

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**  
**TO H.R. \_\_\_\_\_**  
**OFFERED BY M. \_\_\_\_\_**

Add, at the end of the bill, the following:

1 **SEC. 23. ENHANCED ANNUAL REPORTS BY DIRECTOR OF**  
2 **NATIONAL INTELLIGENCE.**

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

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

8 (2) by redesignating paragraphs (3) through  
9 (7) as paragraphs (6) through (10), respectively;

10 (3) by inserting after paragraph (2) the fol-  
11 lowing:

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

14 “(4) statistics revealing the number of persons  
15 and identifiers targeted under section 702(a),  
16 disaggregated by certification under which the per-  
17 son or identifier was targeted;

18 “(5) the total number of directives issued pur-  
19 suant to section 702(i)(1), disaggregated by each

1 type of electronic communication service provider de-  
2 scribed in subparagraphs (A) through (E) of section  
3 701(b)(4);”;

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

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

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

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

17 “(B) the total number of disseminated in-  
18 telligence reports derived from collection not au-  
19 thorized by this Act containing the identities of  
20 United States persons regardless of whether the  
21 identities of the United States persons were  
22 openly included or masked;

23 “(C) the total number of disseminated in-  
24 telligence reports derived from collection pursu-  
25 ant to section 702 containing the identities of

1 United States persons in which the identities of  
2 the United States persons were masked;

3 “(D) the total number of disseminated in-  
4 telligence reports derived from collection not au-  
5 thorized by this Act containing the identities of  
6 United States persons in which the identities of  
7 the United States persons were masked;

8 “(E) the total number of disseminated in-  
9 telligence reports derived from collection pursu-  
10 ant to section 702 containing the identities of  
11 United States persons in which the identities of  
12 the United States persons were openly included;  
13 and

14 “(F) the total number of disseminated in-  
15 telligence reports derived from collection not au-  
16 thorized by this Act containing the identities of  
17 United States persons in which the identities of  
18 the United States persons were openly included;

19 “(12) the number of queries conducted in an ef-  
20 fort to find communications or information of or  
21 about 1 or more United States persons or persons  
22 reasonably believed to be located in the United  
23 States at the time of the query or the time of the  
24 communication or creation of the information, where  
25 such communications or information were obtained

1 without a court order, subpoena, or other legal proc-  
2 ess established by statute;

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

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

16 “(A) are retained for longer than 5 years;  
17 and

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

20 (b) REPEAL OF NONAPPLICABILITY TO FEDERAL  
21 BUREAU OF INVESTIGATION OF CERTAIN REQUIRE-  
22 MENTS.—Subsection (d) of such section is amended—

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

24 (2) by redesignating paragraph (3) as para-  
25 graph (2).

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

