paragraphs (3) through
17 (7) as paragraphs (6) through (10), respectively;

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

20 “(3) a description of the subject matter of each
21 of the certifications provided under section 702(h);

22 “(4) statistics revealing the number of persons
23 and identifiers targeted under section 702(a),

1 disaggregated by certification under which the per-
2 son or identifier was targeted;

3 “(5) the total number of directives issued pur-
4 suant to section 702(i)(1), disaggregated by each
5 type of electronic communication service provider de-
6 scribed in subparagraphs (A) through (E) of section
7 701(b)(4);”;

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

11 (5) in paragraph (10) (as redesignated in para-
12 graph (2) of this subsection), by striking the period
13 at the end and inserting a semicolon;

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

15 “(11)(A) the total number of disseminated in-
16 telligence reports derived from collection pursuant to
17 section 702 containing the identities of United
18 States persons regardless of whether the identities of
19 the United States persons were openly included or
20 masked;

21 “(B) the total number of disseminated in-
22 telligence reports derived from collection not au-
23 thorized by this Act containing the identities of
24 United States persons regardless of whether the

1 identities of the United States persons were
2 openly included or masked;

3 “(C) the total number of disseminated in-
4 telligence reports derived from collection pursu-
5 ant to section 702 containing the identities of
6 United States persons in which the identities of
7 the United States persons were masked;

8 “(D) the total number of disseminated in-
9 telligence reports derived from collection not au-
10 thorized by this Act containing the identities of
11 United States persons in which the identities of
12 the United States persons were masked;

13 “(E) the total number of disseminated in-
14 telligence reports derived from collection pursu-
15 ant to section 702 containing the identities of
16 United States persons in which the identities of
17 the United States persons were openly included;
18 and

19 “(F) the total number of disseminated in-
20 telligence reports derived from collection not au-
21 thorized by this Act containing the identities of
22 United States persons in which the identities of
23 the United States persons were openly included;

24 “(12) the number of queries conducted in an ef-
25 fort to find communications or information of or

1 about 1 or more United States persons or persons
2 reasonably believed to be located in the United
3 States at the time of the query or the time of the
4 communication or creation of the information, where
5 such communications or information were obtained
6 without a court order, subpoena, or other legal proc-
7 ess established by statute;

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

16 “(14) a good faith estimate of what percentage
17 of the communications that are subject to the proce-
18 dures described in section 309(b)(3) of the Intel-
19 ligence Authorization Act for Fiscal Year 2015 (50
20 U.S.C. 1813(b)(3))—

21 “(A) are retained for longer than 5 years;
22 and

23 “(B) are retained for longer than 5 years
24 in whole in part because they are encrypted.”.

1 (b) REPEAL OF NONAPPLICABILITY TO FEDERAL
2 BUREAU OF INVESTIGATION OF CERTAIN REQUIRE-
3 MENTS.—Subsection (d) of such section is amended—

4 (1) by striking paragraph (2); and

5 (2) by redesignating paragraph (3) as para-
6 graph (2).

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

10 **SEC. 26. QUARTERLY REPORT .**

11 Section 707 of the Foreign Intelligence Surveillance
12 Act of 1978 (50 U.S.C. 1881f) is amended by adding at
13 the end the following:

14 “(c) QUARTERLY REPORT.—The Attorney General,
15 in consultation with the Director of National Intelligence,
16 shall submit a report, each quarter, to the congressional
17 intelligence committees and to the Committees on the Ju-
18 diciary of the Senate and of the House of Representatives,
19 which shall include, for that quarter, the following:

20 “(1) The total number of warrants issued to
21 conduct a query of information acquired under sec-
22 tion 702.

23 “(2) The total number of times a query was
24 conducted pursuant to an exception under section
25 702(f)(2)(B) and which exceptions applied.

1 “(3) The total number of queries of information
2 acquired under section 702 that were conducted
3 using a United States person query term or a query
4 term pertaining to a person reasonably believed to
5 be present in the United States as of the date such
6 query was conducted, disaggregated by the agency
7 that conducted the queries.”.

