

JANUARY 05, 2018

RULES COMMITTEE PRINT 115–53
TEXT OF THE FISA AMENDMENTS
REAUTHORIZATION ACT OF 2017

**[Based on the text of H.R. 4478, as reported by the Permanent
Committee on Intelligence]**

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “FISA Amendments Reauthorization Act of 2017”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Amendments to the Foreign Intelligence Surveillance Act of 1978.

**TITLE I—ENHANCEMENTS TO FOREIGN INTELLIGENCE COLLEC-
TION AND SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT**

Sec. 101. Querying procedures required.

Sec. 102. Use and disclosure provisions.

Sec. 103. Congressional review and oversight of abouts collection.

Sec. 104. Publication of minimization procedures under section 702.

Sec. 105. Section 705 emergency provision.

Sec. 106. Compensation of amici curiae and technical experts.

Sec. 107. Additional reporting requirements.

Sec. 108. Improvements to Privacy and Civil Liberties Oversight Board.

Sec. 109. Privacy and civil liberties officers.

Sec. 110. Whistleblower protections for contractors of the intelligence commu-
nity.

Sec. 111. Briefing on notification requirements.

Sec. 112. Inspector General report on queries conducted by Federal Bureau of
Investigation.

**TITLE II—EXTENSION OF AUTHORITIES, INCREASED PENALTIES,
REPORTS, AND OTHER MATTERS**

Sec. 201. Extension of title VII of FISA; effective dates.

Sec. 202. Increased penalty for unauthorized removal and retention of classified
documents or material.

Sec. 203. Report on challenges to the effectiveness of foreign intelligence sur-
veillance.

- Sec. 204. Comptroller General study on the classification system and protection of classified information.
- Sec. 205. Technical amendments and amendments to improve procedures of the Foreign Intelligence Surveillance Court of Review.
- Sec. 206. Severability.

1 **SEC. 2. AMENDMENTS TO THE FOREIGN INTELLIGENCE**
2 **SURVEILLANCE ACT OF 1978.**

3 Except as otherwise expressly provided, whenever in
4 this Act an amendment or repeal is expressed in terms
5 of an amendment to, or a repeal of, a section or other
6 provision, the reference shall be considered to be made to
7 a section or other provision of the Foreign Intelligence
8 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

9 **TITLE I—ENHANCEMENTS TO**
10 **FOREIGN INTELLIGENCE**
11 **COLLECTION AND SAFE-**
12 **GUARDS, ACCOUNTABILITY,**
13 **AND OVERSIGHT**

14 **SEC. 101. QUERYING PROCEDURES REQUIRED.**

15 (a) QUERYING PROCEDURES.—

16 (1) IN GENERAL.—Section 702 (50 U.S.C.
17 1881a) is amended—

18 (A) by redesignating subsections (f)
19 through (l) as subsections (g) through (m), re-
20 spectively; and

21 (B) by inserting after subsection (e) the
22 following new subsection:

23 “(f) QUERIES.—

1 “(1) PROCEDURES REQUIRED.—

2 “(A) REQUIREMENT TO ADOPT.—The At-
3 torney General, in consultation with the Direc-
4 tor of National Intelligence, shall adopt
5 querying procedures consistent with the require-
6 ments of the fourth amendment to the Con-
7 stitution of the United States for information
8 collected pursuant to an authorization under
9 subsection (a).

10 “(B) RECORD OF UNITED STATES PERSON
11 QUERY TERMS.—The Attorney General, in con-
12 sultation with the Director of National Intel-
13 ligence, shall ensure that the procedures adopt-
14 ed under subparagraph (A) include a technical
15 procedure whereby a record is kept of each
16 United States person query term used for a
17 query.

18 “(C) JUDICIAL REVIEW.—The procedures
19 adopted in accordance with subparagraph (A)
20 shall be subject to judicial review pursuant to
21 subsection (j).

22 “(2) ACCESS TO RESULTS OF CERTAIN QUERIES
23 CONDUCTED BY FBI.—

24 “(A) COURT ORDER REQUIRED FOR FBI
25 REVIEW OF CERTAIN QUERY RESULTS IN CRIMI-

1 NAL INVESTIGATIONS UNRELATED TO NA-
2 TIONAL SECURITY.—Except as provided by sub-
3 paragraph (E), in connection with a predicated
4 criminal investigation opened by the Federal
5 Bureau of Investigation that does not relate to
6 the national security of the United States, the
7 Federal Bureau of Investigation may not access
8 the contents of communications acquired under
9 subsection (a) that were retrieved pursuant to
10 a query made using a United States person
11 query term that was not designed to find and
12 extract foreign intelligence information unless—

13 “(i) the Federal Bureau of Investiga-
14 tion applies for an order of the Court
15 under subparagraph (C); and

16 “(ii) the Court enters an order under
17 subparagraph (D) approving such applica-
18 tion.

19 “(B) JURISDICTION.—The Court shall
20 have jurisdiction to review an application and to
21 enter an order approving the access described
22 in subparagraph (A).

23 “(C) APPLICATION.—Each application for
24 an order under this paragraph shall be made by
25 a Federal officer in writing upon oath or affir-

1 mation to a judge having jurisdiction under
2 subparagraph (B). Each application shall re-
3 quire the approval of the Attorney General
4 based upon the finding of the Attorney General
5 that the application satisfies the criteria and re-
6 quirements of such application, as set forth in
7 this paragraph, and shall include—

8 “(i) the identity of the Federal officer
9 making the application; and

10 “(ii) an affidavit or other information
11 containing a statement of the facts and
12 circumstances relied upon by the applicant
13 to justify the belief of the applicant that
14 the contents of communications described
15 in subparagraph (A) covered by the appli-
16 cation would provide evidence of—

17 “(I) criminal activity;

18 “(II) contraband, fruits of a
19 crime, or other items illegally pos-
20 sessed by a third party; or

21 “(III) property designed for use,
22 intended for use, or used in commit-
23 ting a crime.

24 “(D) ORDER.—Upon an application made
25 pursuant to subparagraph (C), the Court shall

1 enter an order approving the accessing of the
2 contents of communications described in sub-
3 paragraph (A) covered by the application if the
4 Court finds probable cause to believe that such
5 contents would provide any of the evidence de-
6 scribed in subparagraph (C)(ii).

7 “(E) EXCEPTION.—The requirement for
8 an order of the Court under subparagraph (A)
9 to access the contents of communications de-
10 scribed in such subparagraph shall not apply
11 with respect to a query if the Federal Bureau
12 of Investigation determines there is a reason-
13 able belief that such contents could assist in
14 mitigating or eliminating a threat to life or seri-
15 ous bodily harm.

16 “(F) RULE OF CONSTRUCTION.—Nothing
17 in this paragraph may be construed as—

18 “(i) limiting the authority of the Fed-
19 eral Bureau of Investigation to conduct
20 lawful queries of information acquired
21 under subsection (a);

22 “(ii) limiting the authority of the Fed-
23 eral Bureau of Investigation to review,
24 without a court order, the results of any
25 query of information acquired under sub-

1 section (a) that was reasonably designed to
2 find and extract foreign intelligence infor-
3 mation, regardless of whether such foreign
4 intelligence information could also be con-
5 sidered evidence of a crime; or

6 “(iii) prohibiting or otherwise limiting
7 the ability of the Federal Bureau of Inves-
8 tigation to access the results of queries
9 conducted when evaluating whether to
10 open an assessment or predicated inves-
11 tigation relating to the national security of
12 the United States.

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

14 “(A) The term ‘contents’ has the meaning
15 given that term in section 2510(8) of title 18,
16 United States Code.

17 “(B) The term ‘query’ means the use of
18 one or more terms to retrieve the unminimized
19 contents or noncontents located in electronic
20 and data storage systems of communications of
21 or concerning United States persons obtained
22 through acquisitions authorized under sub-
23 section (a).”.

24 (2) APPLICATION.—Subsection (f) of section
25 702 of the Foreign Intelligence Surveillance Act of

1 1978 (50 U.S.C. 1881a), as added by paragraph (1),
2 shall apply with respect to certifications submitted
3 under subsection (h) of such section to the Foreign
4 Intelligence Surveillance Court after January 1,
5 2018.

6 (b) CONFORMING AMENDMENTS.—

7 (1) AMENDMENTS TO SECTION 702 OF FISA.—

8 Such section 702 is further amended—

9 (A) in subsection (a), by striking “with
10 subsection (i)(3)” and inserting “with sub-
11 section (j)(3)”;

12 (B) in subsection (c)—

13 (i) in paragraph (1)(B), by striking
14 “with subsection (g)” and inserting “with
15 subsection (h)”;

16 (ii) in paragraph (2), by striking “to
17 subsection (i)(3)” and inserting “to sub-
18 section (j)(3)”;

19 (iii) in paragraph (3)—

20 (I) in subparagraph (A), by strik-
21 ing “with subsection (g)” and insert-
22 ing “with subsection (h)”;

23 (II) in subparagraph (B)—

1 (aa) by striking “to sub-
2 section (i)(1)(C)” and inserting
3 “to subsection (j)(1)(C)”; and

4 (bb) by striking “under sub-
5 section (i)” and inserting “under
6 subsection (j)”;

7 (C) in subsection (d)(2), by striking “to
8 subsection (i)” and inserting “to subsection
9 (j)”;

10 (D) in subsection (e)(2), by striking “to
11 subsection (i)” and inserting “to subsection
12 (j)”;

13 (E) in subsection (h), as redesignated by
14 subsection (a)(1)—

15 (i) in paragraph (2)(A)(iii), by strik-
16 ing “with subsection (f)” and inserting
17 “with subsection (g)”;

18 (ii) in paragraph (3), by striking
19 “with subsection (i)(1)(C)” and inserting
20 “with subsection (j)(1)(C)”; and

21 (iii) in paragraph (6), by striking “to
22 subsection (i)” and inserting “to sub-
23 section (j)”;

24 (F) in subsection (j), as redesignated by
25 subsection (a)(1)—

1 (i) in paragraph (1)—

2 (I) in subparagraph (A), by strik-
3 ing “targeting and minimization pro-
4 cedures adopted in accordance with
5 subsections (d) and (e)” and inserting
6 “targeting, minimization, and
7 querying procedures adopted in ac-
8 cordance with subsections (d), (e),
9 and (f)(1)”;

10 (II) in subparagraph (B), by
11 striking “targeting and minimization
12 procedures adopted in accordance with
13 subsections (d) and (e)” and inserting
14 “targeting, minimization, and
15 querying procedures adopted in ac-
16 cordance with subsections (d), (e),
17 and (f)(1)”;

18 (III) in subparagraph (C), by
19 striking “targeting and minimization
20 procedures adopted in accordance with
21 subsections (d) and (e)” and inserting
22 “targeting, minimization, and
23 querying procedures adopted in ac-
24 cordance with subsections (d), (e),
25 and (f)(1)”;

1 (ii) in paragraph (2)—

2 (I) in subparagraph (A), by strik-
3 ing “with subsection (g)” and insert-
4 ing “with subsection (h)”; and

5 (II) by adding at the end the fol-
6 lowing:

7 “(D) QUERYING PROCEDURES.—The
8 querying procedures adopted in accordance with
9 subsection (f)(1) to assess whether such proce-
10 dures comply with the requirements of such
11 subsection.”;

12 (iii) in paragraph (3)—

13 (I) in subparagraph (A)—

14 (aa) by striking “with sub-
15 section (g)” and inserting “with
16 subsection (h)”; and

17 (bb) by striking “targeting
18 and minimization procedures
19 adopted in accordance with sub-
20 sections (d) and (e)” and insert-
21 ing “targeting, minimization, and
22 querying procedures adopted in
23 accordance with subsections (d),
24 (e), and (f)(1)”; and

1 (II) in subparagraph (B), in the
2 matter before clause (i)—

3 (aa) by striking “with sub-
4 section (g)” and inserting “with
5 subsection (h)”;

6 (bb) by striking “with sub-
7 sections (d) and (e)” and insert-
8 ing “with subsections (d), (e),
9 and (f)(1)”;

10 (iv) in paragraph (5)(A)—

11 (I) by striking “with subsection
12 (g)” and inserting “with subsection
13 (h)”;

14 (II) by striking “with subsections
15 (d) and (e)” and inserting “with sub-
16 sections (d), (e), and (f)(1)”;

17 (G) in subsection (m), as redesignated by
18 subsection (a)(1)—

19 (i) in paragraph (1), in the matter be-
20 fore subparagraph (A)—

21 (I) by striking “targeting and
22 minimization procedures adopted in
23 accordance with subsections (d) and
24 (e)” and inserting “targeting, mini-
25 mization, and querying procedures

1 adopted in accordance with sub-
2 sections (d), (e), and (f)(1)”; and

3 (II) by striking “with subsection
4 (f)” and inserting “with subsection
5 (g)”; and

6 (ii) in paragraph (2)(A)—

7 (I) by striking “targeting and
8 minimization procedures adopted in
9 accordance with subsections (d) and
10 (e)” and inserting “targeting, mini-
11 mization, and querying procedures
12 adopted in accordance with sub-
13 sections (d), (e), and (f)(1)”; and

14 (II) by striking “with subsection
15 (f)” and inserting “with subsection
16 (g)”.

17 (2) AMENDMENTS TO FISA.—The Foreign In-
18 telligence Surveillance Act of 1978 (50 U.S.C. 1801
19 et seq.) is further amended—

20 (A) by striking “section 702(h)” each
21 place it appears and inserting “section 702(i)”; and

22 (B) by striking “section 702(g)” each
23 place it appears and inserting “section 702(h)”; and

24 and

1 (C) in section 707(b)(1)(G)(ii), by striking
2 “subsections (d), (e), and (f)” and inserting
3 “subsections (d), (e), (f)(1), and (g)”.

4 (3) AMENDMENTS TO FISA AMENDMENTS ACT
5 OF 2008.—Section 404 of the Foreign Intelligence
6 Surveillance Act of 1978 Amendments Act of 2008
7 (Public Law 110–261; 50 U.S.C. 1801 note) is
8 amended—

9 (A) in subsection (a)(7)(B)—

10 (i) by striking “under section
11 702(i)(3)” and inserting “under section
12 702(j)(3)”; and

13 (ii) by striking “of section 702(i)(4)”
14 and inserting “of section 702(j)(4)”;

15 (B) in subsection (b)—

16 (i) in paragraph (3)—

17 (I) in subparagraph (A), by strik-
18 ing “to section 702(h)” and inserting
19 “to section 702(i)”; and

20 (II) in subparagraph (B)—

21 (aa) by striking “section
22 702(h)(3) of” and inserting “sec-
23 tion 702(i)(3) of”; and

1 (bb) by striking “to section
2 702(h)” and inserting “to section
3 702(i)”; and
4 (ii) in paragraph (4)—
5 (I) in subparagraph (A), by strik-
6 ing “and sections 702(l)” and insert-
7 ing “and sections 702(m)”; and
8 (II) in subparagraph (B)(iv), by
9 striking “or section 702(l)” and in-
10 serting “or section 702(m)”.

11 **SEC. 102. USE AND DISCLOSURE PROVISIONS.**

12 (a) **END USE RESTRICTION.**—Section 706(a) (50
13 U.S.C. 1881e(a)) is amended—

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

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

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

18 “(2) **UNITED STATES PERSONS.**—

19 “(A) **IN GENERAL.**—Any information con-
20 cerning a United States person acquired under
21 section 702 shall not be used in evidence
22 against that United States person pursuant to
23 paragraph (1) in any criminal proceeding un-
24 less—

1 “(i) the Federal Bureau of Investiga-
2 tion obtained an order of the Foreign In-
3 telligence Surveillance Court to access such
4 information pursuant to section 702(f)(2);
5 or

6 “(ii) the Attorney General determines
7 that—

8 “(I) the criminal proceeding af-
9 fects, involves, or is related to the na-
10 tional security of the United States;
11 or

12 “(II) the criminal proceeding in-
13 volves—

14 “(aa) death;

15 “(bb) kidnapping;

16 “(cc) serious bodily injury,
17 as defined in section 1365 of title
18 18, United States Code;

19 “(dd) conduct that con-
20 stitutes a criminal offense that is
21 a specified offense against a
22 minor, as defined in section 111
23 of the Adam Walsh Child Protec-
24 tion and Safety Act of 2006 (34
25 U.S.C. 20911);

1 “(ee) incapacitation or de-
2 struction of critical infrastruc-
3 ture, as defined in section
4 1016(e) of the USA PATRIOT
5 Act (42 U.S.C. 5195c(e));

6 “(ff) cybersecurity, including
7 conduct described in section
8 1016(e) of the USA PATRIOT
9 Act (42 U.S.C. 5195c(e)) or sec-
10 tion 1029, 1030, or 2511 of title
11 18, United States Code;

12 “(gg) transnational crime,
13 including transnational narcotics
14 trafficking and transnational or-
15 ganized crime; or

16 “(hh) human trafficking.

17 “(B) NO JUDICIAL REVIEW.—A determina-
18 tion by the Attorney General under subpara-
19 graph (A)(ii) is not subject to judicial review.”.

20 (b) INTELLIGENCE COMMUNITY DISCLOSURE PROVI-
21 SION.—Section 603 (50 U.S.C. 1873) is amended—

22 (1) in subsection (b)—

23 (A) in paragraph (1), by striking “good
24 faith estimate of the number of targets of such

1 orders;” and inserting the following: “good faith
2 estimate of—

3 “(A) the number of targets of such orders;

4 “(B) the number of targets of such orders
5 who are known to not be United States persons;
6 and

7 “(C) the number of targets of such orders
8 who are known to be United States persons;”;
9 (B) in paragraph (2)—

10 (i) in the matter preceding subpara-
11 graph (A), by inserting “, including pursu-
12 ant to subsection (f)(2) of such section,”
13 after “section 702”;

14 (ii) by redesignating subparagraphs
15 (A) and (B) as subparagraphs (B) and
16 (C), respectively;

17 (iii) by inserting before subparagraph
18 (B), as so redesignated, the following:

19 “(A) the number of targets of such or-
20 ders;”;

21 (iv) in subparagraph (B), as so redesi-
22 gnated, by striking “and” at the end; and

23 (v) by adding at the end the following:

24 “(D) the number of instances in which the
25 Federal Bureau of Investigation opened, under

1 the Criminal Investigative Division or any suc-
2 cessor division, an investigation of a United
3 States person (who is not considered a threat to
4 national security) based wholly or in part on an
5 acquisition authorized under such section;”;

6 (C) in paragraph (3)(A), by striking “or-
7 ders; and” and inserting the following: “orders,
8 including—

9 “(i) the number of targets of such or-
10 ders who are known to not be United
11 States persons; and

12 “(ii) the number of targets of such or-
13 ders who are known to be United States
14 persons; and”;

15 (D) by redesignating paragraphs (4), (5),
16 and (6) as paragraphs (5), (6), and (7), respec-
17 tively; and

18 (E) by inserting after paragraph (3) the
19 following:

20 “(4) the number of criminal proceedings in
21 which the United States or a State or political sub-
22 division thereof provided notice pursuant to sub-
23 section (c) or (d) of section 106 (including with re-
24 spect to information acquired from an acquisition
25 conducted under section 702) or subsection (d) or

1 (e) of section 305 of the intent of the government
2 to enter into evidence or otherwise use or disclose
3 any information obtained or derived from electronic
4 surveillance, physical search, or an acquisition con-
5 ducted pursuant to this Act;” and

6 (2) in subsection (d)—

7 (A) in paragraph (1), by striking “(4), or
8 (5)” and inserting “(5), or (6)”;

9 (B) in paragraph (2)(A)—

10 (i) by striking “Paragraphs (2)(A),
11 (2)(B), and (5)(C)” and inserting “Para-
12 graphs (2)(B), (2)(C), and (6)(C)” and

13 (ii) by inserting before the period at
14 the end the following: “, except with re-
15 spect to information required under para-
16 graph (2) relating to orders issued under
17 section 702(f)(2)” and

18 (C) in paragraph (3)(A), in the matter
19 preceding clause (i), by striking “subsection
20 (b)(2)(B)” and inserting “subsection
21 (b)(2)(C)”.

22 **SEC. 103. CONGRESSIONAL REVIEW AND OVERSIGHT OF**
23 **ABOUTS COLLECTION.**

24 (a) IN GENERAL.—Section 702(b) (50 U.S.C.
25 1881a(b)) is amended—

1 (1) in paragraph (4), by striking “and” at the
2 end;

3 (2) by redesignating paragraph (5) as para-
4 graph (6); and

5 (3) by inserting after paragraph (4) the fol-
6 lowing:

7 “(5) may not intentionally acquire communica-
8 tions that contain a reference to, but are not to or
9 from, a target of an acquisition authorized under
10 subsection (a), except as provided under section
11 103(b) of the FISA Amendments Reauthorization
12 Act of 2017; and”.

13 (b) CONGRESSIONAL REVIEW AND OVERSIGHT OF
14 ABOUTS COLLECTION.—

15 (1) DEFINITIONS.—In this subsection:

16 (A) The term “abouts communication”
17 means a communication that contains a ref-
18 erence to, but is not to or from, a target of an
19 acquisition authorized under section 702(a) of
20 the Foreign Intelligence Surveillance Act of
21 1978 (50 U.S.C. 1881a(a)).

22 (B) The term “material breach” means
23 significant noncompliance with applicable law or
24 an order of the Foreign Intelligence Surveil-

1 lance Court concerning any acquisition of
2 abouts communications.

3 (2) SUBMISSION TO CONGRESS.—

4 (A) REQUIREMENT.—Notwithstanding any
5 other provision of law, and except as provided
6 in paragraph (4), if the Attorney General and
7 the Director of National Intelligence intend to
8 implement the authorization of the intentional
9 acquisition of abouts communications, before
10 the first such implementation after the date of
11 enactment of this Act, the Attorney General
12 and the Director of National Intelligence shall
13 submit to the Committee on the Judiciary and
14 the Select Committee on Intelligence of the
15 Senate and the Committee on the Judiciary and
16 the Permanent Select Committee on Intelligence
17 of the House of Representatives a written no-
18 tice of the intent to implement the authoriza-
19 tion of such an acquisition, and any supporting
20 materials in accordance with this subsection.

21 (B) CONGRESSIONAL REVIEW PERIOD.—

22 During the 30-day period beginning on the date
23 written notice is submitted under subparagraph
24 (A), the Committee on the Judiciary and the
25 Select Committee on Intelligence of the Senate

1 and the Committee on the Judiciary and the
2 Permanent Select Committee on Intelligence of
3 the House of Representatives shall, as appro-
4 priate, hold hearings and briefings and other-
5 wise obtain information in order to fully review
6 the written notice.

7 (C) LIMITATION ON ACTION DURING CON-
8 GRESSIONAL REVIEW PERIOD.—Notwith-
9 standing any other provision of law, and subject
10 to paragraph (4), unless the Attorney General
11 and the Director of National Intelligence make
12 a determination pursuant to section 702(c)(2)
13 of the Foreign Intelligence Surveillance Act of
14 1978 (50 U.S.C. 1881a(c)(2)), the Attorney
15 General and the Director of National Intel-
16 ligence may not implement the authorization of
17 the intentional acquisition of abouts commu-
18 nications before the end of the period described
19 in subparagraph (B).

20 (3) WRITTEN NOTICE.—Written notice under
21 paragraph (2)(A) shall include the following:

22 (A) A copy of any certification submitted
23 to the Foreign Intelligence Surveillance Court
24 pursuant to section 702 of the Foreign Intel-
25 ligence Surveillance Act of 1978 (50 U.S.C.

1 1881a), or amendment thereto, authorizing the
2 intentional acquisition of abouts communica-
3 tions, including all affidavits, procedures, exhib-
4 its, and attachments submitted therewith.

5 (B) The decision, order, or opinion of the
6 Foreign Intelligence Surveillance Court approv-
7 ing such certification, and any pleadings, appli-
8 cations, or memoranda of law associated with
9 such decision, order, or opinion.

10 (C) A summary of the protections in place
11 to detect any material breach.

12 (D) Data or other results of modeling, sim-
13 ulation, or auditing of sample data dem-
14 onstrating that any acquisition method involv-
15 ing the intentional acquisition of abouts com-
16 munications shall be conducted in accordance
17 with title VII of the Foreign Intelligence Sur-
18 veillance Act of 1978 (50 U.S.C. 1881 et seq.),
19 if such data or other results exist at the time
20 the written notice is submitted and were pro-
21 vided to the Foreign Intelligence Surveillance
22 Court.

23 (E) Except as provided under paragraph
24 (4), a statement that no acquisition authorized
25 under subsection (a) of such section 702 shall

1 include the intentional acquisition of an abouts
2 communication until after the end of the 30-day
3 period described in paragraph (2)(B).

4 (4) EXCEPTION FOR EMERGENCY ACQUISITION.—
5

6 (A) NOTICE OF DETERMINATION.—If the
7 Attorney General and the Director of National
8 Intelligence make a determination pursuant to
9 section 702(c)(2) of the Foreign Intelligence
10 Surveillance Act of 1978 (50 U.S.C.
11 1881a(c)(2)) with respect to the intentional ac-
12 quisition of abouts communications, the Attor-
13 ney General and the Director of National Intel-
14 ligence shall notify the Committee on the Judi-
15 ciary and the Select Committee on Intelligence
16 of the Senate and the Committee on the Judici-
17 ary and the Permanent Select Committee on
18 Intelligence of the House of Representatives as
19 soon as practicable, but not later than 7 days
20 after the determination is made.

21 (B) IMPLEMENTATION OR CONTINU-
22 ATION.—

23 (i) IN GENERAL.—If the Foreign In-
24 telligence Surveillance Court approves a
25 certification that authorizes the intentional

1 acquisition of abouts communications be-
2 fore the end of the 30-day period described
3 in paragraph (2)(B), the Attorney General
4 and the Director of National Intelligence
5 may authorize the immediate implementa-
6 tion or continuation of that certification if
7 the Attorney General and the Director of
8 National Intelligence jointly determine that
9 exigent circumstances exist such that with-
10 out such immediate implementation or con-
11 tinuation intelligence important to the na-
12 tional security of the United States may be
13 lost or not timely acquired.

14 (ii) NOTICE.—The Attorney General
15 and the Director of National Intelligence
16 shall submit to the Committee on the Judi-
17 ciary and the Select Committee on Intel-
18 ligence of the Senate and the Committee
19 on the Judiciary and the Permanent Select
20 Committee on Intelligence of the House of
21 Representatives notification of a deter-
22 mination pursuant to clause (i) as soon as
23 practicable, but not later than 3 days after
24 the determination is made.

1 (5) REPORTING OF MATERIAL BREACH.—Sub-
2 section (m) of section 702 (50 U.S.C. 1881a), as re-
3 designated by section 101, is amended—

4 (A) in the heading by striking “AND RE-
5 VIEWS” and inserting “REVIEWS, AND REPORT-
6 ING”; and

7 (B) by adding at the end the following new
8 paragraph:

9 “(4) REPORTING OF MATERIAL BREACH.—

10 “(A) IN GENERAL.—The head of each ele-
11 ment of the intelligence community involved in
12 the acquisition of abouts communications shall
13 fully and currently inform the Committees on
14 the Judiciary of the House of Representatives
15 and the Senate and the congressional intel-
16 ligence committees of a material breach.

17 “(B) DEFINITIONS.—In this paragraph:

18 “(i) The term ‘abouts communication’
19 means a communication that contains a
20 reference to, but is not to or from, a target
21 of an acquisition authorized under sub-
22 section (a).

23 “(ii) The term ‘material breach’
24 means significant noncompliance with ap-
25 plicable law or an order of the Foreign In-

1 intelligence Surveillance Court concerning
2 any acquisition of abouts communica-
3 tions.”.

4 (6) APPOINTMENT OF AMICI CURIAE BY FOR-
5 EIGN INTELLIGENCE SURVEILLANCE COURT.—For
6 purposes of section 103(i)(2)(A) of the Foreign In-
7 telligence Surveillance Act of 1978 (50 U.S.C.
8 1803(i)(2)(A)), the Foreign Intelligence Surveillance
9 Court shall treat the first certification under section
10 702(h) of such Act (50 U.S.C. 1881a(h)) or amend-
11 ment thereto that authorizes the acquisition of
12 abouts communications as presenting a novel or sig-
13 nificant interpretation of the law, unless the court
14 determines otherwise.

15 **SEC. 104. PUBLICATION OF MINIMIZATION PROCEDURES**
16 **UNDER SECTION 702.**

17 Section 702(e) (50 U.S.C. 1881a(e)) is amended by
18 adding at the end the following new paragraph:

19 “(3) PUBLICATION.—The Director of National
20 Intelligence, in consultation with the Attorney Gen-
21 eral, shall—

22 “(A) conduct a declassification review of
23 any minimization procedures adopted or amend-
24 ed in accordance with paragraph (1); and

1 “(B) consistent with such review, and not
2 later than 180 days after conducting such re-
3 view, make such minimization procedures pub-
4 licly available to the greatest extent practicable,
5 which may be in redacted form.”.

6 **SEC. 105. SECTION 705 EMERGENCY PROVISION.**

7 Section 705 (50 U.S.C. 1881d) is amended by adding
8 at the end the following:

9 “(c) EMERGENCY AUTHORIZATION.—

10 “(1) CONCURRENT AUTHORIZATION.—If the
11 Attorney General authorized the emergency employ-
12 ment of electronic surveillance or a physical search
13 pursuant to section 105 or 304, the Attorney Gen-
14 eral may authorize, for the effective period of the
15 emergency authorization and subsequent order pur-
16 suant to section 105 or 304, without a separate
17 order under section 703 or 704, the targeting of a
18 United States person subject to such emergency em-
19 ployment for the purpose of acquiring foreign intel-
20 ligence information while such United States person
21 is reasonably believed to be located outside the
22 United States.

23 “(2) USE OF INFORMATION.—If an application
24 submitted to the Court pursuant to section 104 or
25 303 is denied, or in any other case in which the ac-

1 ary of the House of Representatives and the Senate a re-
2 port setting forth with respect to the preceding calendar
3 year—

4 “(1) the total number of applications made for
5 orders and extensions of orders approving electronic
6 surveillance under this title;

7 “(2) the total number of such orders and exten-
8 sions either granted, modified, or denied; and

9 “(3) the total number of subjects targeted by
10 electronic surveillance conducted under an order or
11 emergency authorization under this title, rounded to
12 the nearest 500, including the number of such indi-
13 viduals who are United States persons, reported to
14 the nearest band of 500, starting with 0–499.

15 “(b) FORM.—Each report under subsection (a) shall
16 be submitted in unclassified form, to the extent consistent
17 with national security. Not later than 7 days after the date
18 on which the Attorney General submits each such report,
19 the Attorney General shall make the report publicly avail-
20 able, or, if the Attorney General determines that the re-
21 port cannot be made publicly available consistent with na-
22 tional security, the Attorney General may make publicly
23 available an unclassified summary of the report or a re-
24 dacted version of the report.”.

1 (b) PEN REGISTERS AND TRAP AND TRACE DE-
2 VICES.—Section 406 (50 U.S.C. 1846) is amended—

3 (1) in subsection (b)—

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

6 (B) in paragraph (5), by striking the pe-
7 riod at the end and inserting “; and”; and

8 (C) by adding at the end the following new
9 paragraph:

10 “(6) a good faith estimate of the total number
11 of subjects who were targeted by the installation and
12 use of a pen register or trap and trace device under
13 an order or emergency authorization issued under
14 this title, rounded to the nearest 500, including—

15 “(A) the number of such subjects who are
16 United States persons, reported to the nearest
17 band of 500, starting with 0–499; and

18 “(B) of the number of United States per-
19 sons described in subparagraph (A), the num-
20 ber of persons whose information acquired pur-
21 suant to such order was reviewed or accessed by
22 a Federal officer, employee, or agent, reported
23 to the nearest band of 500, starting with 0–
24 499.”; and

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

3 “(c) Each report under subsection (b) shall be sub-
4 mitted in unclassified form, to the extent consistent with
5 national security. Not later than 7 days after the date on
6 which the Attorney General submits such a report, the At-
7 torney General shall make the report publicly available,
8 or, if the Attorney General determines that the report can-
9 not be made publicly available consistent with national se-
10 curity, the Attorney General may make publicly available
11 an unclassified summary of the report or a redacted
12 version of the report.”.

13 **SEC. 108. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**
14 **ERTIES OVERSIGHT BOARD.**

15 (a) APPOINTMENT OF STAFF.—Subsection (j) of sec-
16 tion 1061 of the Intelligence Reform and Terrorism Pre-
17 vention Act of 2004 (42 U.S.C. 2000ee(j)) is amended—

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

20 (2) by inserting after paragraph (1) the fol-
21 lowing new paragraph:

22 “(2) APPOINTMENT IN ABSENCE OF CHAIR-
23 MAN.—If the position of chairman of the Board is
24 vacant, during the period of the vacancy, the Board,
25 at the direction of the unanimous vote of the serving

1 members of the Board, may exercise the authority of
2 the chairman under paragraph (1).”.

3 (b) MEETINGS.—Subsection (f) of such section (42
4 U.S.C. 2000ee(f)) is amended—

5 (1) by striking “The Board shall” and inserting
6 “The Board”;

7 (2) in paragraph (1) by striking “make its” and
8 inserting “shall make its”; and

9 (3) in paragraph (2)—

10 (A) by striking “hold public” and inserting
11 “shall hold public”; and

12 (B) by inserting before the period at the
13 end the following: “, but may, notwithstanding
14 section 552b of title 5, United States Code,
15 meet or otherwise communicate in any number
16 to confer or deliberate in a manner that is
17 closed to the public”.

18 **SEC. 109. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

19 Section 1062(a) of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (42 U.S.C. 2000ee–1(a))
21 is amended by inserting “, the Director of the National
22 Security Agency, the Director of the Federal Bureau of
23 Investigation” after “the Director of the Central Intel-
24 ligence Agency”.

1 **SEC. 110. WHISTLEBLOWER PROTECTIONS FOR CONTRAC-**
2 **TORS OF THE INTELLIGENCE COMMUNITY.**

3 (a) PROHIBITED PERSONNEL PRACTICES IN THE IN-
4 TELLIGENCE COMMUNITY.—Section 1104 of the National
5 Security Act of 1947 (50 U.S.C. 3234) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (3), by inserting “or a
8 contractor employee” after “character”); and

9 (B) by adding at the end the following new
10 paragraph:

11 “(4) CONTRACTOR EMPLOYEE.—The term ‘con-
12 tractor employee’ means an employee of a con-
13 tractor, subcontractor, grantee, subgrantee, or per-
14 sonal services contractor, of a covered intelligence
15 community element.”;

16 (2) by redesignating subsections (c) and (d) as
17 subsections (d) and (e), respectively;

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

20 “(c) CONTRACTOR EMPLOYEES.—(1) Any employee
21 of a contractor, subcontractor, grantee, subgrantee, or
22 personal services contractor, of a covered intelligence com-
23 munity element who has authority to take, direct others
24 to take, recommend, or approve any personnel action, shall
25 not, with respect to such authority, take or fail to take
26 a personnel action with respect to any contractor employee

1 as a reprisal for a lawful disclosure of information by the
2 contractor employee to the Director of National Intel-
3 ligence (or an employee designated by the Director of Na-
4 tional Intelligence for such purpose), the Inspector Gen-
5 eral of the Intelligence Community, the head of the con-
6 tracting agency (or an employee designated by the head
7 of that agency for such purpose), the appropriate inspec-
8 tor general of the contracting agency, a congressional in-
9 telligence committee, or a member of a congressional intel-
10 ligence committee, which the contractor employee reason-
11 ably believes evidences—

12 “(A) a violation of any Federal law, rule, or
13 regulation (including with respect to evidence of an-
14 other employee or contractor employee accessing or
15 sharing classified information without authoriza-
16 tion); or

17 “(B) gross mismanagement, a gross waste of
18 funds, an abuse of authority, or a substantial and
19 specific danger to public health or safety.

20 “(2) A personnel action under paragraph (1) is pro-
21 hibited even if the action is undertaken at the request of
22 an agency official, unless the request takes the form of
23 a nondiscretionary directive and is within the authority of
24 the agency official making the request.”;

1 (4) in subsection (b), by striking the heading
2 and inserting “AGENCY EMPLOYEES.—”; and

3 (5) in subsection (e), as redesignated by para-
4 graph (2), by inserting “contractor employee,” after
5 “any employee.”

6 (b) FEDERAL BUREAU OF INVESTIGATION.—

7 (1) IN GENERAL.—Any employee of a con-
8 tractor, subcontractor, grantee, subgrantee, or per-
9 sonal services contractor, of the Federal Bureau of
10 Investigation who has authority to take, direct oth-
11 ers to take, recommend, or approve any personnel
12 action, shall not, with respect to such authority, take
13 or fail to take a personnel action with respect to a
14 contractor employee as a reprisal for a disclosure of
15 information—

16 (A) made—

17 (i) to a supervisor in the direct chain
18 of command of the contractor employee;

19 (ii) to the Inspector General;

20 (iii) to the Office of Professional Re-
21 sponsibility of the Department of Justice;

22 (iv) to the Office of Professional Re-
23 sponsibility of the Federal Bureau of In-
24 vestigation;

1 (v) to the Inspection Division of the
2 Federal Bureau of Investigation;

3 (vi) to the Office of Special Counsel;

4 or

5 (vii) to an employee designated by any
6 officer, employee, office, or division de-
7 scribed in clauses (i) through (vii) for the
8 purpose of receiving such disclosures; and
9 (B) which the contractor employee reason-
10 ably believes evidences—

11 (i) any violation of any law, rule, or
12 regulation (including with respect to evi-
13 dence of another employee or contractor
14 employee accessing or sharing classified in-
15 formation without authorization); or

16 (ii) gross mismanagement, a gross
17 waste of funds, an abuse of authority, or
18 a substantial and specific danger to public
19 health or safety.

20 (2) ACTIONS BY REQUEST.—A personnel action
21 under paragraph (1) is prohibited even if the action
22 is undertaken at the request of an official of the
23 Federal Bureau of Investigation, unless the request
24 takes the form of a nondiscretionary directive and is

1 within the authority of the official making the re-
2 quest.

3 (3) REGULATIONS.—The Attorney General shall
4 prescribe regulations to ensure that a personnel ac-
5 tion described in paragraph (1) shall not be taken
6 against a contractor employee of the Federal Bureau
7 of Investigation as a reprisal for any disclosure of
8 information described in subparagraph (A) of such
9 paragraph.

10 (4) ENFORCEMENT.—The President shall pro-
11 vide for the enforcement of this subsection.

12 (5) DEFINITIONS.—In this subsection:

13 (A) The term “contractor employee”
14 means an employee of a contractor, subcon-
15 tractor, grantee, subgrantee, or personal serv-
16 ices contractor, of the Federal Bureau of Inves-
17 tigation.

18 (B) The term “personnel action” means
19 any action described in clauses (i) through (x)
20 of section 2302(a)(2)(A) of title 5, United
21 States Code, with respect to a contractor em-
22 ployee.

23 (c) RETALIATORY REVOCATION OF SECURITY
24 CLEARANCES AND ACCESS DETERMINATIONS.—Section
25 3001(j) of the Intelligence Reform and Terrorism Preven-

1 tion Act of 2004 (50 U.S.C. 3341(j)) is amended by add-
2 ing at the end the following new paragraph:

3 “(8) INCLUSION OF CONTRACTOR EMPLOY-
4 EES.—In this subsection, the term ‘employee’ in-
5 cludes an employee of a contractor, subcontractor,
6 grantee, subgrantee, or personal services contractor,
7 of an agency. With respect to such employees, the
8 term ‘employing agency’ shall be deemed to be the
9 contracting agency.”.

10 **SEC. 111. BRIEFING ON NOTIFICATION REQUIREMENTS.**

11 Not later than 180 days after the date of the enact-
12 ment of this Act, the Attorney General, in consultation
13 with the Director of National Intelligence, shall provide
14 to the Committee on the Judiciary and the Permanent Se-
15 lect Committee on Intelligence of the House of Represent-
16 atives and the Committee on the Judiciary and the Select
17 Committee on Intelligence of the Senate a briefing with
18 respect to how the Department of Justice interprets the
19 requirements under sections 106(e), 305(d), and 405(c)
20 of the Foreign Intelligence Surveillance Act of 1978 (50
21 U.S.C. 1806(e), 1825(d), and 1845(e)) to notify an ag-
22 grieved person under such sections of the use of informa-
23 tion obtained or derived from electronic surveillance, phys-
24 ical search, or the use of a pen register or trap and trace
25 device. The briefing shall focus on how the Department

1 interprets the phrase “obtained or derived from” in such
2 sections.

3 **SEC. 112. INSPECTOR GENERAL REPORT ON QUERIES CON-**
4 **DUCTED BY FEDERAL BUREAU OF INVES-**
5 **TIGATION.**

6 (a) REPORT.—Not later than 1 year after the date
7 on which the Foreign Intelligence Surveillance Court first
8 approves the querying procedures adopted pursuant to
9 section 702(f) of the Foreign Intelligence Surveillance Act
10 of 1978 (50 U.S.C. 1881a(f)), as added by section 101,
11 the Inspector General of the Department of Justice shall
12 submit to the Committee on the Judiciary and the Select
13 Committee on Intelligence of the Senate and the Com-
14 mittee on the Judiciary and the Permanent Select Com-
15 mittee on Intelligence of the House of Representatives a
16 report containing a review by the Inspector General of the
17 interpretation of, and compliance with, such procedures by
18 the Federal Bureau of Investigation.

19 (b) MATTERS INCLUDED.—The report under sub-
20 section (a) shall include, at a minimum, an assessment
21 of the following:

22 (1) The interpretations by the Federal Bureau
23 of Investigation and the National Security Division
24 of the Department of Justice, respectively, relating
25 to the querying procedures adopted under subsection

1 (f) of section 702 of the Foreign Intelligence Surveil-
2 lance Act of 1978 (50 U.S.C. 1881a(f)), as added by
3 section 101.

4 (2) The handling by the Federal Bureau of In-
5 vestigation of individuals whose citizenship status is
6 unknown at the time of a query conducted under
7 such section 702.

8 (3) The practice of the Federal Bureau of In-
9 vestigation with respect to retaining records of que-
10 ries conducted under such section 702 for auditing
11 purposes.

12 (4) The training or other processes of the Fed-
13 eral Bureau of Investigation to ensure compliance
14 with such querying procedures.

15 (5) The implementation of such querying proce-
16 dures with respect to queries conducted when evalu-
17 ating whether to open an assessment or predicated
18 investigation relating to the national security of the
19 United States.

20 (6) The scope of access by the criminal division
21 of the Federal Bureau of Investigation to informa-
22 tion obtained pursuant to the Foreign Intelligence
23 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.),
24 including with respect to information acquired under

1 subsection (a) of such section 702 based on queries
2 conducted by the criminal division.

3 (7) The frequency and nature of the reviews
4 conducted by the National Security Division of the
5 Department of Justice and the Office of the Direc-
6 tor of National Intelligence relating to the compli-
7 ance by the Federal Bureau of Investigation with
8 such querying procedures.

9 (8) Any impediments, including operational,
10 technical, or policy impediments, for the Federal Bu-
11 reau of Investigation to count—

12 (A) the total number of queries where the
13 Federal Bureau of Investigation subsequently
14 accessed information acquired under subsection
15 (a) of such section 702;

16 (B) the total number of such queries that
17 used known United States person identifiers;
18 and

19 (C) the total number of queries for which
20 the Federal Bureau of Investigation received an
21 order of the Foreign Intelligence Surveillance
22 Court pursuant to subsection (f)(2) of such sec-
23 tion 702.

1 (c) FORM.—The report under subsection (a) shall be
2 submitted in unclassified form to the extent consistent
3 with national security, but may include a classified annex.

4 **TITLE II—EXTENSION OF AU-**
5 **THORITIES, INCREASED PEN-**
6 **ALTIES, REPORTS, AND**
7 **OTHER MATTERS**

8 **SEC. 201. EXTENSION OF TITLE VII OF FISA; EFFECTIVE**
9 **DATES.**

10 (a) EXTENSION.—Section 403(b) of the FISA
11 Amendments Act of 2008 (Public Law 110–261; 122 Stat.
12 2474) is amended—

13 (1) in paragraph (1)—

14 (A) by striking “December 31, 2017” and
15 inserting “December 31, 2023”; and

16 (B) by inserting “and by the FISA
17 Amendments Reauthorization Act of 2017”
18 after “section 101(a)”; and

19 (2) in paragraph (2) in the matter preceding
20 subparagraph (A), by striking “December 31, 2017”
21 and inserting “December 31, 2023”.

22 (b) CONFORMING AMENDMENTS.—Section 404(b) of
23 the FISA Amendments Act of 2008 (Public Law 110–261;
24 122 Stat. 2476), as amended by section 101, is further
25 amended—

1 (1) in paragraph (1)—

2 (A) in the heading, by striking “DECEM-
3 BER 31, 2017” and inserting “DECEMBER 31,
4 2023”; and

5 (B) by inserting “and by the FISA
6 Amendments Reauthorization Act of 2017”
7 after “section 101(a)”;

8 (2) in paragraph (2), by inserting “and by the
9 FISA Amendments Reauthorization Act of 2017”
10 after “section 101(a)”;

11 (3) in paragraph (4)—

12 (A) by inserting “and amended by the
13 FISA Amendments Reauthorization Act of
14 2017” after “as added by section 101(a)” both
15 places it appears; and

16 (B) by inserting “and by the FISA
17 Amendments Reauthorization Act of 2017”
18 after “as amended by section 101(a)” both
19 places it appears.

20 (c) EFFECTIVE DATE OF AMENDMENTS TO FAA.—

21 The amendments made to the FISA Amendments Act of
22 2008 (Public Law 110–261) by this section shall take ef-
23 fect on December 31, 2017.

1 **SEC. 202. INCREASED PENALTY FOR UNAUTHORIZED RE-**
2 **MOVAL AND RETENTION OF CLASSIFIED DOC-**
3 **UMENTS OR MATERIAL.**

4 Section 1924(a) of title 18, United States Code, is
5 amended by striking “one year” and inserting “five
6 years”.

7 **SEC. 203. REPORT ON CHALLENGES TO THE EFFECTIVE-**
8 **NESS OF FOREIGN INTELLIGENCE SURVEIL-**
9 **LANCE.**

10 (a) REPORT.—Not later than 270 days after the date
11 of the enactment of this Act, the Attorney General, in co-
12 ordination with the Director of National Intelligence, shall
13 submit to the Committee on the Judiciary and the Perma-
14 nent Select Committee on Intelligence of the House of
15 Representatives and the Committee on the Judiciary and
16 the Select Committee on Intelligence of the Senate a re-
17 port on current and future challenges to the effectiveness
18 of the foreign intelligence surveillance activities of the
19 United States authorized under the Foreign Intelligence
20 Surveillance Act of 1978 (50 U.S.C. 1801 et seq.).

21 (b) MATTERS INCLUDED.—The report under sub-
22 section (a) shall include, at a minimum, the following:

23 (1) A discussion of any trends that currently
24 challenge the effectiveness of the foreign intelligence
25 surveillance activities of the United States, or could
26 foreseeably challenge such activities during the dec-

1 ade following the date of the report, including with
2 respect to—

3 (A) the extraordinary and surging volume
4 of data occurring worldwide;

5 (B) the use of encryption;

6 (C) changes to worldwide telecommuni-
7 cations patterns or infrastructure;

8 (D) technical obstacles in determining the
9 location of data or persons;

10 (E) the increasing complexity of the legal
11 regime, including regarding requests for data in
12 the custody of foreign governments;

13 (F) the current and future ability of the
14 United States to obtain, on a compulsory or
15 voluntary basis, assistance from telecommuni-
16 cations providers or other entities; and

17 (G) any other matters the Attorney Gen-
18 eral and the Director of National Intelligence
19 determine appropriate.

20 (2) Recommendations for changes, including, as
21 appropriate, fundamental changes, to the foreign in-
22 telligence surveillance activities of the United States
23 to address the challenges identified under paragraph
24 (1) and to ensure the long-term effectiveness of such
25 activities.

1 (3) Recommendations for any changes to the
2 Foreign Intelligence Surveillance Act of 1978 (50
3 U.S.C. 1801 et seq.) that the Attorney General and
4 the Director of National Intelligence determine nec-
5 essary to address the challenges identified under
6 paragraph (1).

7 (c) FORM.—The report under subsection (a) may be
8 submitted in classified or unclassified form.

9 **SEC. 204. COMPTROLLER GENERAL STUDY ON THE CLASSI-**
10 **FICATION SYSTEM AND PROTECTION OF**
11 **CLASSIFIED INFORMATION.**

12 (a) STUDY.—The Comptroller General of the United
13 States shall conduct a study of the classification system
14 of the United States and the methods by which the intel-
15 ligence community (as defined in section 3(4) of the Na-
16 tional Security Act of 1947 (50 U.S.C. 3003(4))) protects
17 classified information.

18 (b) MATTERS INCLUDED.—The study under sub-
19 section (a) shall address the following:

20 (1) Whether sensitive information is properly
21 classified.

22 (2) The effect of modern technology on the
23 storage and protection of classified information, in-
24 cluding with respect to—

1 (A) using cloud storage for classified infor-
2 mation; and

3 (B) any technological means to prevent or
4 detect unauthorized access to such information.

5 (3) Any ways to improve the classification sys-
6 tem of the United States, including with respect to
7 changing the levels of classification used in such sys-
8 tem and to reduce overclassification.

9 (4) How to improve the authorized sharing of
10 classified information, including with respect to sen-
11 sitive compartmented information.

12 (5) The value of polygraph tests in determining
13 who is authorized to access classified information
14 and in investigating unauthorized disclosures of clas-
15 sified information.

16 (6) Whether each element of the intelligence
17 community—

18 (A) applies uniform standards in deter-
19 mining who is authorized to access classified in-
20 formation; and

21 (B) provides proper training with respect
22 to the handling of classified information and
23 the avoidance of overclassification.

24 (c) REPORT.—Not later than 180 days after the date
25 of the enactment of this Act, the Comptroller General shall

1 submit to the Committee on the Judiciary and the Perma-
2 nent Select Committee on Intelligence of the House of
3 Representatives and the Committee on the Judiciary and
4 the Select Committee on Intelligence of the Senate a re-
5 port containing the study under subsection (a).

6 (d) FORM.—The report under subsection (c) shall be
7 submitted in unclassified form, but may include a classi-
8 fied annex.

9 **SEC. 205. TECHNICAL AMENDMENTS AND AMENDMENTS TO**
10 **IMPROVE PROCEDURES OF THE FOREIGN IN-**
11 **TELLIGENCE SURVEILLANCE COURT OF RE-**
12 **VIEW.**

13 (a) TECHNICAL AMENDMENTS.—The Foreign Intel-
14 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
15 is amended as follows:

16 (1) In section 103(b) (50 U.S.C. 1803(b)), by
17 striking “designate as the” and inserting “des-
18 ignated as the”.

19 (2) In section 302(a)(1)(A)(iii) (50 U.S.C.
20 1822(a)(1)(A)(iii)), by striking “paragraphs (1)
21 through (4)” and inserting “subparagraphs (A)
22 through (D)”.

23 (3) In section 406(b) (50 U.S.C. 1846(b)), by
24 striking “and to the Committees on the Judiciary of
25 the House of Representatives and the Senate”.

1 (4) In section 604(a) (50 U.S.C. 1874(a))—

2 (A) in paragraph (1)(D), by striking “con-
3 tents” and inserting “contents,”; and

4 (B) in paragraph (3), by striking “comply
5 in the into” and inserting “comply into”.

6 (5) In section 701 (50 U.S.C. 1881)—

7 (A) in subsection (a), by striking “The
8 terms” and inserting “In this title, the terms”;
9 and

10 (B) in subsection (b)—

11 (i) by inserting “In this title:” after
12 the subsection heading; and

13 (ii) in paragraph (5), by striking “(50
14 U.S.C. 401a(4))” and inserting “(50
15 U.S.C. 3003(4))”.

16 (6) In section 702(h)(2)(A)(i) (50 U.S.C.
17 1881a(h)(2)(A)(i)), as redesignated by section 101,
18 by inserting “targeting” before “procedures in
19 place”.

20 (7) In section 801(7) (50 U.S.C. 1885(7)), by
21 striking “(50 U.S.C. 401a(4))” and inserting “(50
22 U.S.C. 3003(4))”.

23 (b) COURT-RELATED AMENDMENTS.—The Foreign
24 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et
25 seq.) is further amended as follows:

1 (1) In section 103 (50 U.S.C. 1803)—

2 (A) in subsection (b), by striking “imme-
3 diately”; and

4 (B) in subsection (h), by striking “the
5 court established under subsection (a)” and in-
6 serting “a court established under this section”.

7 (2) In section 105(d) (50 U.S.C. 1805(d)), by
8 adding at the end the following new paragraph:

9 “(4) A denial of the application made under section
10 104 may be reviewed as provided in section 103.”.

11 (3) In section 302(d) (50 U.S.C. 1822(d)), by
12 striking “immediately”.

13 (4) In section 402(d) (50 U.S.C. 1842(d)), by
14 adding at the end the following new paragraph:

15 “(3) A denial of the application made under this sub-
16 section may be reviewed as provided in section 103.”.

17 (5) In section 403(c) (50 U.S.C. 1843(c)), by
18 adding at the end the following new paragraph:

19 “(3) A denial of the application made under sub-
20 section (a)(2) may be reviewed as provided in section
21 103.”.

22 (6) In section 501(c) (50 U.S.C. 1861(c)), by
23 adding at the end the following new paragraph:

1 “(4) A denial of the application made under
2 this subsection may be reviewed as provided in sec-
3 tion 103.”.

4 **SEC. 206. SEVERABILITY.**

5 If any provision of this Act, any amendment made
6 by this Act, or the application thereof to any person or
7 circumstances is held invalid, the validity of the remainder
8 of the Act, of any such amendments, and of the applica-
9 tion of such provisions to other persons and circumstances
10 shall not be affected thereby.

