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(Original Signature of Member)

116TH CONGRESS
2D SESSION

H. R. _____

To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Foreign Intelligence Surveillance Act of 1978 to prohibit the production of certain business records, 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 “USA FREEDOM Reauthorization Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 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—FISA BUSINESS RECORDS

- Sec. 101. Repeal of authority to access on an ongoing basis call detail records.
 Sec. 102. Protection of information otherwise requiring warrant.
 Sec. 103. Use of information.
 Sec. 104. Effective date.

TITLE II—FOREIGN INTELLIGENCE SURVEILLANCE COURT

- Sec. 201. Declassification of significant decisions, orders, and opinions.
 Sec. 202. Appointment of amici curiae and access to information.
 Sec. 203. Information provided in annual reports.

TITLE III—OTHER MATTERS

- Sec. 301. Mandatory reporting on certain orders.
 Sec. 302. Improvements to Privacy and Civil Liberties Oversight Board.
 Sec. 303. Report on use of FISA authorities regarding protected activities and protected classes.
 Sec. 304. Sunsets.
 Sec. 305. Technical amendments.

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—FISA BUSINESS**
 10 **RECORDS**

11 **SEC. 101. REPEAL OF AUTHORITY TO ACCESS ON AN ONGO-**
 12 **ING BASIS CALL DETAIL RECORDS.**

13 (a) CALL DETAIL RECORDS.—

14 (1) REPEAL.—Subsection (b)(2) of section 501
 15 (50 U.S.C. 1861) is amended—

16 (A) by striking subparagraph (C);

1 (B) in subparagraph (B)—

2 (i) in the matter preceding clause (i),
3 by striking “in the case of” and all that
4 follows through “in subparagraph (C),”;
5 and

6 (ii) in clause (iii), by striking the
7 semicolon at the end and inserting “;
8 and”; and

9 (C) by redesignating subparagraph (D) as
10 subparagraph (C).

11 (2) PROHIBITION.—Section 501(a) (50 U.S.C.
12 1861) is amended by adding at the end the following
13 new paragraph:

14 “(4) An application under paragraph (1) may not
15 seek an order authorizing or requiring the production on
16 an ongoing basis of call detail records.”.

17 (b) CONFORMING AMENDMENTS.—

18 (1) ORDERS.—Subsection (c) of section 501 (50
19 U.S.C. 1861) is amended—

20 (A) in paragraph (1), by striking “with
21 subsection (b)(2)(D)” and inserting “with sub-
22 section (b)(2)(C)”; and

23 (B) in paragraph (2), by striking subpara-
24 graph (F) and inserting the following:

1 “(F) in the case of an application for call
2 detail records, shall direct the Government—

3 “(i) to adopt minimization procedures
4 that require the prompt destruction of all
5 call detail records produced under the
6 order that the Government determines are
7 not foreign intelligence information; and

8 “(ii) to destroy all call detail records
9 produced under the order as prescribed by
10 such procedures.”;

11 (2) COMPENSATION.—Subsection (j) of section
12 501 (50 U.S.C. 1861) is amended to read as follows:

13 “(j) COMPENSATION.—The Government shall com-
14 pensate a person for reasonable expenses incurred for pro-
15 viding technical assistance to the Government under this
16 section.”.

17 (3) DEFINITIONS.—Subsection (k)(4)(B) of sec-
18 tion 501 (50 U.S.C. 1861) is amended by striking
19 “For purposes of an application submitted under
20 subsection (b)(2)(C)” and inserting “In the case of
21 an application for a call detail record”.

22 (4) OVERSIGHT.—Section 502(b) (50 U.S.C.
23 1862(b)) is amended—

24 (A) by striking paragraph (4); and

1 (B) by redesignating paragraphs (5)
2 through (8) as paragraphs (4) through (7), re-
3 spectively;

4 (5) ANNUAL REPORTS.—Section 603 (50
5 U.S.C. 1873) is amended—

6 (A) in subsection (b)—

7 (i) by transferring subparagraph (C)
8 of paragraph (6) to the end of paragraph
9 (5);

10 (ii) in paragraph (5)—

11 (I) in subparagraph (A), by strik-
12 ing “; and” and inserting a semicolon;

13 (II) in subparagraph (B), by
14 striking the semicolon and inserting “;
15 and”; and

16 (III) in subparagraph (C), as
17 transferred by clause (i) of this sub-
18 paragraph, by striking “any database
19 of”;

20 (iii) by striking paragraph (6) (as
21 amended by clause (iii) of this subpara-
22 graph); and

23 (iv) by redesignating paragraph (7) as
24 paragraph (6); and

25 (B) in subsection (d)—

1 (i) in paragraph (1), by striking “any
2 of paragraphs (3), (5), or (6)” and insert-
3 ing “either of paragraph (3) or (5)”; and

4 (ii) in paragraph (2)(A), by striking
5 “Paragraphs (2)(B), (2)(C), and (6)(C)”
6 and inserting “Paragraphs (2)(B) and
7 (2)(C)”.

8 (6) PUBLIC REPORTING.—Section 604(a)(1)(F)
9 (50 U.S.C. 1874(a)(1)(F)) is amended—

10 (A) in clause (i), by striking the semicolon
11 and inserting “; and”;

12 (B) in clause (ii), by striking “; and” and
13 inserting a period; and

14 (C) by striking clause (iii).

15 **SEC. 102. PROTECTION OF INFORMATION OTHERWISE RE-**
16 **QUIRING WARRANT.**

17 Section 501(a) (50 U.S.C. 1861(a)), as amended by
18 section 101, is further amended by adding at the end the
19 following new paragraph:

20 “(5) An application under paragraph (1) may not
21 seek an order authorizing or requiring the production of
22 a tangible thing if the compelled production of such thing
23 would require a warrant for law enforcement purposes.”.

24 **SEC. 103. USE OF INFORMATION.**

25 Section 501(h) (50 U.S.C. 1861(h)) is amended—

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

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

4 (2) by adding at the end the following new
5 paragraphs:

6 “(2) USE IN TRIALS, HEARINGS, OR OTHER
7 PROCEEDINGS.—For purposes of subsections (b)
8 through (h) of section 106—

9 “(A) information obtained or derived from
10 the production of tangible things pursuant to
11 an investigation conducted under this section
12 shall be deemed to be information acquired
13 from an electronic surveillance pursuant to title
14 I; and

15 “(B) in carrying out subparagraph (A), a
16 person shall be deemed to be an aggrieved per-
17 son if—

18 “(i) the person is the target of such
19 an investigation; or

20 “(ii) the activities or communications
21 of the person are described in any tangible
22 thing collected pursuant to such an inves-
23 tigation.”.

1 **SEC. 104. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 on the date of the enactment of this Act and shall apply
4 with respect to applications made under section 501 of the
5 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.
6 1861) on or after such date.

7 **TITLE II—FOREIGN INTEL-**
8 **LIGENCE SURVEILLANCE**
9 **COURT**

10 **SEC. 201. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**
11 **ORDERS, AND OPINIONS.**

12 (a) **TIMING OF DECLASSIFICATION.**—Subsection (a)
13 of section 602 (50 U.S.C. 1872) is amended by adding
14 at the end the following new sentence: “The Director shall
15 complete the declassification review and public release of
16 each such decision, order, or opinion by not later than 180
17 days after the date on which the Foreign Intelligence Sur-
18 veillance Court or the Foreign Intelligence Surveillance
19 Court of Review issues such decision, order, or opinion.”.

20 (b) **MATTERS COVERED.**—Such subsection is further
21 amended—

22 (1) by striking “Subject to subsection (b)” and
23 inserting “(1) Subject to subsection (b)”;

24 (2) by striking “includes a significant” and all
25 that follows through “, and,” and inserting “is de-
26 scribed in paragraph (2) and,”; and

1 (3) by adding at the end the following new
2 paragraph:

3 “(2) The decisions, orders, or opinions issued by the
4 Foreign Intelligence Surveillance Court or the Foreign In-
5 telligence Surveillance Court of Review described in this
6 paragraph are such decisions, orders, or opinions that—

7 “(A) include a significant construction or inter-
8 pretation of any provision of law, including any
9 novel or significant construction or interpretation
10 of—

11 “(i) the term ‘specific selection term’; or

12 “(ii) section 501(a)(5); or

13 “(B) result from a proceeding in which an ami-
14 cus curiae has been appointed pursuant to section
15 103(i).”.

16 (c) APPLICATION OF REQUIREMENT.—Section 602 of
17 the Foreign Intelligence Surveillance Act of 1978 (50
18 U.S.C. 1872) shall apply with respect to each decision,
19 order, or opinion issued by the Foreign Intelligence Sur-
20 veillance Court or the Foreign Intelligence Surveillance
21 Court of Review before, on, or after the date of the enact-
22 ment of such section. With respect to such decisions, or-
23 ders, or opinions issued before or on such date, the Direc-
24 tor of National Intelligence shall complete the declassifica-
25 tion review and public release of each such decision, order,

1 or opinion pursuant to such section by not later than one
2 year after the date of the enactment of this Act.

3 **SEC. 202. APPOINTMENT OF AMICI CURIAE AND ACCESS TO**
4 **INFORMATION.**

5 (a) EXPANSION OF APPOINTMENT AUTHORITY.—
6 Subparagraph (A) of section 103(i)(2) (50 U.S.C.
7 1803(i)(2)) is amended to read as follows:

8 “(A) shall appoint an individual who has
9 been designated under paragraph (1) to serve
10 as amicus curiae to assist such court in the
11 consideration of any application for an order or
12 review that, in the opinion of the court—

13 “(i) presents a novel or significant in-
14 terpretation of the law, unless the court
15 issues a finding that such appointment is
16 not appropriate; or

17 “(ii) presents significant concerns
18 with respect to the activities of a United
19 States person that are protected by the
20 first amendment to the Constitution, un-
21 less the court issues a finding that such
22 appointment is not appropriate; and”.

23 (b) AUTHORITY TO SEEK REVIEW.—Subsection (i) of
24 section 103 (50 U.S.C. 1803) is amended—

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

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

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

8 “(A) FISA COURT DECISIONS.—Following
9 issuance of an order under this Act by the For-
10 eign Intelligence Surveillance Court, an amicus
11 curiae appointed under paragraph (2) may peti-
12 tion the Foreign Intelligence Surveillance Court
13 of Review to review a question of law pursuant
14 to the standard set forth in subsection (j). If
15 the Court of Review grants such petition, the
16 question of law shall be treated as certified for
17 review and the Court of Review shall appoint
18 the amicus curiae to assist the Court of Review
19 in any consideration of the question, unless the
20 Court of Review issues a finding that such ap-
21 pointment is not appropriate.

22 “(B) FISA COURT OF REVIEW DECI-
23 SIONS.—An amicus curiae appointed under
24 paragraph (2) may petition the Foreign Intel-
25 ligence Surveillance Court of Review to certify

1 for review to the Supreme Court of the United
2 States any question of law pursuant to section
3 1254(2) of title 28, United States Code.”.

4 (c) ACCESS TO INFORMATION.—

5 (1) APPLICATION AND MATERIALS.—Subpara-
6 graph (A) of section 103(i)(6) (50 U.S.C.
7 1803(i)(6)) is amended by striking clauses (i) and
8 (ii) and inserting the following new clauses:

9 “(i) shall have access to—

10 “(I) the application, certification,
11 petition, motion, and other informa-
12 tion and supporting materials, sub-
13 mitted to the Foreign Intelligence
14 Surveillance Court in connection with
15 the matter in which the amicus curiae
16 has been appointed, including access
17 to any relevant legal precedent; and

18 “(II) any other information or
19 materials that the court determines is
20 relevant to the duties of the amicus
21 curiae; and

22 “(ii) may make a submission to the
23 court requesting access to any particular
24 materials or information (or category of
25 materials or information) that the amicus

1 curiae believes to be relevant to the duties
2 of the amicus curiae.”.

3 (2) CLARIFICATION OF ACCESS TO CERTAIN IN-
4 FORMATION.—Subparagraph (C) of such section is
5 amended by striking “and to the extent consistent
6 with the national security of the United States”.

7 (3) CONSULTATION AMONG AMICI CURIAE.—
8 Such section is further amended—

9 (A) by redesignating subparagraphs (B),
10 (C), and (D) as subparagraphs (C), (D), and
11 (E), respectively; and

12 (B) by inserting after subparagraph (A)
13 the following new subparagraph:

14 “(B) CONSULTATION.—If the Foreign In-
15 telligence Surveillance Court or the Foreign In-
16 telligence Surveillance Court of Review deter-
17 mines that it is relevant to the duties of an
18 amicus curiae appointed by the court under
19 paragraph (2), the amicus curiae may consult
20 with one or more of the other individuals des-
21 ignated by the court to serve as amicus curiae
22 pursuant to paragraph (1) regarding any of the
23 information relevant to any assigned pro-
24 ceeding.”.

1 **SEC. 203. INFORMATION PROVIDED IN ANNUAL REPORTS.**

2 (a) REPORTS BY DIRECTOR OF THE ADMINISTRA-
3 TIVE OFFICE OF THE UNITED STATES COURTS.—Sub-
4 section (a)(1) of section 603 (50 U.S.C. 1873) is amend-
5 ed—

6 (1) in subparagraph (E), by striking “; and”
7 and inserting a semicolon;

8 (2) in subparagraph (F), by striking the period
9 at the end and inserting a semicolon; and

10 (3) by adding at the end the following new sub-
11 paragraphs:

12 “(G) the number of certifications by the
13 Foreign Intelligence Surveillance Court of Re-
14 view pursuant to section 103(j); and

15 “(H) the number of requests to certify a
16 question made by an amicus curiae to the Court
17 of Review pursuant to section 103(i)(7).”.

18 (b) REPORTS BY DIRECTOR OF NATIONAL INTEL-
19 LIGENCE.—Subsection (b)(5)(B) of such section, as
20 amended by section 101, is amended by inserting before
21 the semicolon at the end the following: “, including infor-
22 mation received electronically and through hardcopy and
23 portable media”.

1 **TITLE III—OTHER MATTERS**

2 **SEC. 301. MANDATORY REPORTING ON CERTAIN ORDERS.**

3 (a) REPORTING ON UNITED STATES PERSON QUE-
4 RIES.—Subsection (b)(2) of section 603 (50 U.S.C. 1873),
5 as amended by section 101, is amended—

6 (1) in subparagraph (B), by striking “the num-
7 ber of search terms concerning a known United
8 States person” and inserting “the number of search
9 terms that concern a known United States person or
10 are reasonably likely to identify a United States per-
11 son”; and

12 (2) in subparagraph (C), by striking “the num-
13 ber of queries concerning a known United States
14 person” and inserting “the number of queries that
15 concern a known United States person or are rea-
16 sonably likely to identify a United States person”.

17 (b) MODIFICATION TO EXCEPTIONS.—Subsection
18 (d)(2) of such section, as amended by section 101, is
19 amended by striking “(A) FEDERAL” and all that follows
20 through “(B) ELECTRONIC MAIL ADDRESS AND TELE-
21 PHONE NUMBERS.—”.

1 **SEC. 302. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**
2 **ERTIES OVERSIGHT BOARD.**

3 Paragraph (4) of section 1061(h) of the Intelligence
4 Reform and Terrorism Prevention Act of 2004 (42 U.S.C.
5 2000ee(h)) is amended to read as follows:

6 “(4) **TERM.**—

7 “(A) **COMMENCEMENT.**—Each member of
8 the Board shall serve a term of 6 years, com-
9 mencing on the date of the appointment of the
10 member to the Board.

11 “(B) **REAPPOINTMENT.**—A member may
12 be reappointed to one or more additional terms.

13 “(C) **VACANCY.**—A vacancy in the Board
14 shall be filled in the manner in which the origi-
15 nal appointment was made.

16 “(D) **EXTENSION.**—Upon the expiration of
17 the term of office of a member, the member
18 may continue to serve, at the election of the
19 member—

20 “(i) during the period preceding the
21 reappointment of the member pursuant to
22 subparagraph (B); or

23 “(ii) until the member’s successor has
24 been appointed and qualified.”

1 **SEC. 303. REPORT ON USE OF FISA AUTHORITIES REGARD-**
2 **ING PROTECTED ACTIVITIES AND PRO-**
3 **TECTED CLASSES.**

4 (a) REPORT.—Not later than one year after the date
5 of the enactment of this Act, the Privacy and Civil Lib-
6 erties Oversight Board shall make publicly available, to
7 the extent practicable, a report on—

8 (1) the extent to which the activities and pro-
9 tected classes described in subsection (b) are used to
10 support targeting decisions in the use of authorities
11 pursuant to the Foreign Intelligence Surveillance
12 Act of 1978 (50 U.S.C. 1801 et seq.); and

13 (2) the impact of the use of such authorities on
14 such activities and protected classes.

15 (b) ACTIVITIES AND PROTECTED CLASSES DE-
16 SCRIBED.—The activities and protected classes described
17 in this subsection are the following:

18 (1) Activities and expression protected by the
19 First Amendment to the Constitution of the United
20 States.

21 (2) Race, ethnicity, national origin, religious af-
22 filiation, sex, and any other protected characteristic
23 determined appropriate by the Board.

24 (c) FORM.—In addition to the report made publicly
25 available under subsection (a), the Board may submit to

1 the appropriate congressional committees a classified
2 annex.

3 (d) APPROPRIATE CONGRESSIONAL COMMITTEES
4 DEFINED.—In this section, the term “appropriate con-
5 gressional committees” means—

6 (1) the Committee on the Judiciary and the
7 Permanent Select Committee on Intelligence of the
8 House of Representatives; and

9 (2) the Committee on the Judiciary and the Se-
10 lect Committee on Intelligence of the Senate.

11 **SEC. 304. SUNSETS.**

12 (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-
13 IZATION ACT OF 2005.—Section 102(b)(1) of the USA
14 PATRIOT Improvement and Reauthorization Act of 2005
15 (50 U.S.C. 1805 note) is amended by striking “March 15,
16 2020” and inserting “December 1, 2023”.

17 (b) INTELLIGENCE REFORM AND TERRORISM PRE-
18 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-
19 ligence Reform and Terrorism Prevention Act of 2004 (50
20 U.S.C. 1801 note) is amended by striking “March 15,
21 2020” and inserting “December 1, 2023”.

22 (c) EFFECTIVE DATE.—The amendments made by
23 this section shall take effect on the earlier of the date of
24 the enactment of this Act or March 15, 2020.

1 **SEC. 305. TECHNICAL AMENDMENTS.**

2 (a) IN GENERAL.—The Foreign Intelligence Surveil-
3 lance Act of 1978 (50 U.S.C. 1801 et seq.) is amended
4 as follows:

5 (1) In section 103(e) (50 U.S.C. 1803(e)), by
6 striking “702(h)(4)” both places it appears and in-
7 sserting “702(i)(4)”.

8 (2) In section 105(a)(4) (50 U.S.C.
9 1805(a)(4))—

10 (A) by striking “section 104(a)(7)(E)” and
11 inserting “section 104(a)(6)(E)”; and

12 (B) by striking “section 104(d)” and in-
13 sserting “section 104(c)”.

14 (3) In section 501(a) (50 U.S.C. 1861(a)), by
15 indenting paragraph (3) 2 ems to the left.

16 (4) In section 603(b)(2)(C) (50 U.S.C.
17 1873(b)(2)(C)), by inserting “and” after the semi-
18 colon.

19 (5) In section 702 (50 U.S.C. 1881a)—

20 (A) in subsection (h)(3), by striking “sub-
21 section (i)” and inserting “subsection (j)”;

22 (B) in subsection (j)(1), by striking “sub-
23 section (g)” each place it appears and inserting
24 “subsection (h)”;

1 (C) in the subsection heading of subsection
2 (m), by inserting a comma after “ASSESS-
3 MENTS”.

4 (6) In section 801(8)(B)(iii) (50 U.S.C.
5 1885(8)(B)(iii)), by striking “702(h)” and inserting
6 “702(i)”.

7 (7) In section 802(a)(3) (50 U.S.C.
8 1885a(a)(3)), by striking “702(h)” and inserting
9 “702(i)”.

10 (b) REFERENCES TO FOREIGN INTELLIGENCE SUR-
11 VEILLANCE COURT AND FOREIGN INTELLIGENCE SUR-
12 VEILLANCE COURT OF REVIEW.—

13 (1) DEFINITIONS.—Section 101 (50 U.S.C.
14 1801) is amended by adding at the end the following
15 new subsections:

16 “(q) The term ‘Foreign Intelligence Surveillance
17 Court’ means the court established under section 103(a).

18 “(r) The terms ‘Foreign Intelligence Surveillance
19 Court of Review’ and ‘Court of Review’ mean the court
20 established under section 103(b).”.

21 (2) CONFORMING AMENDMENTS.—The Foreign
22 Intelligence Surveillance Act of 1978 (50 U.S.C.
23 1801 et seq.) is amended—

24 (A) in section 102 (50 U.S.C. 1802), by
25 striking “the court established under section

1 103(a)” and inserting “the Foreign Intelligence
2 Surveillance Court”;

3 (B) in section 103 (50 U.S.C. 1803)—

4 (i) in subsection (a)—

5 (I) in paragraph (2)(A), by strik-
6 ing “The court established under this
7 subsection” and inserting “The For-
8 eign Intelligence Surveillance Court”;
9 and

10 (II) by striking “the court estab-
11 lished under this subsection” each
12 place it appears and inserting “the
13 Foreign Intelligence Surveillance
14 Court”;

15 (ii) in subsection (g)—

16 (I) by striking “the court estab-
17 lished pursuant to subsection (a)” and
18 inserting “the Foreign Intelligence
19 Surveillance Court”;

20 (II) by striking “the court of re-
21 view established pursuant to sub-
22 section (b)” and inserting “the For-
23 eign Intelligence Surveillance Court of
24 Review”; and

1 (III) by striking “The courts es-
2 tablished pursuant to subsections (a)
3 and (b)” and inserting “The Foreign
4 Intelligence Surveillance Court and
5 the Foreign Intelligence Surveillance
6 Court of Review”;

7 (iii) in subsection (h), by striking “a
8 court established under this section” and
9 inserting “the Foreign Intelligence Surveil-
10 lance Court or the Foreign Intelligence
11 Surveillance Court of Review”;

12 (iv) in subsection (i)—

13 (I) in paragraph (1), by striking
14 “the courts established under sub-
15 sections (a) and (b)” and inserting
16 “the Foreign Intelligence Surveillance
17 Court and the Foreign Intelligence
18 Surveillance Court of Review”;

19 (II) in paragraph (3)(B), by
20 striking “the courts” and inserting
21 “the Foreign Intelligence Surveillance
22 Court and the Foreign Intelligence
23 Surveillance Court of Review”;

24 (III) in paragraph (5), by strik-
25 ing “the court” and inserting “the

1 Foreign Intelligence Surveillance
2 Court or the Foreign Intelligence Sur-
3 veillance Court of Review, as the case
4 may be,”;

5 (IV) in paragraph (6), by strik-
6 ing “the court” each place it appears
7 and inserting “the Foreign Intel-
8 ligence Surveillance Court or the For-
9 eign Intelligence Surveillance Court of
10 Review”;

11 (V) by striking “a court estab-
12 lished under subsection (a) or (b)”
13 each place it appears and inserting
14 “the Foreign Intelligence Surveillance
15 Court or the Foreign Intelligence Sur-
16 veillance Court of Review”;

17 (VI) by striking “A court estab-
18 lished under subsection (a) or (b)”
19 each place it appears and inserting
20 “The Foreign Intelligence Surveillance
21 Court or the Foreign Intelligence Sur-
22 veillance Court of Review”;

23 (v) in subsection (j)—

24 (I) by striking “a court estab-
25 lished under subsection (a)” and in-

1 serting “the Foreign Intelligence Sur-
2 veillance Court”; and

3 (II) by striking “the court deter-
4 mines” and inserting “the Foreign In-
5 telligence Surveillance Court deter-
6 mines”;

7 (vi) by striking “the court established
8 under subsection (a)” each place it appears
9 and inserting “the Foreign Intelligence
10 Surveillance Court”; and

11 (vii) by striking “the court established
12 under subsection (b)” each place it appears
13 and inserting “the Foreign Intelligence
14 Surveillance Court of Review”;

15 (C) in section 105(c) (50 U.S.C.
16 1805(c))—

17 (i) in paragraph (2)(B), by striking
18 “the Court” and inserting “the Foreign
19 Intelligence Surveillance Court”; and

20 (ii) in paragraph (3), by striking “the
21 court” each place it appears and inserting
22 “the Foreign Intelligence Surveillance
23 Court”;

24 (D) in section 401 (50 U.S.C. 1841), by
25 striking “, and ‘State’” and inserting “‘State’,

1 ‘Foreign Intelligence Surveillance Court’, and
2 ‘Foreign Intelligence Surveillance Court of Re-
3 view’ ”;

4 (E) in section 402 (50 U.S.C. 1842)—

5 (i) in subsection (b)(1), by striking
6 “the court established by section 103(a) of
7 this Act” and inserting “the Foreign Intel-
8 ligence Surveillance Court”; and

9 (ii) in subsection (h)(2), by striking
10 “the court established under section
11 103(a)” and inserting “the Foreign Intel-
12 ligence Surveillance Court”;

13 (F) in section 501 (50 U.S.C. 1861)—

14 (i) in subsection (b)(1), by striking
15 “the court established by section 103(a)”
16 and inserting “the Foreign Intelligence
17 Surveillance Court”;

18 (ii) in subsection (g)(3), by striking
19 “the court established under section
20 103(a)” and inserting “the Foreign Intel-
21 ligence Surveillance Court”; and

22 (iii) in subsection (k)(1), by striking
23 “, and ‘State’ ” and inserting “ ‘State’, and
24 ‘Foreign Intelligence Surveillance Court’ ”;

1 (G) in section 502(c)(1)(E), by striking
2 “the court established under section 103” and
3 inserting “the Foreign Intelligence Surveillance
4 Court (as defined by section 101)”;

5 (H) in section 801 (50 U.S.C. 1885)—

6 (i) in paragraph (8)(B)(i), by striking
7 “the court established under section
8 103(a)” and inserting “the Foreign Intel-
9 ligence Surveillance Court”; and

10 (ii) by adding at the end the following
11 new paragraph:

12 “(10) FOREIGN INTELLIGENCE SURVEILLANCE
13 COURT.—The term ‘Foreign Intelligence Surveillance
14 Court’ means the court established under section
15 103(a).”; and

16 (I) in section 802(a)(1) (50 U.S.C.
17 1885a(a)(1)), by striking “the court established
18 under section 103(a)” and inserting “the For-
19 eign Intelligence Surveillance Court”.

20 (e) COORDINATION WITH OTHER AMENDMENTS

21 MADE BY THIS ACT.—For purposes of applying amend-
22 ments made by provisions of this Act other than this sec-
23 tion, the amendments made by this section shall be treated
24 as having been enacted immediately before any such
25 amendments by other provisions of this Act.