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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.**

To amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mr. NUNES introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

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**A BILL**

To amend the Foreign Intelligence Surveillance Act of 1978 to improve foreign intelligence collection and the safeguards, accountability, and oversight of acquisitions of foreign intelligence, to extend title VII of such Act, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

1 TABLE OF CONTENTS.—The table of contents for this Act  
2 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  
COLLECTION

- Sec. 101. Section 705 emergency provision.
- Sec. 102. Modification to definitions of foreign power and agent of a foreign power.

TITLE II—SAFEGUARDS, ACCOUNTABILITY, AND OVERSIGHT

- Sec. 201. Querying procedures required.
- Sec. 202. Use and disclosure provisions.
- Sec. 203. Congressional review and oversight of abouts collection.
- Sec. 204. Publication of minimization procedures under section 702.
- Sec. 205. Compensation of amici curiae and technical experts.
- Sec. 206. Additional reporting requirements.
- Sec. 207. Procedures regarding dissemination of nonpublicly available information concerning United States persons.
- Sec. 208. Improvements to Privacy and Civil Liberties Oversight Board.
- Sec. 209. Privacy and civil liberties officers.

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

- Sec. 301. Extension of title VII of FISA; effective dates.
- Sec. 302. Increased penalty for unauthorized removal and retention of classified documents or material.
- Sec. 303. Comptroller General study on the classification system and protection of classified information.
- Sec. 304. Technical amendments and amendments to improve procedures of the Foreign Intelligence Surveillance Court of Review.
- Sec. 305. Severability.

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

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

1 **TITLE I—ENHANCEMENTS TO**  
2 **FOREIGN INTELLIGENCE**  
3 **COLLECTION**

4 **SEC. 101. SECTION 705 EMERGENCY PROVISION.**

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

7 “(c) EMERGENCY AUTHORIZATION.—

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

21 “(2) USE OF INFORMATION.—If an application  
22 submitted to the Court pursuant to section 104 or  
23 304 is denied, or in any other case in which the ac-  
24 quisition pursuant to paragraph (1) is terminated  
25 and no order with respect to the target of the acqui-

1       sition is issued under section 105 or 304, all infor-  
2       mation obtained or evidence derived from such ac-  
3       quisition shall be handled in accordance with section  
4       704(d)(4).”.

5       **SEC. 102. MODIFICATION TO DEFINITIONS OF FOREIGN**  
6                                   **POWER AND AGENT OF A FOREIGN POWER.**

7       (a) FOREIGN POWER.—Subsection (a) of section 101  
8       (50 U.S.C. 1801) is amended—

9               (1) in paragraph (6), by striking “; or” and in-  
10       serting a semicolon;

11              (2) in paragraph (7), by striking the period at  
12       the end and inserting “; or”; and

13              (3) by adding at the end the following new  
14       paragraph:

15              “(8) an entity not substantially composed of  
16       United States persons that is engaged in inter-  
17       national malicious cyber activity, or activities in  
18       preparation therefor, that threatens the national de-  
19       fense or security of the United States.”.

20       (b) AGENT OF A FOREIGN POWER.—Subsection  
21       (b)(1) of such section (50 U.S.C. 1801) is amended—

22              (1) in subparagraph (D), by striking “; or” and  
23       inserting a semicolon; and

24              (2) by adding at the end the following new sub-  
25       paragraph:

1           “(F) engages in international malicious  
2           cyber activity that threatens the national de-  
3           fense or security of the United States, or activi-  
4           ties in preparation therefor, for or on behalf of  
5           a foreign power, or knowingly aids or abets any  
6           person in the conduct of such international ma-  
7           licious cyber activity or activities in preparation  
8           therefor, or knowingly conspires with any per-  
9           son to engage in such international malicious  
10          cyber activity or activities in preparation there-  
11          for; or”.

12          (c) INTERNATIONAL MALICIOUS CYBER ACTIVITY  
13          DEFINED.—Such section (50 U.S.C. 1801) is further  
14          amended by adding at the end the following new sub-  
15          section:

16          “(q) The term ‘international malicious cyber activity’  
17          means activity on or through an information system (as  
18          defined by section 102 of the Cybersecurity Information  
19          Sharing Act of 2015 (6 U.S.C. 1501)—

20                 “(1) originating from, or directed by persons lo-  
21                 cated, in whole or in substantial part, outside the  
22                 United States;

23                 “(2) that seeks to compromise or impair the  
24                 confidentiality, integrity, or availability of com-  
25                 puters, information systems or communications sys-

1       tems, networks, physical or virtual infrastructure  
2       controlled by computers or information systems, or  
3       information resident thereon; and

4               “(3) that is not authorized by the United States  
5       Government or otherwise carried out in accordance  
6       with Federal law.”.

7       **TITLE II—SAFEGUARDS, AC-**  
8       **COUNTABILITY, AND OVER-**  
9       **SIGHT**

10      **SEC. 201. QUERYING PROCEDURES REQUIRED.**

11      (a) QUERYING PROCEDURES.—

12              (1) IN GENERAL.—Section 702 (50 U.S.C.  
13      1881a) is amended—

14              (A) by redesignating subsections (f)  
15              through (l) as subsections (g) through (m), re-  
16              spectively; and

17              (B) by inserting after subsection (e) the  
18              following new subsection:

19              “(f) QUERIES.—

20              “(1) PROCEDURES REQUIRED.—

21              “(A) REQUIREMENT TO ADOPT.—The At-  
22              torney General, in consultation with the Direc-  
23              tor of National Intelligence, shall adopt  
24              querying procedures consistent with the require-  
25              ments of the fourth amendment to the Con-

1           stitution of the United States for information  
2           collected pursuant to an authorization under  
3           subsection (a).

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

12          “(C) JUDICIAL REVIEW.—The procedures  
13          adopted in accordance with subparagraph (A)  
14          shall be subject to judicial review pursuant to  
15          subsection (j).

16          “(2) COURT ORDERS FOR ACCESS OF CONTENTS  
17          FROM CERTAIN QUERIES.—

18          “(A) DISCRETION TO APPLY FOR COURT  
19          ORDER.—Before accessing the contents of com-  
20          munications acquired under subsection (a) that  
21          were retrieved using a United States person  
22          query term that was not designed to find and  
23          extract foreign intelligence information, the  
24          Federal Bureau of Investigation may apply for  
25          an order of the Court under subparagraph (C).

1           “(B) JURISDICTION.—The Court shall  
2           have jurisdiction to review an application and to  
3           enter an order approving the access described  
4           in subparagraph (A).

5           “(C) APPLICATION.—Each application for  
6           an order under this paragraph shall be made by  
7           a Federal officer in writing upon oath or affir-  
8           mation to a judge having jurisdiction under  
9           subparagraph (B). Each application shall re-  
10          quire the approval of the Attorney General  
11          based upon the finding of the Attorney General  
12          that the application satisfies the criteria and re-  
13          quirements of such application, as set forth in  
14          this paragraph, and shall include—

15                 “(i) the identity of the Federal officer  
16                 making the application; and

17                 “(ii) an affidavit or other information  
18                 containing a statement of the facts and  
19                 circumstances relied upon by the applicant  
20                 to justify the belief of the applicant that  
21                 the contents of communications described  
22                 in subparagraph (A) covered by the appli-  
23                 cation would provide evidence of—

24                         “(I) criminal activity;



1                   “(II) contraband, fruits of a  
2                   crime, or other items illegally pos-  
3                   sessed by a third party; or

4                   “(III) property designed for use,  
5                   intended for use, or used in commit-  
6                   ting a crime.

7                   “(D) ORDER.—Upon an application made  
8                   pursuant to subparagraph (C), the Court shall  
9                   enter an order approving the access of the con-  
10                  tents of communications described in subpara-  
11                  graph (A) covered by the application if the  
12                  Court finds probable cause to believe that such  
13                  contents would provide any of the evidence de-  
14                  scribed in subparagraph (C)(ii).

15                  “(3) QUERY DEFINED.—In this subsection, the  
16                  term ‘query’ means any instance in which informa-  
17                  tion the United States Government has acquired is  
18                  searched using one or more specific terms for the  
19                  purpose of discovering or retrieving unminimized  
20                  contents or noncontents of the communications of  
21                  United States persons.”.

22                  (2) APPLICATION.—Subsection (f) of section  
23                  702 of the Foreign Intelligence Surveillance Act of  
24                  1978 (50 U.S.C. 1881a), as added by paragraph (1),  
25                  shall apply with respect to certifications submitted

1 under subsection (h) of such section to the Foreign  
2 Intelligence Surveillance Court after January 1,  
3 2018.

4 (b) CONFORMING AMENDMENTS.—

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

6 Such section 702 is further amended—

7 (A) in subsection (a), by striking “with  
8 subsection (i)(3)” and inserting “with sub-  
9 sections (j)(3)”;

10 (B) in subsection (c)—

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

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

17 (iii) in paragraph (3)—

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

21 (II) in subparagraph (B)—

22 (aa) by striking “to sub-  
23 section (i)(1)(C)” and inserting  
24 “to subsection (j)(1)(C)”;

1 (bb) by striking “under sub-  
2 section (i)” and inserting “under  
3 subsection (j)”;

4 (C) in subsection (d)(2), by striking “to  
5 subsection (i)” and inserting “to subsection  
6 (j)”;

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

10 (E) in subsection (h), as redesignated by  
11 subsection (a)(1)—

12 (i) in paragraph (2)(A)(iii), by strik-  
13 ing “with subsection (f)” and inserting  
14 “with subsection (g)”;

15 (ii) in paragraph (3), by striking  
16 “with subsection (i)(1)(C)” and inserting  
17 “with subsection (j)(1)(C)”;

18 (iii) in paragraph (6), by striking “to  
19 subsection (i)” and inserting “to sub-  
20 section (j)”;

21 (F) in subsection (j), as redesignated by  
22 subsection (a)(1)—

23 (i) in paragraph (1)—

24 (I) in subparagraph (A), by strik-  
25 ing “targeting and minimization pro-

1 cedures adopted in accordance with  
2 subsections (d) and (e)” and inserting  
3 “targeting, minimization, and  
4 querying procedures adopted in ac-  
5 cordance with subsections (d), (e),  
6 and (f)(1)”;

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

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

23 (ii) in paragraph (2)—

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

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

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

11 (iii) in paragraph (3)—

12 (I) in subparagraph (A)—

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

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

24 (II) in subparagraph (B), in the  
25 matter before clause (i)—

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

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

8 (iv) in paragraph (5)(A)—

9 (I) by striking “with subsection  
10 (g)” and inserting “with subsection  
11 (h)”;

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

15 (G) in subsection (m), as redesignated by  
16 subsection (a)(1)—

17 (i) in paragraph (1), in the matter be-  
18 fore subparagraph (A)—

19 (I) by striking “targeting and  
20 minimization procedures adopted in  
21 accordance with subsections (d) and  
22 (e)” and inserting “targeting, mini-  
23 mization, and querying procedures  
24 adopted in accordance with sub-  
25 sections (d), (e), and (f)(1)”;

1 (II) by striking “with subsection  
2 (f)” and inserting “with subsection  
3 (g)”; and

4 (ii) in paragraph (2)(A)—

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

12 (II) by striking “with subsection  
13 (f)” and inserting “with subsection  
14 (g)”.

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

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

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

22 and

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

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

6           (A) in subsection (a)(7)(B)—

7                   (i) by striking “under section  
8                   702(i)(3)” and inserting “under section  
9                   702(j)(3)”; and

10                   (ii) by striking “of section 702(i)(4)”  
11                   and inserting “of section 702(j)(4)”;  
12           (B) in subsection (b)—

13                   (i) in paragraph (3)—

14                           (I) in subparagraph (A), by strik-  
15                           ing “to section 702(h)” and inserting  
16                           “to section 702(i)”; and

17                           (II) in subparagraph (B)—

18                                   (aa) by striking “section  
19                                   702(h)(3) of” and inserting “sec-  
20                                   tion 702(i)(3) of”; and

21                                   (bb) by striking “to section  
22                                   702(h)” and inserting “to section  
23                                   702(i)”; and

24                   (ii) in paragraph (4)—



1 (I) in subparagraph (A), by strik-  
2 ing “and sections 702(l)” and insert-  
3 ing “and sections 702(m)”; and

4 (II) in subparagraph (B)(iv), by  
5 striking “or section 702(l)” and in-  
6 serting “or section 702(m)”.

7 **SEC. 202. USE AND DISCLOSURE PROVISIONS.**

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

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

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

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

14 “(2) **UNITED STATES PERSONS.**—

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

21 “(i) the Federal Bureau of Investiga-  
22 tion obtained an order of the Foreign In-  
23 telligence Surveillance Court to access such  
24 information pursuant to section 702(f)(2);

25 or

1 “(ii) the Attorney General determines  
2 that—

3 “(I) the criminal proceeding af-  
4 fects, involves, or is related to the na-  
5 tional security of the United States;  
6 or

7 “(II) the criminal proceeding in-  
8 volves—

9 “(aa) death;

10 “(bb) kidnapping;

11 “(cc) serious bodily injury,  
12 as defined in section 1365 of title  
13 18, United States Code;

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

21 “(ee) incapacitation or de-  
22 struction of critical infrastruc-  
23 ture, as defined in section  
24 1016(e) of the USA PATRIOT  
25 Act (42 U.S.C. 5195c(e));

1           “(ff) cybersecurity, including  
2           conduct described in section  
3           1016(e) of the USA PATRIOT  
4           Act (42 U.S.C. 5195c(e)) or sec-  
5           tion 1029, 1030, or 2511 of title  
6           18, United States Code;

7           “(gg) transnational crime,  
8           including transnational narcotics  
9           trafficking and transnational or-  
10          ganized crime; or

11          “(hh) human trafficking.

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

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

17           (1) in subsection (b)—

18           (A) in paragraph (1), by striking “good  
19           faith estimate of the number of targets of such  
20           orders;” and inserting the following: “good faith  
21           estimate of—

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

23           “(B) the number of targets of such orders  
24           who are known to not be United States persons;  
25           and

1           “(C) the number of targets of such orders  
2           who are known to be United States persons;”;

3           (B) in paragraph (2)—

4           (i) by redesignating subparagraphs  
5           (A) and (B) as subparagraphs (B) and  
6           (C), respectively;

7           (ii) by inserting before subparagraph  
8           (B), as so redesignated, the following:

9           “(A) the number of targets of such or-  
10          ders;”;

11          (iii) in subparagraph (B), as so redesi-  
12          gnated, by striking “and” at the end; and

13          (iv) by adding at the end the fol-  
14          lowing:

15          “(D) the number of instances in which the  
16          Federal Bureau of Investigation has received  
17          and reviewed the unminimized contents of elec-  
18          tronic communications or wire communications  
19          concerning a United States person obtained  
20          through acquisitions authorized under such sec-  
21          tion in response to a search term that was rea-  
22          sonably designed to find evidence of a crime  
23          that would not be considered foreign intel-  
24          ligence information; and

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

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

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

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

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

20          (E) by inserting after paragraph (3) the  
21          following:

22          “(4) the number of criminal proceedings in  
23          which the United States or a State or political sub-  
24          division thereof provided notice pursuant to sub-  
25          section (c) or (d) of section 106 (including with re-

1 spect to information acquired from an acquisition  
2 conducted under section 702) or subsection (d) or  
3 (e) of section 305 of the intent of the government  
4 to enter into evidence or otherwise use or disclose  
5 any information obtained or derived from electronic  
6 surveillance, physical search, or an acquisition con-  
7 ducted pursuant to this Act;” and

8 (2) in subsection (d)—

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

11 (B) in paragraph (2)(A), by striking  
12 “(2)(A), (2)(B), and (5)(C)” and inserting  
13 “(2)(B), (2)(C), and (6)(C)” and

14 (C) in paragraph (3)(A), in the matter  
15 preceding clause (i), by striking “subsection  
16 (b)(2)(B)” and inserting “subsection  
17 (b)(2)(C)”.

18 **SEC. 203. CONGRESSIONAL REVIEW AND OVERSIGHT OF**

19 **ABOUTS COLLECTION.**

20 (a) IN GENERAL.—Section 702(b) (50 U.S.C.  
21 1881a(b)) is amended—

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

24 (2) by redesignating paragraph (5) as para-  
25 graph (6); and

1           (3) by inserting after paragraph (4) the fol-  
2           lowing:

3           “(5) may not intentionally acquire communica-  
4           tions that contain a reference to, but are not to or  
5           from, a facility, place, premises, or property at  
6           which an acquisition authorized under subsection (a)  
7           is directed or conducted, except as provided under  
8           section 203(b) of the FISA Amendments Reauthor-  
9           ization Act of 2017; and”.

10          (b) CONGRESSIONAL REVIEW AND OVERSIGHT OF  
11          ABOUTS COLLECTION.—

12           (1) DEFINITIONS.—In this subsection:

13           (A) The term “abouts communication”  
14           means a communication that contains reference  
15           to, but is not to or from, a facility, a place,  
16           premises, or property at which an acquisition  
17           authorized under section 702(a) of the Foreign  
18           Intelligence Surveillance Act of 1978 (50  
19           U.S.C. 1881a(a)) is directed or conducted.

20           (B) The term “material breach” means  
21           significant noncompliance with applicable law or  
22           an order of the Foreign Intelligence Surveil-  
23           lance Court concerning any acquisition of  
24           abouts communications.

25           (2) SUBMISSION TO CONGRESS.—

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

18           (B) CONGRESSIONAL REVIEW PERIOD.—  
19 During the 30-day period beginning on the date  
20 written notice is submitted under subparagraph  
21 (A), the Committee on the Judiciary and the  
22 Select Committee on Intelligence of the Senate  
23 and the Committee on the Judiciary and the  
24 Permanent Select Committee on Intelligence of  
25 the House of Representatives shall, as appro-



1           appropriate, hold hearings and briefings and other-  
2           wise obtain information in order to fully review  
3           the written notice.

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

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

19                 (A) A copy of any certification submitted  
20                 to the Foreign Intelligence Surveillance Court  
21                 pursuant to subsection section 702 of the For-  
22                 eign Intelligence Surveillance Act of 1978 (50  
23                 U.S.C. 1881a), or amendment thereto, author-  
24                 izing the intentional acquisition of abouts com-  
25                 munications, including all affidavits, proce-

1           dures, exhibits, and attachments submitted  
2           therewith.

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

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

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

21          (E) Except as provided under paragraph  
22          (4), a statement that no acquisition authorized  
23          under subsection (a) of such section 702 shall  
24          include the intentional acquisition of an abouts

1 communication until after the end of the 30-day  
2 period described in paragraph (2)(B).

3 (4) EXCEPTION FOR EMERGENCY ACQUISITION.—  
4

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

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

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

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

13                 (ii) NOTICE.—The Attorney General  
14           and Director of National Intelligence shall  
15           submit to the Committee on the Judiciary  
16           and the Select Committee on Intelligence  
17           of the Senate and the Committee on the  
18           Judiciary and the Permanent Select Com-  
19           mittee on Intelligence of the House of Rep-  
20           resentatives notification of a determination  
21           pursuant to clause (i) as soon as prac-  
22           ticable, but not later than 3 days after the  
23           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 201, 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 ref-  
20                           erence to, but is not to or from, a facility,  
21                           a place, premises, or property at which an  
22                           acquisition authorized under subsection (a)  
23                           is directed or conducted.

24                           “(ii) The term ‘material breach’  
25                           means significant noncompliance with ap-

1           plicable law or an order of the Foreign In-  
2           telligence Surveillance Court concerning  
3           any acquisition of abouts communica-  
4           tions.”.

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

16 **SEC. 204. PUBLICATION OF MINIMIZATION PROCEDURES**  
17 **UNDER SECTION 702.**

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

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

23               “(A) conduct a declassification review of  
24           any minimization procedures adopted or amend-  
25           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. 205. COMPENSATION OF AMICI CURIAE AND TECH-**  
7           **NICAL EXPERTS.**

8           Subsection (i) of section 103 (50 U.S.C. 1803) is  
9           amended by adding at the end the following:

10           “(11) COMPENSATION.—Notwithstanding any  
11           other provision of law, a court established under  
12           subsection (a) or (b) may compensate an amicus cu-  
13           riae appointed under paragraph (2) for assistance  
14           provided under such paragraph as the court con-  
15           siders appropriate and at such rate as the court con-  
16           siders appropriate.”.

17 **SEC. 206. ADDITIONAL REPORTING REQUIREMENTS.**

18           (a) ELECTRONIC SURVEILLANCE.—Section 107 (50  
19           U.S.C. 1807) is amended to read as follows:

20 **“SEC. 107. REPORT OF ELECTRONIC SURVEILLANCE.**

21           “(a) ANNUAL REPORT.—In April of each year, the  
22           Attorney General shall transmit to the Administrative Of-  
23           fice of the United States Courts and to the congressional  
24           intelligence committees and the Committees on the Judici-  
25           ary of the House of Representatives and the Senate a re-

1 port setting forth with respect to the preceding calendar  
2 year—

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

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

8 “(3) the total number of persons who were sub-  
9 ject to electronic surveillance conducted under an  
10 order or emergency authorization under this title,  
11 rounded to the nearest 500, including the number of  
12 such individuals who are United States persons, re-  
13 ported to the nearest band of 500, starting with 0–  
14 499.

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. 207. PROCEDURES REGARDING DISSEMINATION OF**  
14                   **NONPUBLICLY AVAILABLE INFORMATION**  
15                   **CONCERNING UNITED STATES PERSONS.**

16          (a) PROCEDURES.—

17           (1) IN GENERAL.—Title V of the National Se-  
18          curity Act of 1947 (50 U.S.C. 3091 et seq.) is  
19          amended by adding at the end the following new sec-  
20          tion:

21   **“SEC. 512. PROCEDURES REGARDING DISSEMINATION OF**  
22                   **NONPUBLICLY AVAILABLE INFORMATION**  
23                   **CONCERNING UNITED STATES PERSONS.**

24          “(a) PROCEDURES.—The head of each element of the  
25          intelligence community, in consultation with the Director

1 of National Intelligence, shall develop and maintain proce-  
2 dures for that element to respond to covered requests.

3 “(b) REQUIREMENTS.—The procedures under sub-  
4 section (a) shall ensure, at a minimum, the following:

5 “(1) The originating element documents in  
6 writing each covered request received by the element,  
7 including—

8 “(A) the name or title of the individual of  
9 the requesting element who is making the re-  
10 quest;

11 “(B) the name or title of each individual  
12 who will receive the United States person iden-  
13 tity information sought by the covered request;  
14 and

15 “(C) a fact-based justification describing  
16 why such United States person identity infor-  
17 mation is required by each individual described  
18 in subparagraph (B) to carry out the duties of  
19 the individual.

20 “(2) A covered request may only be approved  
21 by the head of the originating element or by officers  
22 or employees of such element to whom the head has  
23 specifically delegated such authority.

1           “(3) The originating element retains records on  
2 covered requests, including the disposition of such  
3 requests, for not less than 5 years.

4           “(4) The records described in paragraph (3) in-  
5 clude, with respect to approved covered requests, the  
6 name or title of the individual of the originating ele-  
7 ment who approved such request.

8           “(5) The procedures include an exception  
9 that—

10           “(A) allows for the immediate disclosure of  
11 United States person identity information in  
12 the event of exigent circumstances or where a  
13 delay could result in the loss of intelligence; and

14           “(B) requires that promptly after such dis-  
15 closure the requesting element makes a covered  
16 request with respect to such information.

17           “(6) If a covered request is made during a pe-  
18 riod beginning on the date of a general election for  
19 President and ending on the date on which such  
20 President is inaugurated—

21           “(A) the documentation under paragraph  
22 (1) includes whether—

23           “(i) the individual of a requesting ele-  
24 ment who is making the request knows or  
25 believes that any United States person

1 identity sought by the request is of an in-  
2 dividual who is a member of the transition  
3 team of the President-elect and Vice-Presi-  
4 dent-elect; or

5 “(ii) based on the intelligence commu-  
6 nity report to which the request pertains,  
7 the originating element knows or reason-  
8 ably believes that any United States person  
9 identity sought by the request is of an in-  
10 dividual who is a member of the transition  
11 team of the President-elect and Vice-Presi-  
12 dent-elect;

13 “(B) the approval made pursuant to para-  
14 graph (2) of a covered request that contains a  
15 United States person identity described in sub-  
16 paragraph (A) is subject to the concurrence of  
17 the general counsel of the originating element  
18 (or, in the absence of the general counsel, the  
19 first assistant general counsel) that the dissemi-  
20 nation of such identity information is in accord-  
21 ance with the procedures under subsection (a);  
22 and

23 “(C) consistent with due regard for the  
24 protection from unauthorized disclosure of clas-  
25 sified information relating to sensitive intel-

1 intelligence sources and methods or other exception-  
2 ally sensitive matters, the head of the origi-  
3 nating element notifies the chairmen and rank-  
4 ing minority members of the congressional in-  
5 telligence committees of any approval described  
6 in subparagraph (B) by not later than 14 days  
7 after the date of such approval.

8 “(c) ANNUAL REPORTS.—Not later than April 30 of  
9 each year, the head of each element of the intelligence  
10 community shall submit to the congressional intelligence  
11 committees a report documenting, with respect to the year  
12 covered by the report—

13 “(1) the total number of covered requests re-  
14 ceived by that element;

15 “(2) of such total number, the number of re-  
16 quests approved;

17 “(3) of such total number, the number of re-  
18 quests denied; and

19 “(4) for each number calculated under para-  
20 graphs (1) through (3), the number listed by each  
21 requesting element.

22 “(d) CERTAIN PROCEDURES REGARDING CONGRES-  
23 SIONAL IDENTITY INFORMATION.—

24 “(1) REQUIREMENTS.—With respect to the dis-  
25 semination of congressional identity information, the

1 head of each element of the intelligence community  
2 shall carry out this section in accordance with annex  
3 A of Intelligence Community Directive 112, or suc-  
4 cessor annex or directive.

5 “(2) NOTIFICATION.—The Director of National  
6 Intelligence may not modify or supersede annex A of  
7 Intelligence Community Directive 112, or successor  
8 annex or directive, unless—

9 “(A) the Director notifies the congressional  
10 intelligence committees of the proposed modi-  
11 fications or new annex or directive; and

12 “(B) a period of 30 days elapses following  
13 such notification.

14 “(e) EFFECT ON MINIMIZATION PROCEDURES.—The  
15 requirements of this section are in addition to any mini-  
16 mization procedures established pursuant to the Foreign  
17 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et  
18 seq.), Executive Order No. 12333 (50 U.S.C. 3001 note),  
19 or successor order, or other relevant provision of law or  
20 executive order.

21 “(f) DEFINITIONS.—In this section:

22 “(1) The term ‘covered request’ means a re-  
23 quest by a requesting element to an originating ele-  
24 ment for nonpublic identifying information with re-  
25 spect to a known unconsenting United States person

1 that was omitted from an intelligence community re-  
2 port disseminated by the originating element.

3 “(2) The term ‘originating element’ means an  
4 element of the intelligence community that dissemi-  
5 nates an intelligence community report that contains  
6 a reference to a known unconsenting United States  
7 person but omits nonpublic identifying information  
8 with respect to such person.

9 “(3) The term ‘requesting element’ means an  
10 element of the United States Government that re-  
11 ceives an intelligence community report from an  
12 originating element and makes a covered request  
13 with respect to such report.

14 “(4) The term ‘United States person’ has the  
15 meaning given the term in section 101 of the For-  
16 eign Intelligence Surveillance Act of 1978 (50  
17 U.S.C. 1801).”.

18 (2) CLERICAL AMENDMENT.—The table of con-  
19 tents in the first section of the National Security  
20 Act of 1947 is amended by inserting after the item  
21 relating to section 511 the following new item:

“Sec. 512. Procedures regarding dissemination of nonpublicly available infor-  
mation concerning United States persons.”.

22 (b) DEVELOPMENT OF PROCEDURES.—The head of  
23 each element of the intelligence community shall develop  
24 the procedures required by section 512(a) of the National



1 Security Act of 1947, as added by subsection (a)(1), by  
2 not later than 90 days after the date of the enactment  
3 of this Act.

4 (c) REPORT.—Not later than December 31, 2018, the  
5 Director of National Intelligence shall submit to the Per-  
6 manent Select Committee on Intelligence of the House of  
7 Representatives and the Select Committee on Intelligence  
8 of the Senate a report assessing the compliance with the  
9 procedures required by section 512(a) of the National Se-  
10 curity Act of 1947, as added by subsection (a)(1).

11 **SEC. 208. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**  
12 **ERTIES OVERSIGHT BOARD.**

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

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

18 (2) by inserting after paragraph (1) the fol-  
19 lowing new paragraph:

20 “(2) APPOINTMENT IN ABSENCE OF CHAIR-  
21 MAN.—If the position of chairman of the Board is  
22 vacant, during the period of the vacancy, the Board,  
23 at the direction of the unanimous vote of the serving  
24 members of the Board, may exercise the authority of  
25 the chairman under paragraph (1).”.

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

3 (1) by striking “The Board shall” and inserting  
4 “The Board”;

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

7 (3) in paragraph (2)—

8 (A) by striking “hold public” and inserting  
9 “shall hold public”; and

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

16 **SEC. 209. PRIVACY AND CIVIL LIBERTIES OFFICERS.**

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

1 **TITLE III—EXTENSION OF AU-**  
2 **THORITIES, INCREASED PEN-**  
3 **ALTIES, REPORTS, AND**  
4 **OTHER MATTERS**

5 **SEC. 301. EXTENSION OF TITLE VII OF FISA; EFFECTIVE**  
6 **DATES.**

7 (a) **EXTENSION.**—Section 403(b) of the FISA  
8 Amendments Act of 2008 (Public Law 110–261; 122 Stat.  
9 2474) is amended—

10 (1) in paragraph (1)—

11 (A) by striking “December 31, 2017” and  
12 inserting “December 31, 2021”; and

13 (B) by inserting “and by the FISA  
14 Amendments Reauthorization Act of 2017”  
15 after “section 101(a)”; and

16 (2) in paragraph (2) in the matter preceding  
17 subparagraph (A), by striking “December 31, 2017”  
18 and inserting “December 31, 2021”.

19 (b) **CONFORMING AMENDMENTS.**—Section 404(b) of  
20 the FISA Amendments Act of 2008 (Public Law 110–261;  
21 122 Stat. 2476), as amended by section 201, is further  
22 amended—

23 (1) in paragraph (1)—

1 (A) in the heading, by striking “DECEM-  
2 BER 31, 2017” and inserting “DECEMBER 31,  
3 2021”; and

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

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

10 (3) in paragraph (4)—

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

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

19 (c) EFFECTIVE DATE OF AMENDMENTS TO FAA.—  
20 The amendments made to the FISA Amendments Act of  
21 2008 (Public Law 110–261) by this section shall take ef-  
22 fect on the earlier of the date of the enactment of this  
23 Act or December 31, 2017.

1 **SEC. 302. 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. 303. COMPTROLLER GENERAL STUDY ON THE CLASSI-**  
8 **FICATION SYSTEM AND PROTECTION OF**  
9 **CLASSIFIED INFORMATION.**

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

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

18 (1) Whether sensitive information is properly  
19 classified.

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

23 (A) using cloud storage for classified infor-  
24 mation; and

25 (B) any technological means to prevent or  
26 detect unauthorized access to such information.

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

5           (4) How to improve the authorized sharing of  
6           classified information, including with respect to sen-  
7           sitive compartmented information.

8           (5) The value of polygraph tests in determining  
9           who is authorized to access classified information  
10          and in investigating unauthorized disclosures of clas-  
11          sified information.

12          (6) Whether each element of the intelligence  
13          community—

14                (A) applies uniform standards in deter-  
15                mining who is authorized to access classified in-  
16                formation; and

17                (B) provides proper training with respect  
18                to the handling of classified information and  
19                the avoidance of overclassification.

20          (c) REPORT.—Not later than 180 days after the date  
21          of the enactment of this Act, the Comptroller General shall  
22          submit to the Committee on the Judiciary and the Perma-  
23          nent Select Committee on Intelligence of the House of  
24          Representatives and the Committee on the Judiciary and

1 the Select Committee on Intelligence of the Senate a re-  
2 port containing the study under subsection (a).

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

6 **SEC. 304. TECHNICAL AMENDMENTS AND AMENDMENTS TO**  
7 **IMPROVE PROCEDURES OF THE FOREIGN IN-**  
8 **TELLIGENCE SURVEILLANCE COURT OF RE-**  
9 **VIEW.**

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

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

16 (2) In section 302(a)(1)(A)(iii) (50 U.S.C.  
17 1822(a)(1)(A)(iii)), by striking “paragraphs (1)  
18 through (4)” and inserting “subparagraphs (A)  
19 through (D)”.

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

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

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

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

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

4 (A) in subsection (a), by striking “The  
5 terms” and inserting “In this title, the terms”;  
6 and

7 (B) in subsection (b)—

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

10 (ii) in paragraph (5), by striking “(50  
11 U.S.C. 401a(4))” and inserting “(50  
12 U.S.C. 3003(4))”.

13 (6) In section 702(h)(2)(A)(i) (50 U.S.C.  
14 1881a(h)(2)(A)(i)), as redesignated by section 201,  
15 by inserting “targeting” before “procedures in  
16 place”.

17 (7) In section 801(7) (50 U.S.C. 1885(7)), by  
18 striking “(50 U.S.C. 401a(4))” and inserting “(50  
19 U.S.C. 3003(4))”.

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

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

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



1 (B) in subsection (h), by striking “the  
2 court established under subsection (a)” and in-  
3 serting “a court established under this section”.

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

6 “(4) A denial of the application made under section  
7 104 may be reviewed as provided in section 103.”.

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

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

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

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

16 “(3) A denial of the application made under sub-  
17 section (a)(2) may be reviewed as provided in section  
18 103.”.

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

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

1 **SEC. 305. SEVERABILITY.**

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