

Union Calendar No. 334

113TH CONGRESS
2D SESSION

H. R. 3361

[Report No. 113–452, Parts I and II]

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 2013

Mr. SENSENBRENNER (for himself, Mr. CONYERS, Ms. LOFGREN, Mr. AMASH, Mr. NADLER, Mr. ROE of Tennessee, Ms. JACKSON LEE, Mr. FARR, Mr. POLIS, Ms. CHU, Ms. BASS, Mr. RICHMOND, Mr. THOMPSON of Mississippi, Ms. DELBENE, Mr. ROHRABACHER, Mr. MICA, Mr. YOUNG of Alaska, Mr. PETRI, Mr. SANFORD, Mr. WELCH, Mr. GRAYSON, Mr. DUNCAN of South Carolina, Ms. ESHOO, Mr. ROKITA, Mr. SMITH of Missouri, Mr. STEWART, Mr. AMODEI, Mr. YOHO, Mr. JEFFRIES, Ms. NORTON, Mr. DEUTCH, Mr. SCOTT of Virginia, Mr. QUIGLEY, Mr. HUNTER, Mr. GARAMENDI, Mr. MULLIN, Mr. MASSIE, Ms. LEE of California, Ms. MOORE, Mr. DUFFY, Ms. GABBARD, Mr. COBLE, Mr. TERRY, Mr. GRAVES of Georgia, Mr. POCAN, Mr. O’ROURKE, Mr. LABRADOR, Mr. HUFFMAN, Mr. GOWDY, Mr. COFFMAN, Mr. MULVANEY, Mr. BURGESS, Mr. ISSA, Mr. MORAN, Mr. GIBSON, Mr. HONDA, Ms. SPEIER, Mr. JOHNSON of Georgia, Mr. GOHMERT, Mr. YODER, Mr. GENE GREEN of Texas, Mr. HUELSKAMP, Mr. CAPUANO, Mr. BENTIVOLIO, Mr. JONES, Mr. THOMPSON of Pennsylvania, Mr. BUCHANAN, Mr. LONG, Mr. ELLISON, Mr. DAINES, Mr. MICHAUD, Mr. LOWENTHAL, Mr. PEARCE, Mr. POE of Texas, Mr. BERA of California, Mr. GRIFFIN of Arkansas, Mr. BLUMENAUER, Mr. SCHWEIKERT, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Select Committee on Intelligence (Permanent Select) and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

MAY 15, 2014

Additional sponsors: Mr. ENYART, Mr. LEWIS, Ms. HANABUSA, Mr. FARENTHOLD, Ms. MCCOLLUM, Mr. SMITH of New Jersey, Mr. HORSFORD, Mr. MCCLINTOCK, Mr. TIERNEY, Ms. PINGREE of Maine, Ms. KUSTER, Mr. MCGOVERN, Mr. PERRY, Mr. LARSEN of Washington, Mr. RIBBLE, Ms. BONAMICI, Mr. CUMMINGS, Mr. NUGENT, Mr. LAMALFA, Ms. BROWNLEY of California, Mr. CARSON of Indiana, Mr. KINGSTON, Mr. LUETKEMEYER, Mrs. NOEM, Ms. SHEA-PORTER, Mr. SALMON, Mr. FLEMING, Mr. DEFazio, Mr. VELA, Mr. MCDERMOTT, Mr. STOCKMAN, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. CICILLINE, Mr. COURTNEY, Mr. MESSER, Mr. JORDAN, Mrs. CAPPS, Ms. DELAURO, Ms. MATSUI, Mr. BROUN of Georgia, Mr. KEATING, Mr. WEBER of Texas, Mr. SCHRADER, Mr. AUSTIN SCOTT of Georgia, Mr. BRIDENSTINE, Mr. KENNEDY, Mr. SHERMAN, Mr. GARRETT, Mr. LYNCH, Mr. SWALWELL of California, Mr. BEN RAY LUJÁN of New Mexico, Mr. DUNCAN of Tennessee, Mr. GUTHRIE, Mr. CAMPBELL, Mr. DOYLE, Ms. CLARK of Massachusetts, Mrs. CAROLYN B. MALONEY of New York, Mr. TONKO, Ms. TSONGAS, Mr. MARCHANT, Mr. GARDNER, Mr. NEAL, Mrs. NAPOLITANO, Mr. WILSON of South Carolina, Mr. COHEN, Mr. LANCE, Mr. PETERS of Michigan, Mr. GOSAR, Ms. DEGETTE, Mr. SERRANO, Ms. HERRERA BEUTLER, Mr. GOODLATTE, and Mr. WITTMAN

MAY 15, 2014

Reported from the Committee on the Judiciary with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

MAY 15, 2014

Reported from the Select Committee on Intelligence (Permanent Select) with an amendment

[Strike out all after the enacting clause and insert the part printed in **boldface roman**]

May 15, 2014

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on October 29, 2013]

A BILL

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, 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 Act”.*

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 REFORMS

Sec. 101. Additional requirements for call detail records.

Sec. 102. Emergency authority.

Sec. 103. Prohibition on bulk collection of tangible things.

Sec. 104. Judicial review of minimization procedures for the production of tan-
gible things.

Sec. 105. Liability protection.

Sec. 106. Compensation for assistance.

Sec. 107. Definitions.

Sec. 108. Inspector general reports on business records orders.

Sec. 109. Effective date.

**TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE
REFORM**

Sec. 201. Prohibition on bulk collection.

Sec. 202. Minimization procedures.

**TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE
UNITED STATES REFORMS**

Sec. 301. Prohibition on reverse targeting.

Sec. 302. Minimization procedures.

Sec. 303. Limits on use of unlawfully obtained information.

**TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE COURT
REFORMS**

Sec. 401. Appointment of amicus curiae.

Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

Sec. 501. Prohibition on bulk collection.

TITLE VI—FISA TRANSPARENCY AND REPORTING REQUIREMENTS

Sec. 601. Additional reporting on orders requiring production of business records.

Sec. 602. Business records compliance reports to Congress.

Sec. 603. *Annual report by the Director of the Administrative Office of the United States Courts on orders entered.*

Sec. 604. *Public reporting by persons subject to FISA orders.*

Sec. 605. *Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.*

Sec. 606. *Submission of reports under FISA.*

TITLE VII—SUNSETS

Sec. 701. *Sunsets.*

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 of*
 5 *an amendment to, or a repeal of, a section or other provi-*
 6 *sion, the reference shall be considered to be made to a section*
 7 *or other provision of the Foreign Intelligence Surveillance*
 8 *Act of 1978 (50 U.S.C. 1801 et seq.).*

9 **TITLE I—FISA BUSINESS** 10 **RECORDS REFORMS**

11 **SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL**

12 **RECORDS.**

13 (a) *APPLICATION.—Section 501(b)(2) (50 U.S.C.*
 14 *1861(b)(2)) is amended—*

15 (1) *in subparagraph (A)—*

16 (A) *in the matter preceding clause (i), by*
 17 *striking “a statement” and inserting “in the case*
 18 *of an application other than an application de-*
 19 *scribed in subparagraph (C), a statement”;* and

20 (B) *in clause (iii), by striking “; and” and*
 21 *inserting a semicolon;*

1 (2) by redesignating subparagraphs (A) and (B)
2 as subparagraphs (B) and (D), respectively; and

3 (3) by inserting after subparagraph (B) (as so
4 redesignated) the following new subparagraph:

5 “(C) in the case of an application for the
6 production of call detail records created on or
7 after the date of the application, a statement of
8 facts showing that—

9 “(i) there are reasonable grounds to be-
10 lieve that the call detail records sought to be
11 produced based on the specific selection term
12 required under subparagraph (A) are rel-
13 evant to an authorized investigation (other
14 than a threat assessment) conducted in ac-
15 cordance with subsection (a)(2) to protect
16 against international terrorism; and

17 “(ii) there are facts giving rise to a
18 reasonable, articulable suspicion that such
19 specific selection term is associated with a
20 foreign power or an agent of a foreign
21 power; and”.

22 (b) ORDER.—Section 501(c)(2) (50 U.S.C. 1861(c)(2))
23 is amended—

24 (1) in subparagraph (D), by striking “; and”
25 and inserting a semicolon;

1 (2) *in subparagraph (E), by striking the period*
2 *and inserting “; and”; and*

3 (3) *by adding at the end the following new sub-*
4 *paragraph:*

5 *“(F) in the case of an application described*
6 *in subsection (b)(2)(C), shall—*

7 *“(i) authorize the production of call de-*
8 *tail records for a period not to exceed 180*
9 *days;*

10 *“(ii) provide that an order for such*
11 *production may be extended upon applica-*
12 *tion under subsection (b) and the judicial*
13 *finding under paragraph (1);*

14 *“(iii) provide that the Government*
15 *may require the production of call detail*
16 *records—*

17 *“(I) using the specific selection*
18 *term that satisfies the standard re-*
19 *quired under subsection (b)(2)(C)(ii)*
20 *as the basis for production; and*

21 *“(II) using the results of the pro-*
22 *duction under subclause (I) as the*
23 *basis for production;*

24 *“(iv) direct each person the Govern-*
25 *ment directs to produce call detail records*

1 *under the order to furnish the Government*
2 *forthwith all information, facilities, or tech-*
3 *nical assistance necessary to accomplish the*
4 *production in such a manner as will protect*
5 *the secrecy of the production and produce a*
6 *minimum of interference with the services*
7 *that such person is providing to each subject*
8 *of the production; and*

9 *“(v) direct the Government to destroy*
10 *all call detail records produced under the*
11 *order not later than 5 years after the date*
12 *of the production of such records, except for*
13 *records that are relevant to an authorized*
14 *investigation (other than a threat assess-*
15 *ment) conducted in accordance with sub-*
16 *section (a)(2) to protect against inter-*
17 *national terrorism.”.*

18 **SEC. 102. EMERGENCY AUTHORITY.**

19 *(a) AUTHORITY.—Section 501 (50 U.S.C. 1861) is*
20 *amended by adding at the end the following new subsection:*

21 *“(i) EMERGENCY AUTHORITY FOR PRODUCTION OF*
22 *TANGIBLE THINGS.—*

23 *“(1) Notwithstanding any other provision of this*
24 *section, the Attorney General may require the emer-*

1 *gency production of tangible things if the Attorney*
2 *General—*

3 “(A) *reasonably determines that an emer-*
4 *gency situation requires the production of tan-*
5 *gible things before an order authorizing such*
6 *production can with due diligence be obtained;*

7 “(B) *reasonably determines that the factual*
8 *basis for the issuance of an order under this sec-*
9 *tion to approve such production of tangible*
10 *things exists;*

11 “(C) *informs, either personally or through a*
12 *designee, a judge having jurisdiction under this*
13 *section at the time the Attorney General requires*
14 *the emergency production of tangible things that*
15 *the decision has been made to employ the author-*
16 *ity under this subsection; and*

17 “(D) *makes an application in accordance*
18 *with this section to a judge having jurisdiction*
19 *under this section as soon as practicable, but not*
20 *later than 7 days after the Attorney General re-*
21 *quires the emergency production of tangible*
22 *things under this subsection.*

23 “(2) *If the Attorney General authorizes the emer-*
24 *gency production of tangible things under paragraph*
25 *(1), the Attorney General shall require that the mini-*

1 *mization procedures required by this section for the*
2 *issuance of a judicial order be followed.*

3 *“(3) In the absence of a judicial order approving*
4 *the production of tangible things under this sub-*
5 *section, the production shall terminate when the in-*
6 *formation sought is obtained, when the application*
7 *for the order is denied, or after the expiration of 7*
8 *days from the time the Attorney General begins re-*
9 *quiring the emergency production of such tangible*
10 *things, whichever is earliest.*

11 *“(4) A denial of the application made under this*
12 *subsection may be reviewed as provided in this sec-*
13 *tion.*

14 *“(5) If such application for approval is denied,*
15 *or in any other case where the production of tangible*
16 *things is terminated and no order is issued approving*
17 *the production, no information obtained or evidence*
18 *derived from such production shall be received in evi-*
19 *dence or otherwise disclosed in any trial, hearing, or*
20 *other proceeding in or before any court, grand jury,*
21 *department, office, agency, regulatory body, legislative*
22 *committee, or other authority of the United States, a*
23 *State, or political subdivision thereof, and no infor-*
24 *mation concerning any United States person acquired*
25 *from such production shall subsequently be used or*

1 disclosed in any other manner by Federal officers or
2 employees without the consent of such person, except
3 with the approval of the Attorney General if the in-
4 formation indicates a threat of death or serious bodily
5 harm to any person.

6 “(6) The Attorney General shall assess compli-
7 ance with the requirements of paragraph (5).”.

8 (b) *CONFORMING AMENDMENT.*—Section 501(d) (50
9 U.S.C. 1861(d)) is amended—

10 (1) in paragraph (1)—

11 (A) in the matter preceding subparagraph
12 (A), by striking “pursuant to an order” and in-
13 serting “pursuant to an order issued or an emer-
14 gency production required”;

15 (B) in subparagraph (A), by striking “such
16 order” and inserting “such order or such emer-
17 gency production”; and

18 (C) in subparagraph (B), by striking “the
19 order” and inserting “the order or the emergency
20 production”; and

21 (2) in paragraph (2)—

22 (A) in subparagraph (A), by striking “an
23 order” and inserting “an order or emergency
24 production”; and

1 (B) in subparagraph (B), by striking “an
2 order” and inserting “an order or emergency
3 production”.

4 **SEC. 103. PROHIBITION ON BULK COLLECTION OF TAN-**
5 **GIBLE THINGS.**

6 (a) *APPLICATION.*—Section 501(b)(2) (50 U.S.C.
7 1861(b)(2)), as amended by section 101(a) of this Act, is
8 further amended by inserting before subparagraph (B), as
9 redesignated by such section 101(a) of this Act, the following
10 new subparagraph:

11 “(A) a specific selection term to be used as
12 the basis for the production of the tangible things
13 sought;”.

14 (b) *ORDER.*—Section 501(c) (50 U.S.C. 1861(c)) is
15 amended—

16 (1) in paragraph (2)(A), by striking the semi-
17 colon and inserting “, including each specific selec-
18 tion term to be used as the basis for the production;”;
19 and

20 (2) by adding at the end the following new para-
21 graph:

22 “(3) No order issued under this subsection may author-
23 ize the collection of tangible things without the use of a spe-
24 cific selection term that meets the requirements of subsection
25 (b)(2).”.

1 **SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCE-**
2 **DURES FOR THE PRODUCTION OF TANGIBLE**
3 **THINGS.**

4 *Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended*
5 *by inserting after “subsections (a) and (b)” the following:*
6 *“and that the minimization procedures submitted in ac-*
7 *cordance with subsection (b)(2)(D) meet the definition of*
8 *minimization procedures under subsection (g)”.*

9 **SEC. 105. LIABILITY PROTECTION.**

10 *Section 501(e) (50 U.S.C. 1861(e)) is amended to read*
11 *as follows:*

12 *“(e) No cause of action shall lie in any court against*
13 *a person who produces tangible things or provides informa-*
14 *tion, facilities, or technical assistance pursuant to an order*
15 *issued or an emergency production required under this sec-*
16 *tion. Such production shall not be deemed to constitute a*
17 *waiver of any privilege in any other proceeding or con-*
18 *text.”.*

19 **SEC. 106. COMPENSATION FOR ASSISTANCE.**

20 *Section 501 (50 U.S.C. 1861), as amended by section*
21 *102 of this Act, is further amended by adding at the end*
22 *the following new subsection:*

23 *“(j) COMPENSATION.—The Government shall com-*
24 *pensate, at the prevailing rate, a person for producing tan-*
25 *gible things or providing information, facilities, or assist-*

1 *ance in accordance with an order issued or an emergency*
2 *production required under this section.”.*

3 **SEC. 107. DEFINITIONS.**

4 *Section 501 (50 U.S.C. 1861), as amended by section*
5 *106 of this Act, is further amended by adding at the end*
6 *the following new subsection:*

7 *“(k) DEFINITIONS.—In this section:*

8 *“(1) CALL DETAIL RECORD DEFINED.—The term*
9 *‘call detail record’—*

10 *“(A) means session identifying information*
11 *(including originating or terminating telephone*
12 *number, International Mobile Subscriber Iden-*
13 *tity number, or International Mobile Station*
14 *Equipment Identity number), a telephone calling*
15 *card number, or the time or duration of a call;*
16 *and*

17 *“(B) does not include—*

18 *“(i) the contents of any communication*
19 *(as defined in section 2510(8) of title 18,*
20 *United States Code);*

21 *“(ii) the name, address, or financial*
22 *information of a subscriber or customer; or*

23 *“(iii) cell site location information.*

1 “(2) *SPECIFIC SELECTION TERM.*—*The term*
2 *‘specific selection term’ means a term used to unique-*
3 *ly describe a person, entity, or account.’.*”

4 **SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS**
5 **RECORDS ORDERS.**

6 *Section 106A of the USA PATRIOT Improvement and*
7 *Reauthorization Act of 2005 (Public Law 109–177; 120*
8 *Stat. 200) is amended—*

9 (1) *in subsection (b)—*

10 (A) *in paragraph (1), by inserting “and*
11 *calendar years 2012 through 2014” after “2006”;*

12 (B) *by striking paragraphs (2) and (3);*

13 (C) *by redesignating paragraphs (4) and*
14 *(5) as paragraphs (2) and (3), respectively; and*

15 (D) *in paragraph (3) (as so redesignated)—*

16 (i) *by striking subparagraph (C) and*
17 *inserting the following new subparagraph:*

18 “(C) *with respect to calendar years 2012*
19 *through 2014, an examination of the minimiza-*
20 *tion procedures used in relation to orders under*
21 *section 501 of the Foreign Intelligence Surveil-*
22 *lance Act of 1978 (50 U.S.C. 1861) and whether*
23 *the minimization procedures adequately protect*
24 *the constitutional rights of United States per-*
25 *sons;”;* and

1 (ii) in subparagraph (D), by striking
2 “(as such term is defined in section 3(4) of
3 the National Security Act of 1947 (50
4 U.S.C. 401a(4))”;

5 (2) in subsection (c), by adding at the end the
6 following new paragraph:

7 “(3) CALENDAR YEARS 2012 THROUGH 2014.—
8 Not later than December 31, 2015, the Inspector Gen-
9 eral of the Department of Justice shall submit to the
10 Committee on the Judiciary and the Select Committee
11 on Intelligence of the Senate and the Committee on
12 the Judiciary and the Permanent Select Committee
13 on Intelligence of the House of Representatives a re-
14 port containing the results of the audit conducted
15 under subsection (a) for calendar years 2012 through
16 2014.”;

17 (3) by redesignating subsections (d) and (e) as
18 subsections (e) and (f), respectively;

19 (4) by inserting after subsection (c) the following
20 new subsection:

21 “(d) INTELLIGENCE ASSESSMENT.—

22 “(1) IN GENERAL.—For the period beginning on
23 January 1, 2012, and ending on December 31, 2014,
24 the Inspector General of the Intelligence Community
25 shall assess—

1 “(A) *the importance of the information ac-*
2 *quired under title V of the Foreign Intelligence*
3 *Surveillance Act of 1978 (50 U.S.C. 1861 et seq.)*
4 *to the activities of the intelligence community;*

5 “(B) *the manner in which that information*
6 *was collected, retained, analyzed, and dissemi-*
7 *nated by the intelligence community;*

8 “(C) *the minimization procedures used by*
9 *elements of the intelligence community under*
10 *such title and whether the minimization proce-*
11 *dures adequately protect the constitutional rights*
12 *of United States persons; and*

13 “(D) *any minimization procedures proposed*
14 *by an element of the intelligence community*
15 *under such title that were modified or denied by*
16 *the court established under section 103(a) of such*
17 *Act (50 U.S.C. 1803(a)).*

18 “(2) *SUBMISSION DATE FOR ASSESSMENT.—Not*
19 *later than December 31, 2015, the Inspector General*
20 *of the Intelligence Community shall submit to the*
21 *Committee on the Judiciary and the Select Committee*
22 *on Intelligence of the Senate and the Committee on*
23 *the Judiciary and the Permanent Select Committee*
24 *on Intelligence of the House of Representatives a re-*

1 *port containing the results of the assessment for cal-*
2 *endar years 2012 through 2014.”;*

3 *(5) in subsection (e), as redesignated by para-*
4 *graph (3)—*

5 *(A) in paragraph (1)—*

6 *(i) by striking “a report under sub-*
7 *section (c)(1) or (c)(2)” and inserting “any*
8 *report under subsection (c) or (d)”;* and

9 *(ii) by striking “Inspector General of*
10 *the Department of Justice” and inserting*
11 *“Inspector General of the Department of*
12 *Justice, the Inspector General of the Intel-*
13 *ligence Community, and any Inspector*
14 *General of an element of the intelligence*
15 *community that prepares a report to assist*
16 *the Inspector General of the Department of*
17 *Justice or the Inspector General of the Intel-*
18 *ligence Community in complying with the*
19 *requirements of this section”;* and

20 *(B) in paragraph (2), by striking “the re-*
21 *ports submitted under subsections (c)(1) and*
22 *(c)(2)” and inserting “any report submitted*
23 *under subsection (c) or (d)”;*

24 *(6) in subsection (f), as redesignated by para-*
25 *graph (3)—*

1 (A) by striking “The reports submitted
2 under subsections (c)(1) and (c)(2)” and insert-
3 ing “Each report submitted under subsection
4 (c)”; and

5 (B) by striking “subsection (d)(2)” and in-
6 serting “subsection (e)(2)”; and

7 (7) by adding at the end the following new sub-
8 section:

9 “(g) *DEFINITIONS.*—*In this section:*

10 “(1) *INTELLIGENCE COMMUNITY.*—*The term ‘in-*
11 *telligence community’ has the meaning given that*
12 *term in section 3 of the National Security Act of 1947*
13 *(50 U.S.C. 3003).*

14 “(2) *UNITED STATES PERSON.*—*The term*
15 *‘United States person’ has the meaning given that*
16 *term in section 101 of the Foreign Intelligence Sur-*
17 *veillance Act of 1978 (50 U.S.C. 1801).”.*

18 **SEC. 109. EFFECTIVE DATE.**

19 *The amendments made by sections 101 through 103*
20 *shall take effect on the date that is 180 days after the date*
21 *of the enactment of this Act.*

1 **TITLE II—FISA PEN REGISTER**
2 **AND TRAP AND TRACE DE-**
3 **VICE REFORM**

4 **SEC. 201. PROHIBITION ON BULK COLLECTION.**

5 (a) *PROHIBITION.*—Section 402(c) (50 U.S.C. 1842(c))
6 is amended—

7 (1) in paragraph (1), by striking “; and” and
8 inserting a semicolon;

9 (2) in paragraph (2), by striking the period and
10 inserting a semicolon; and

11 (3) by adding at the end the following new para-
12 graph:

13 “(3) a specific selection term to be used as the
14 basis for selecting the telephone line or other facility
15 to which the pen register or trap and trace device is
16 to be attached or applied; and”.

17 (b) *DEFINITION.*—Section 401 (50 U.S.C. 1841) is
18 amended by adding at the end the following new paragraph:

19 “(4) The term ‘specific selection term’ has the
20 meaning given the term in section 501.”.

21 **SEC. 202. MINIMIZATION PROCEDURES.**

22 (a) *DEFINITION.*—Section 401 (50 U.S.C. 1841), as
23 amended by section 201 of this Act, is further amended by
24 adding at the end the following new paragraph:

1 “(5) The term ‘minimization procedures’
2 means—

3 “(A) specific procedures that are reasonably
4 designed in light of the purpose and technique of
5 an order for the installation and use of a pen
6 register or trap and trace device to minimize the
7 retention and prohibit the dissemination of non-
8 publicly available information concerning
9 unconsenting United States persons consistent
10 with the need of the United States to obtain,
11 produce, and disseminate foreign intelligence in-
12 formation;

13 “(B) procedures that require that nonpub-
14 licly available information, which is not foreign
15 intelligence information, as defined in section
16 101(e)(1), shall not be disseminated in a manner
17 that identifies any United States person, without
18 such person’s consent, unless such person’s iden-
19 tity is necessary to understand foreign intel-
20 ligence information or assess its importance; and

21 “(C) notwithstanding subparagraphs (A)
22 and (B), procedures that allow for the retention
23 and dissemination of information that is evi-
24 dence of a crime which has been, is being, or is

1 *about to be committed and that is to be retained*
2 *or disseminated for law enforcement purposes.”.*

3 (b) *APPLICATION.—Section 402(c) (50 U.S.C.*
4 *1842(c)), as amended by section 201 of this Act, is further*
5 *amended by adding at the end the following new paragraph:*

6 “(4) *a statement of proposed minimization pro-*
7 *cedures.”.*

8 (c) *ORDER.—Section 402(d) (50 U.S.C. 1842(d)) is*
9 *amended—*

10 (1) *in paragraph (1), by inserting “and that the*
11 *proposed minimization procedures meet the definition*
12 *of minimization procedures under this title” before*
13 *the period at the end; and*

14 (2) *in paragraph (2)(B)—*

15 (A) *in clause (ii)(II), by striking “; and”*
16 *and inserting a semicolon; and*

17 (B) *by adding at the end the following new*
18 *clause:*

19 “(iv) *the minimization procedures be fol-*
20 *lowed; and”.*

21 (d) *COMPLIANCE ASSESSMENT.—Section 402 (50*
22 *U.S.C. 1842) is amended by adding at the end the following*
23 *new subsection:*

24 “(h) *At or before the end of the period of time for which*
25 *the installation and use of a pen register or trap and trace*

1 *device is approved under an order or an extension under*
2 *this section, the judge may assess compliance with the mini-*
3 *mization procedures by reviewing the circumstances under*
4 *which information concerning United States persons was*
5 *retained or disseminated.”.*

6 **TITLE III—FISA ACQUISITIONS**
7 **TARGETING PERSONS OUT-**
8 **SIDE THE UNITED STATES RE-**
9 **FORMS**

10 **SEC. 301. PROHIBITION ON REVERSE TARGETING.**

11 *Section 702(b)(2) (50 U.S.C. 1881a(b)(2)) is amended*
12 *by striking “the purpose” and inserting “a purpose”.*

13 **SEC. 302. MINIMIZATION PROCEDURES.**

14 *Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is amend-*
15 *ed—*

16 *(1) by striking “that meet” and inserting the fol-*
17 *lowing: “that—*

18 *“(A) meet”;*

19 *(2) in subparagraph (A) (as designated by para-*
20 *graph (1) of this section), by striking the period and*
21 *inserting “; and”; and*

22 *(3) by adding at the end the following new sub-*
23 *paragraph:*

24 *“(B) consistent with such definition, mini-*
25 *mize the acquisition, and prohibit the retention*

1 *and dissemination, of any communication as to*
2 *which the sender and all intended recipients are*
3 *determined to be located in the United States*
4 *and prohibit the use of any discrete, non-target*
5 *communication that is determined to be to or*
6 *from a United States person or a person who ap-*
7 *pears to be located in the United States, except*
8 *to protect against an immediate threat to human*
9 *life.”.*

10 **SEC. 303. LIMITS ON USE OF UNLAWFULLY OBTAINED IN-**
11 **FORMATION.**

12 *Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is amended*
13 *by adding at the end the following new subparagraph:*

14 “(D) *LIMITATION ON USE OF INFORMA-*
15 *TION.—*

16 “(i) *IN GENERAL.—Except as provided*
17 *in clause (ii), no information obtained or*
18 *evidence derived from an acquisition pursu-*
19 *ant to a certification or targeting or mini-*
20 *mization procedures subject to an order*
21 *under subparagraph (B) concerning any*
22 *United States person shall be received in*
23 *evidence or otherwise disclosed in any trial,*
24 *hearing, or other proceeding in or before*
25 *any court, grand jury, department, office,*

1 agency, regulatory body, legislative com-
2 mittee, or other authority of the United
3 States, a State, or political subdivision
4 thereof, and no information concerning any
5 United States person acquired from the ac-
6 quisition shall subsequently be used or dis-
7 closed in any other manner by Federal offi-
8 cers or employees without the consent of the
9 United States person, except with the ap-
10 proval of the Attorney General if the infor-
11 mation indicates a threat of death or seri-
12 ous bodily harm to any person.

13 “(ii) *EXCEPTION.*—If the Government
14 corrects any deficiency identified by the
15 order of the Court under subparagraph (B),
16 the Court may permit the use or disclosure
17 of information acquired before the date of
18 the correction under such minimization
19 procedures as the Court shall establish for
20 purposes of this clause.”.

1 **TITLE IV—FOREIGN INTEL-**
2 **LIGENCE SURVEILLANCE**
3 **COURT REFORMS**

4 **SEC. 401. APPOINTMENT OF AMICUS CURIAE.**

5 *Section 103 (50 U.S.C. 1803) is amended by adding*
6 *at the end the following new subsection:*

7 “(i) *AMICUS CURIAE.*—

8 “(1) *AUTHORIZATION.*—*A court established*
9 *under subsection (a) or (b), consistent with the re-*
10 *quirement of subsection (c) and any other statutory*
11 *requirement that the court act expeditiously or within*
12 *a stated time—*

13 “(A) *shall appoint an individual to serve as*
14 *amicus curiae to assist such court in the consid-*
15 *eration of any application for an order or review*
16 *that, in the opinion of the court, presents a novel*
17 *or significant interpretation of the law, unless*
18 *the court issues a written finding that such ap-*
19 *pointment is not appropriate; and*

20 “(B) *may appoint an individual to serve as*
21 *amicus curiae in any other instance as such*
22 *court deems appropriate.*

23 “(2) *DESIGNATION.*—*The presiding judges of the*
24 *courts established under subsections (a) and (b) shall*
25 *jointly designate not less than 5 individuals to be eli-*

1 *gible to serve as amicus curiae. Such individuals shall*
2 *be persons who possess expertise in privacy and civil*
3 *liberties, intelligence collection, telecommunications,*
4 *or any other area of law that may lend legal or tech-*
5 *nical expertise to the courts and who have been deter-*
6 *mined by appropriate executive branch officials to be*
7 *eligible for access to classified information.*

8 *“(3) DUTIES.—An individual appointed to serve*
9 *as amicus curiae under paragraph (1) shall carry out*
10 *the duties assigned by the appointing court. Such*
11 *court may authorize the individual appointed to serve*
12 *as amicus curiae to review any application, certifi-*
13 *cation, petition, motion, or other submission that the*
14 *court determines is relevant to the duties assigned by*
15 *the court.*

16 *“(4) NOTIFICATION.—The presiding judges of the*
17 *courts established under subsections (a) and (b) shall*
18 *notify the Attorney General of each exercise of the au-*
19 *thority to appoint an individual to serve as amicus*
20 *curiae under paragraph (1).*

21 *“(5) ASSISTANCE.—A court established under*
22 *subsection (a) or (b) may request and receive (includ-*
23 *ing on a non-reimbursable basis) the assistance of the*
24 *executive branch in the implementation of this sub-*
25 *section.*

1 “(6) *ADMINISTRATION.*—A court established
2 under subsection (a) or (b) may provide for the des-
3 ignation, appointment, removal, training, or other
4 support for an individual appointed to serve as *ami-*
5 *cus curiae* under paragraph (1) in a manner that is
6 not inconsistent with this subsection.”.

7 **SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND**
8 **OPINIONS.**

9 (a) *DECLASSIFICATION.*—Title VI (50 U.S.C. 1871 *et*
10 *seq.*) is amended—

11 (1) in the heading, by striking “**REPORTING**
12 **REQUIREMENT**” and inserting “**OVER-**
13 **SIGHT**”; and

14 (2) by adding at the end the following new sec-
15 tion:

16 **“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**
17 **ORDERS, AND OPINIONS.**

18 “(a) *DECLASSIFICATION REQUIRED.*—Subject to sub-
19 section (b), the Attorney General shall conduct a declas-
20 sification review of each decision, order, or opinion issued
21 by the Foreign Intelligence Surveillance Court or the For-
22 eign Intelligence Surveillance Court of Review (as defined
23 in section 601(e)) that includes a significant construction
24 or interpretation of any provision of this Act and, con-
25 sistent with that review, make publicly available to the

1 *greatest extent practicable each such decision, order, or*
 2 *opinion.*

3 “(b) *REDACTED FORM.*—*The Attorney General may*
 4 *satisfy the requirement under subsection (a) to make a deci-*
 5 *sion, order, or opinion described in such subsection publicly*
 6 *available to the greatest extent practicable by making such*
 7 *decision, order, or opinion publicly available in redacted*
 8 *form.*

9 “(c) *NATIONAL SECURITY WAIVER.*—*The Attorney*
 10 *General may waive the requirement to declassify and make*
 11 *publicly available a particular decision, order, or opinion*
 12 *under subsection (a) if the Attorney General—*

13 “(1) *determines that a waiver of such require-*
 14 *ment is necessary to protect the national security of*
 15 *the United States or properly classified intelligence*
 16 *sources or methods; and*

17 “(2) *makes publicly available an unclassified*
 18 *summary of such decision, order, or opinion.*”.

19 “(b) *TABLE OF CONTENTS AMENDMENTS.*—*The table of*
 20 *contents in the first section is amended—*

21 (1) *by striking the item relating to title VI and*
 22 *inserting the following new item:*

“TITLE VI—OVERSIGHT”; AND

23 (2) *by inserting after the item relating to section*
 24 *601 the following new item:*

“Sec. 602. Declassification of significant decisions, orders, and opinions.”.

1 **TITLE V—NATIONAL SECURITY**
2 **LETTER REFORM**

3 **SEC. 501. PROHIBITION ON BULK COLLECTION.**

4 (a) *COUNTERINTELLIGENCE ACCESS TO TELEPHONE*
5 *TOLL AND TRANSACTIONAL RECORDS.*—Section 2709(b) of
6 *title 18, United States Code, is amended in the matter pre-*
7 *ceding paragraph (1) by striking “may” and inserting*
8 *“may, using a specific selection term as the basis for a re-*
9 *quest”.*

10 (b) *ACCESS TO FINANCIAL RECORDS FOR CERTAIN IN-*
11 *TELLIGENCE AND PROTECTIVE PURPOSES.*—Section
12 *1114(a)(2) of the Right to Financial Privacy Act of 1978*
13 *(12 U.S.C. 3414(a)(2)) is amended by striking the period*
14 *and inserting “and a specific selection term to be used as*
15 *the basis for the production and disclosure of financial*
16 *records.”.*

17 (c) *DISCLOSURES TO FBI OF CERTAIN CONSUMER*
18 *RECORDS FOR COUNTERINTELLIGENCE PURPOSES.*—Sec-
19 *tion 626(a) of the Fair Credit Reporting Act (15 U.S.C.*
20 *1681u(a)) is amended by striking “that information,” and*
21 *inserting “that information that includes a specific selec-*
22 *tion term to be used as the basis for the production of that*
23 *information,”.*

24 (d) *DISCLOSURES TO GOVERNMENTAL AGENCIES FOR*
25 *COUNTERTERRORISM PURPOSES OF CONSUMER RE-*

1 *PORTS.—Section 627(a) of the Fair Credit Reporting Act*
2 *(15 U.S.C. 1681v(a)) is amended by striking “analysis.”*
3 *and inserting “analysis and a specific selection term to be*
4 *used as the basis for the production of such information.”.*

5 *(e) DEFINITIONS.—*

6 *(1) COUNTERINTELLIGENCE ACCESS TO TELE-*
7 *PHONE TOLL AND TRANSACTIONAL RECORDS.—Sec-*
8 *tion 2709 of title 18, United States Code, is amended*
9 *by adding at the end the following new subsection:*

10 *“(g) SPECIFIC SELECTION TERM DEFINED.—In this*
11 *section, the term ‘specific selection term’ has the meaning*
12 *given the term in section 501 of the Foreign Intelligence*
13 *Surveillance Act of 1978 (50 U.S.C. 1861).”.*

14 *(2) ACCESS TO FINANCIAL RECORDS FOR CER-*
15 *TAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—*
16 *Section 1114 of the Right to Financial Privacy Act*
17 *of 1978 (12 U.S.C. 3414) is amended by adding at*
18 *the end the following new subsection:*

19 *“(e) In this section, the term ‘specific selection term’*
20 *has the meaning given the term in section 501 of the For-*
21 *eign Intelligence Surveillance Act of 1978 (50 U.S.C.*
22 *1861).”.*

23 *(3) DISCLOSURES TO FBI OF CERTAIN CONSUMER*
24 *RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—*
25 *Section 626 of the Fair Credit Reporting Act (15*

1 *U.S.C. 1681u) is amended by adding at the end the*
 2 *following new subsection:*

3 *“(n) SPECIFIC SELECTION TERM DEFINED.—In this*
 4 *section, the term ‘specific selection term’ has the meaning*
 5 *given the term in section 501 of the Foreign Intelligence*
 6 *Surveillance Act of 1978 (50 U.S.C. 1861).”.*

7 *(4) DISCLOSURES TO GOVERNMENTAL AGENCIES*
 8 *FOR COUNTERTERRORISM PURPOSES OF CONSUMER*
 9 *REPORTS.—Section 627 of the Fair Credit Reporting*
 10 *Act (15 U.S.C. 1681v) is amended by adding at the*
 11 *end the following new subsection:*

12 *“(g) SPECIFIC SELECTION TERM DEFINED.—In this*
 13 *section, the term ‘specific selection term’ has the meaning*
 14 *given the term in section 501 of the Foreign Intelligence*
 15 *Surveillance Act of 1978 (50 U.S.C. 1861).”.*

16 **TITLE VI—FISA TRANSPARENCY**
 17 **AND REPORTING REQUIRE-**
 18 **MENTS**

19 **SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING**
 20 **PRODUCTION OF BUSINESS RECORDS.**

21 *Section 502(b) (50 U.S.C. 1862(b)) is amended—*

22 *(1) by redesignating paragraphs (1), (2), and (3)*
 23 *as paragraphs (5), (6), and (7), respectively; and*

24 *(2) by inserting before paragraph (5) (as so re-*
 25 *designated) the following new paragraphs:*

1 “(1) the total number of applications described
2 in section 501(b)(2)(B) made for orders approving re-
3 quests for the production of tangible things;

4 “(2) the total number of such orders either grant-
5 ed, modified, or denied;

6 “(3) the total number of applications described
7 in section 501(b)(2)(C) made for orders approving re-
8 quests for the production of call detail records;

9 “(4) the total number of such orders either grant-
10 ed, modified, or denied;”.

11 **SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO**
12 **CONGRESS.**

13 (a) *BUSINESS RECORDS PRODUCTIONS.*—Section
14 502(b) (50 U.S.C. 1862(b)), as amended by section 601 of
15 this Act, is further amended—

16 (1) by redesignating paragraphs (1) through (7)
17 as paragraphs (2) through (8), respectively; and

18 (2) by inserting before paragraph (2) (as so re-
19 designated) the following new paragraph:

20 “(1) any compliance reviews conducted by the
21 Federal Government of the production of tangible
22 things under section 501;”.

23 (b) *FISA AUTHORITIES IN GENERAL.*—Section 601(a)
24 (50 U.S.C. 1871(a)) is amended—

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

3 (2) *in paragraph (5), by striking the period and*
4 *inserting “; and”; and*

5 (3) *by adding at the end the following new para-*
6 *graph:*

7 “(6) *any compliance reviews conducted by the*
8 *Federal Government of electronic surveillance, phys-*
9 *ical searches, the installation of pen register or trap*
10 *and trace devices, access to records, or acquisitions*
11 *conducted under this Act.”.*

12 **SEC. 603. ANNUAL REPORT BY THE DIRECTOR OF THE AD-**
13 **MINISTRATIVE OFFICE OF THE UNITED**
14 **STATES COURTS ON ORDERS ENTERED.**

15 (a) *IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.),*
16 *as amended by section 402 of this Act, is further amended*
17 *by adding at the end the following new section:*

18 **“SEC. 603. ANNUAL REPORT ON ORDERS ENTERED.**

19 *“The Director of the Administrative Office of the*
20 *United States Courts shall annually submit to the Perma-*
21 *nent Select Committee on Intelligence and the Committee*
22 *on the Judiciary of the House of Representatives and the*
23 *Select Committee on Intelligence and the Committee on the*
24 *Judiciary of the Senate and make publicly available on an*
25 *Internet website—*

1 “(1) the number of orders entered under each of
2 sections 105, 304, 402, 501, 702, 703, and 704;

3 “(2) the number of orders modified under each of
4 those sections;

5 “(3) the number of orders denied under each of
6 those sections; and

7 “(4) the number of appointments of an indi-
8 vidual to serve as *amicus curiae* under section 103,
9 including the name of each individual appointed to
10 serve as *amicus curiae*.”.

11 (b) *TABLE OF CONTENTS AMENDMENT.*—The table of
12 contents in the first section, as amended by section 402 of
13 this Act, is further amended by inserting after the item re-
14 lating to section 602, as added by such section 402, the fol-
15 lowing new item:

“Sec. 603. Annual report on orders entered.”.

16 **SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO**
17 **FISA ORDERS.**

18 (a) *IN GENERAL.*—Title VI (50 U.S.C. 1871 *et seq.*),
19 as amended by section 603 of this Act, is further amended
20 by adding at the end the following new section:

21 **“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO**
22 **ORDERS.**

23 “(a) *REPORTING.*—A person may semiannually pub-
24 licly report the following information with respect to the
25 preceding half year using one of the following structures:

1 “(1) A report that aggregates the number of or-
2 ders or directives the person was required to comply
3 with in the following separate categories:

4 “(A) Criminal process, subject to no restric-
5 tions.

6 “(B) The number of national security letters
7 received, reported in bands of 1000 starting with
8 0-999.

9 “(C) The number of customer accounts af-
10 fected by national security letters, reported in
11 bands of 1000 starting with 0-999.

12 “(D) The number of orders under this Act
13 for content, reported in bands of 1000 starting
14 with 0-999.

15 “(E) With respect to content orders under
16 this Act, in bands of 1000 starting with 0-999—

17 “(i) the number of customer accounts
18 affected under orders under title I; and

19 “(ii) the number of customer selectors
20 targeted under orders under title VII.

21 “(F) The number of orders under this Act
22 for non-content, reported in bands of 1000 start-
23 ing with 0-999.

1 “(G) *With respect to non-content orders*
2 *under this Act, in bands of 1000 starting with*
3 *0-999—*

4 “(i) *the number of customer accounts*
5 *affected under orders under—*

6 “(I) *title I;*

7 “(II) *title IV;*

8 “(III) *title V with respect to ap-*
9 *plications described in section*
10 *501(b)(2)(B); and*

11 “(IV) *title V with respect to ap-*
12 *plications described in section*
13 *501(b)(2)(C); and*

14 “(ii) *the number of customer selectors*
15 *targeted under orders under title VII.*

16 “(2) *A report that aggregates the number of or-*
17 *ders or directives the person was required to comply*
18 *with in the following separate categories:*

19 “(A) *Criminal process, subject to no restric-*
20 *tions.*

21 “(B) *The total number of all national secu-*
22 *rity process received, including all national secu-*
23 *rity letters and orders under this Act, reported*
24 *as a single number in a band of 0-249 and there-*
25 *after in bands of 250.*

1 “(C) *The total number of customer selectors*
2 *targeted under all national security process re-*
3 *ceived, including all national security letters and*
4 *orders under this Act, reported as a single num-*
5 *ber in a band of 0-249 and thereafter in bands*
6 *of 250.*

7 “(3) *A report that aggregates the number of or-*
8 *ders or directives the person was required to comply*
9 *with in the following separate categories:*

10 “(A) *Criminal process, subject to no restric-*
11 *tions.*

12 “(B) *The number of national security letters*
13 *received, reported in bands of 500 starting with*
14 *0-499.*

15 “(C) *The number of customer accounts af-*
16 *ected by national security letters, reported in*
17 *bands of 500 starting with 0-499.*

18 “(D) *The number of orders under this Act*
19 *for content, reported in bands of 500 starting*
20 *with 0-499.*

21 “(E) *The number of customer selectors tar-*
22 *geted under such orders, in bands of 500 starting*
23 *with 0-499.*

1 “(F) *The number of orders under this Act*
2 *for non-content, reported in bands of 500 start-*
3 *ing with 0-499.*

4 “(G) *The number of customer selectors tar-*
5 *geted under such orders, reported in bands of 500*
6 *starting with 0-499.*

7 “(b) *NATIONAL SECURITY LETTER DEFINED.—The*
8 *term ‘national security letter’ means any of the following*
9 *provisions:*

10 “(1) *Section 2709 of title 18, United States*
11 *Code.*

12 “(2) *Section 1114(a)(5)(A) of the Right to Fi-*
13 *nancial Privacy Act of 1978 (12 U.S.C.*
14 *3414(a)(5)(A)).*

15 “(3) *Subsection (a) or (b) of section 626 of the*
16 *Fair Credit Reporting Act (15 U.S.C. 1681u(a),*
17 *1681u(b)).*

18 “(4) *Section 627(a) of the Fair Credit Reporting*
19 *Act (15 U.S.C. 1681v(a)).”.*

20 “(b) *TABLE OF CONTENTS AMENDMENT.—The table of*
21 *contents in the first section, as amended by section 603 of*
22 *this Act, is further amended by inserting after the item re-*
23 *lating to section 603, as added by section 603 of this Act,*
24 *the following new item:*

 “Sec. 604. *Public reporting by persons subject to orders.*”.

1 **SEC. 605. REPORTING REQUIREMENTS FOR DECISIONS OF**
2 **THE FOREIGN INTELLIGENCE SURVEILLANCE**
3 **COURT.**

4 *Section 601(c)(1) (50 U.S.C. 1871(c)) is amended to*
5 *read as follows:*

6 *“(1) not later than 45 days after the date on*
7 *which the Foreign Intelligence Surveillance Court or*
8 *the Foreign Intelligence Surveillance Court of Review*
9 *issues a decision, order, or opinion that includes a*
10 *significant construction or interpretation of any pro-*
11 *vision of this Act or a denial of a request for an order*
12 *or a modification of a request for an order, or results*
13 *in a change of application of any provision of this*
14 *Act or a new application of any provision of this*
15 *Act—*

16 *“(A) a copy of such decision, order, or opin-*
17 *ion and any pleadings, applications, or memo-*
18 *randa of law associated with such decision,*
19 *order, or opinion; and*

20 *“(B) with respect to such decision, order, or*
21 *opinion, a brief statement of the relevant back-*
22 *ground factual information, questions of law,*
23 *legal analysis, and decision rendered; and”.*

24 **SEC. 606. SUBMISSION OF REPORTS UNDER FISA.**

25 *(a) ELECTRONIC SURVEILLANCE.—Section 108(a)(1)*
26 *(50 U.S.C. 1808(a)(1)) is amended by striking “the House*

1 *Permanent Select Committee on Intelligence and the Senate*
2 *Select Committee on Intelligence, and the Committee on the*
3 *Judiciary of the Senate,” and inserting “the Permanent Se-*
4 *lect Committee on Intelligence and the Committee on the*
5 *Judiciary of the House of Representatives and the Select*
6 *Committee on Intelligence and the Committee on the Judici-*
7 *ary of the Senate”.*

8 (b) *PHYSICAL SEARCHES.*—Section 306 (50 U.S.C.
9 1826) is amended—

10 (1) in the first sentence, by striking “*Permanent*
11 *Select Committee on Intelligence of the House of Rep-*
12 *resentatives and the Select Committee on Intelligence*
13 *of the Senate, and the Committee on the Judiciary of*
14 *the Senate,” and inserting “*Permanent Select Com-*
15 *mittee on Intelligence and the Committee on the Judi-*
16 *ciary of the House of Representatives and the Select*
17 *Committee on Intelligence and the Committee on the*
18 *Judiciary of the Senate”;* and*

19 (2) in the second sentence, by striking “*and the*
20 *Committee on the Judiciary of the House of Rep-*
21 *resentatives”.*

22 (c) *PEN REGISTER AND TRAP AND TRACE DEVICES.*—
23 *Section 406(b) (50 U.S.C. 1846(b)) is amended—*

24 (1) in paragraph (2), by striking “*; and*” and
25 *inserting a semicolon;*

1 (2) *in paragraph (3), by striking the period and*
2 *inserting a semicolon; and*

3 (3) *by adding at the end the following new para-*
4 *graphs:*

5 “(4) *each department or agency on behalf of*
6 *which the Government has made application for or-*
7 *ders approving the use of pen registers or trap and*
8 *trace devices under this title; and*

9 “(5) *for each department or agency described in*
10 *paragraph (4), a breakdown of the numbers required*
11 *by paragraphs (1), (2), and (3).”.*

12 (d) *ACCESS TO CERTAIN BUSINESS RECORDS AND*
13 *OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C.*
14 *1862(a)) is amended by striking “Permanent Select Com-*
15 *mittee on Intelligence of the House of Representatives and*
16 *the Select Committee on Intelligence and the Committee on*
17 *the Judiciary of the Senate” and inserting “Permanent Se-*
18 *lect Committee on Intelligence of the House of Representa-*
19 *tives, the Select Committee on Intelligence of the Senate,*
20 *and the Committees on the Judiciary of the House of Rep-*
21 *resentatives and the Senate”.*

22 **TITLE VII—SUNSETS**

23 **SEC. 701. SUNSETS.**

24 (a) *USA PATRIOT IMPROVEMENT AND REAUTHOR-*
25 *IZATION ACT OF 2005.—Section 102(b)(1) of the USA PA-*

1 *TRIOIOT Improvement and Reauthorization Act of 2005 (50*
 2 *U.S.C. 1805 note) is amended by striking “June 1, 2015”*
 3 *and inserting “December 31, 2017”.*

4 (b) *INTELLIGENCE REFORM AND TERRORISM PREVEN-*
 5 *TION ACT OF 2004.—Section 6001(b)(1) of the Intelligence*
 6 *Reform and Terrorism Prevention Act of 2004 (50 U.S.C.*
 7 *1801 note) is amended by striking “June 1, 2015” and in-*
 8 *serting “December 31, 2017”.*

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

10 (a) **SHORT TITLE.—This Act may be cited as**
 11 **the “USA FREEDOM Act”.**

12 (b) **TABLE OF CONTENTS.—The table of con-**
 13 **tents for 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 REFORMS

Sec. 101. Additional requirements for call detail records.

Sec. 102. Emergency authority.

Sec. 103. Prohibition on bulk collection of tangible things.

Sec. 104. Judicial review of minimization procedures for the production of tangible things.

Sec. 105. Liability protection.

Sec. 106. Compensation for assistance.

Sec. 107. Definitions.

Sec. 108. Inspector general reports on business records orders.

Sec. 109. Effective date.

TITLE II—FISA PEN REGISTER AND TRAP AND TRACE DEVICE REFORM

Sec. 201. Prohibition on bulk collection.

Sec. 202. Minimization procedures.

TITLE III—FISA ACQUISITIONS TARGETING PERSONS OUTSIDE THE UNITED STATES REFORMS

Sec. 301. Prohibition on reverse targeting.

Sec. 302. Minimization procedures.

Sec. 303. Limits on use of unlawfully obtained information.

**TITLE IV—FOREIGN INTELLIGENCE SURVEILLANCE
COURT REFORMS**

Sec. 401. Appointment of amicus curiae.

Sec. 402. Declassification of decisions, orders, and opinions.

TITLE V—NATIONAL SECURITY LETTER REFORM

Sec. 501. Prohibition on bulk collection.

**TITLE VI—FISA TRANSPARENCY AND REPORTING
REQUIREMENTS**

**Sec. 601. Additional reporting on orders requiring production
of business records.**

Sec. 602. Business records compliance reports to Congress.

**Sec. 603. Annual report by the Director of the Administrative
Office of the United States Courts on orders en-
tered.**

Sec. 604. Public reporting by persons subject to FISA orders.

**Sec. 605. Reporting requirements for decisions of the Foreign
Intelligence Surveillance Court.**

Sec. 606. Submission of reports under FISA.

TITLE VII—SUNSETS

Sec. 701. Sunsets.

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

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

1 **TITLE I—FISA BUSINESS**
2 **RECORDS REFORMS**

3 **SEC. 101. ADDITIONAL REQUIREMENTS FOR CALL DETAIL**
4 **RECORDS.**

5 **(a) APPLICATION.—Section 501(b)(2) (50**
6 **U.S.C. 1861(b)(2)) is amended—**

7 **(1) in subparagraph (A)—**

8 **(A) in the matter preceding clause**
9 **(i), by striking “a statement” and in-**
10 **serting “in the case of an application**
11 **other than an application described**
12 **in subparagraph (C), a statement”;**
13 **and**

14 **(B) in clause (iii), by striking “;**
15 **and” and inserting a semicolon;**

16 **(2) by redesignating subparagraphs**
17 **(A) and (B) as subparagraphs (B) and (D),**
18 **respectively; and**

19 **(3) by inserting after subparagraph**
20 **(B) (as so redesignated) the following**
21 **new subparagraph:**

22 **“(C) in the case of an application**
23 **for the production of call detail**
24 **records created on or after the date**

1 of the application, a statement of
2 facts showing that—

3 “(i) there are reasonable
4 grounds to believe that the call
5 detail records sought to be pro-
6 duced based on the specific selec-
7 tion term required under sub-
8 paragraph (A) are relevant to an
9 authorized investigation (other
10 than a threat assessment) con-
11 ducted in accordance with sub-
12 section (a)(2) to protect against
13 international terrorism; and

14 “(ii) there are facts giving rise
15 to a reasonable, articulable sus-
16 picion that such specific selection
17 term is associated with a foreign
18 power or an agent of a foreign
19 power; and”.

20 (b) ORDER.—Section 501(c)(2) (50 U.S.C.
21 1861(c)(2)) is amended—

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

24 (2) in subparagraph (E), by striking
25 the period and inserting “; and”; and

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

3 **“(F) in the case of an application**
4 **described in subsection (b)(2)(C),**
5 **shall—**

6 **“(i) authorize the production**
7 **of call detail records for a period**
8 **not to exceed 180 days;**

9 **“(ii) provide that an order for**
10 **such production may be extended**
11 **upon application under sub-**
12 **section (b) and the judicial find-**
13 **ing under paragraph (1);**

14 **“(iii) provide that the Govern-**
15 **ment may require the production**
16 **of call detail records—**

17 **“(I) using the specific se-**
18 **lection term that satisfies the**
19 **standard required under sub-**
20 **section (b)(2)(C)(ii) as the**
21 **basis for production; and**

22 **“(II) using the results of**
23 **the production under sub-**
24 **clause (I) as the basis for pro-**
25 **duction;**

1 “(iv) direct each person the
2 Government directs to produce
3 call detail records under the
4 order to furnish the Government
5 forthwith all information, facili-
6 ties, or technical assistance nec-
7 essary to accomplish the produc-
8 tion in such a manner as will pro-
9 tect the secrecy of the production
10 and produce a minimum of inter-
11 ference with the services that
12 such person is providing to each
13 subject of the production; and

14 “(v) direct the Government to
15 destroy all call detail records pro-
16 duced under the order not later
17 than 5 years after the date of the
18 production of such records, ex-
19 cept for records that are relevant
20 to an authorized investigation
21 (other than a threat assessment)
22 conducted in accordance with
23 subsection (a)(2) to protect
24 against international terrorism.”.

1 **SEC. 102. EMERGENCY AUTHORITY.**

2 **(a) AUTHORITY.—Section 501 (50 U.S.C.**
3 **1861) is amended by adding at the end the fol-**
4 **lowing new subsection:**

5 **“(i) EMERGENCY AUTHORITY FOR PRODUC-**
6 **TION OF TANGIBLE THINGS.—**

7 **“(1) Notwithstanding any other provi-**
8 **sion of this section, the Attorney General**
9 **may require the emergency production of**
10 **tangible things if the Attorney General—**

11 **“(A) reasonably determines that**
12 **an emergency situation requires the**
13 **production of tangible things before**
14 **an order authorizing such production**
15 **can with due diligence be obtained;**

16 **“(B) reasonably determines that**
17 **the factual basis for the issuance of**
18 **an order under this section to ap-**
19 **prove such production of tangible**
20 **things exists;**

21 **“(C) informs, either personally or**
22 **through a designee, a judge having**
23 **jurisdiction under this section at the**
24 **time the Attorney General requires**
25 **the emergency production of tangible**
26 **things that the decision has been**

1 **made to employ the authority under**
2 **this subsection; and**

3 **“(D) makes an application in ac-**
4 **cordance with this section to a judge**
5 **having jurisdiction under this section**
6 **as soon as practicable, but not later**
7 **than 7 days after the Attorney Gen-**
8 **eral requires the emergency produc-**
9 **tion of tangible things under this sub-**
10 **section.**

11 **“(2) If the Attorney General author-**
12 **izes the emergency production of tan-**
13 **gible things under paragraph (1), the At-**
14 **torney General shall require that the**
15 **minimization procedures required by this**
16 **section for the issuance of a judicial**
17 **order be followed.**

18 **“(3) In the absence of a judicial order**
19 **approving the production of tangible**
20 **things under this subsection, the produc-**
21 **tion shall terminate when the informa-**
22 **tion sought is obtained, when the appli-**
23 **cation for the order is denied, or after**
24 **the expiration of 7 days from the time the**
25 **Attorney General begins requiring the**

1 **emergency production of such tangible**
2 **things, whichever is earliest.**

3 **“(4) A denial of the application made**
4 **under this subsection may be reviewed as**
5 **provided in this section.**

6 **“(5) If such application for approval**
7 **is denied, or in any other case where the**
8 **production of tangible things is termi-**
9 **nated and no order is issued approving**
10 **the production, no information obtained**
11 **or evidence derived from such produc-**
12 **tion shall be received in evidence or oth-**
13 **erwise disclosed in any trial, hearing, or**
14 **other proceeding in or before any court,**
15 **grand jury, department, office, agency,**
16 **regulatory body, legislative committee, or**
17 **other authority of the United States, a**
18 **State, or political subdivision thereof,**
19 **and no information concerning any**
20 **United States person acquired from such**
21 **production shall subsequently be used or**
22 **disclosed in any other manner by Federal**
23 **officers or employees without the consent**
24 **of such person, except with the approval**
25 **of the Attorney General if the informa-**

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

3 **“(6) The Attorney General shall assess**
4 **compliance with the requirements of**
5 **paragraph (5).”.**

6 **(b) CONFORMING AMENDMENT.—Section**
7 **501(d) (50 U.S.C. 1861(d)) is amended—**

8 **(1) in paragraph (1)—**

9 **(A) in the matter preceding sub-**
10 **paragraph (A), by striking “pursuant**
11 **to an order” and inserting “pursuant**
12 **to an order issued or an emergency**
13 **production required”;**

14 **(B) in subparagraph (A), by strik-**
15 **ing “such order” and inserting “such**
16 **order or such emergency production”;**
17 **and**

18 **(C) in subparagraph (B), by strik-**
19 **ing “the order” and inserting “the**
20 **order or the emergency production”;**
21 **and**

22 **(2) in paragraph (2)—**

23 **(A) in subparagraph (A), by strik-**
24 **ing “an order” and inserting “an**
25 **order or emergency production”; and**

1 **(B) in subparagraph (B), by strik-**
2 **ing “an order” and inserting “an**
3 **order or emergency production”.**

4 **SEC. 103. PROHIBITION ON BULK COLLECTION OF TAN-**
5 **GIBLE THINGS.**

6 **(a) APPLICATION.—Section 501(b)(2) (50**
7 **U.S.C. 1861(b)(2)), as amended by section**
8 **101(a) of this Act, is further amended by in-**
9 **serting before subparagraph (B), as redesign-**
10 **ated by such section 101(a) of this Act, the**
11 **following new subparagraph:**

12 **“(A) a specific selection term to be**
13 **used as the basis for the production**
14 **of the tangible things sought;”.**

15 **(b) ORDER.—Section 501(c) (50 U.S.C.**
16 **1861(c)) is amended—**

17 **(1) in paragraph (2)(A), by striking**
18 **the semicolon and inserting “, including**
19 **each specific selection term to be used as**
20 **the basis for the production;”; and**

21 **(2) by adding at the end the following**
22 **new paragraph:**

23 **“(3) No order issued under this subsection**
24 **may authorize the collection of tangible**
25 **things without the use of a specific selection**

1 **term that meets the requirements of sub-**
2 **section (b)(2).”.**

3 **SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCE-**
4 **DURES FOR THE PRODUCTION OF TANGIBLE**
5 **THINGS.**

6 **Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is**
7 **amended by inserting after “subsections (a)**
8 **and (b)” the following: “and that the mini-**
9 **mization procedures submitted in accordance**
10 **with subsection (b)(2)(D) meet the definition**
11 **of minimization procedures under subsection**
12 **(g)”.**

13 **SEC. 105. LIABILITY PROTECTION.**

14 **Section 501(e) (50 U.S.C. 1861(e)) is amend-**
15 **ed to read as follows:**

16 **“(e) No cause of action shall lie in any**
17 **court against a person who produces tangible**
18 **things or provides information, facilities, or**
19 **technical assistance pursuant to an order**
20 **issued or an emergency production required**
21 **under this section. Such production shall not**
22 **be deemed to constitute a waiver of any privi-**
23 **lege in any other proceeding or context.”.**

1 **SEC. 106. COMPENSATION FOR ASSISTANCE.**

2 **Section 501 (50 U.S.C. 1861), as amended**
3 **by section 102 of this Act, is further amended**
4 **by adding at the end the following new sub-**
5 **section:**

6 **“(j) COMPENSATION.—The Government**
7 **shall compensate, at the prevailing rate, a**
8 **person for producing tangible things or pro-**
9 **viding information, facilities, or assistance in**
10 **accordance with an order issued or an emer-**
11 **gency production required under this sec-**
12 **tion.”.**

13 **SEC. 107. DEFINITIONS.**

14 **Section 501 (50 U.S.C. 1861), as amended**
15 **by section 106 of this Act, is further amended**
16 **by adding at the end the following new sub-**
17 **section:**

18 **“(k) DEFINITIONS.—In this section:**

19 **“(1) CALL DETAIL RECORD DEFINED.—**

20 **The term ‘call detail record’—**

21 **“(A) means session identifying in-**
22 **formation (including originating or**
23 **terminating telephone number, Inter-**
24 **national Mobile Subscriber Identity**
25 **number, or International Mobile Sta-**
26 **tion Equipment Identity number), a**

1 **telephone calling card number, or the**
2 **time or duration of a call; and**

3 **“(B) does not include—**

4 **“(i) the contents of any com-**
5 **munication (as defined in section**
6 **2510(8) of title 18, United States**
7 **Code);**

8 **“(ii) the name, address, or fi-**
9 **nancial information of a sub-**
10 **scriber or customer; or**

11 **“(iii) cell site location infor-**
12 **mation.**

13 **“(2) SPECIFIC SELECTION TERM.—The**
14 **term ‘specific selection term’ means a**
15 **term used to uniquely describe a person,**
16 **entity, or account.”.**

17 **SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS**
18 **RECORDS ORDERS.**

19 **Section 106A of the USA PATRIOT Im-**
20 **provement and Reauthorization Act of 2005**
21 **(Public Law 109–177; 120 Stat. 200) is amend-**
22 **ed—**

23 **(1) in subsection (b)—**

1 **(A) in paragraph (1), by inserting**
2 **“and calendar years 2012 through**
3 **2014” after “2006”;**

4 **(B) by striking paragraphs (2) and**
5 **(3);**

6 **(C) by redesignating paragraphs**
7 **(4) and (5) as paragraphs (2) and (3),**
8 **respectively; and**

9 **(D) in paragraph (3) (as so reded-**
10 **ignated)—**

11 **(i) by striking subparagraph**
12 **(C) and inserting the following**
13 **new subparagraph:**

14 **“(C) with respect to calendar**
15 **years 2012 through 2014, an examina-**
16 **tion of the minimization procedures**
17 **used in relation to orders under sec-**
18 **tion 501 of the Foreign Intelligence**
19 **Surveillance Act of 1978 (50 U.S.C.**
20 **1861) and whether the minimization**
21 **procedures adequately protect the**
22 **constitutional rights of United States**
23 **persons;”;** and

24 **(ii) in subparagraph (D), by**
25 **striking “(as such term is defined**

1 in section 3(4) of the National Se-
2 curity Act of 1947 (50 U.S.C.
3 401a(4))”;

4 (2) in subsection (c), by adding at the
5 end the following new paragraph:

6 “(3) CALENDAR YEARS 2012 THROUGH
7 2014.—Not later than December 31, 2015,
8 the Inspector General of the Department
9 of Justice shall submit to the Committee
10 on the Judiciary and the Select Com-
11 mittee on Intelligence of the Senate and
12 the Committee on the Judiciary and the
13 Permanent Select Committee on Intel-
14 ligence of the House of Representatives a
15 report containing the results of the audit
16 conducted under subsection (a) for cal-
17 endar years 2012 through 2014.”;

18 (3) by redesignating subsections (d)
19 and (e) as subsections (e) and (f), respec-
20 tively;

21 (4) by inserting after subsection (c)
22 the following new subsection:

23 “(d) INTELLIGENCE ASSESSMENT.—

24 “(1) IN GENERAL.—For the period be-
25 ginning on January 1, 2012, and ending

1 **on December 31, 2014, the Inspector Gen-**
2 **eral of the Intelligence Community shall**
3 **assess—**

4 **“(A) the importance of the infor-**
5 **mation acquired under title V of the**
6 **Foreign Intelligence Surveillance Act**
7 **of 1978 (50 U.S.C. 1861 et seq.) to the**
8 **activities of the intelligence commu-**
9 **nity;**

10 **“(B) the manner in which that in-**
11 **formation was collected, retained,**
12 **analyzed, and disseminated by the in-**
13 **telligence community;**

14 **“(C) the minimization procedures**
15 **used by elements of the intelligence**
16 **community under such title and**
17 **whether the minimization procedures**
18 **adequately protect the constitutional**
19 **rights of United States persons; and**

20 **“(D) any minimization procedures**
21 **proposed by an element of the intel-**
22 **ligence community under such title**
23 **that were modified or denied by the**
24 **court established under section 103(a)**
25 **of such Act (50 U.S.C. 1803(a)).**

1 **“(2) SUBMISSION DATE FOR ASSESS-**
2 **MENT.—Not later than December 31, 2015,**
3 **the Inspector General of the Intelligence**
4 **Community shall submit to the Com-**
5 **mittee on the Judiciary and the Select**
6 **Committee on Intelligence of the Senate**
7 **and the Committee on the Judiciary and**
8 **the Permanent Select Committee on In-**
9 **telligence of the House of Representa-**
10 **tives a report containing the results of**
11 **the assessment for calendar years 2012**
12 **through 2014.”;**

13 **(5) in subsection (e), as redesignated**
14 **by paragraph (3)—**

15 **(A) in paragraph (1)—**

16 **(i) by striking “a report under**
17 **subsection (c)(1) or (c)(2)” and in-**
18 **serting “any report under sub-**
19 **section (c) or (d)”;** and

20 **(ii) by striking “Inspector**
21 **General of the Department of Jus-**
22 **tice” and inserting “Inspector**
23 **General of the Department of Jus-**
24 **tice, the Inspector General of the**
25 **Intelligence Community, and any**

1 **Inspector General of an element**
2 **of the intelligence community**
3 **that prepares a report to assist**
4 **the Inspector General of the De-**
5 **partment of Justice or the Inspec-**
6 **tor General of the Intelligence**
7 **Community in complying with the**
8 **requirements of this section”; and**
9 **(B) in paragraph (2), by striking**
10 **“the reports submitted under sub-**
11 **sections (c)(1) and (c)(2)” and insert-**
12 **ing “any report submitted under sub-**
13 **section (c) or (d)”;**
14 **(6) in subsection (f), as redesignated**
15 **by paragraph (3)—**
16 **(A) by striking “The reports sub-**
17 **mitted under subsections (c)(1) and**
18 **(c)(2)” and inserting “Each report**
19 **submitted under subsection (c)”;** and
20 **(B) by striking “subsection (d)(2)”**
21 **and inserting “subsection (e)(2)”;** and
22 **(7) by adding at the end the following**
23 **new subsection:**
24 **“(g) DEFINITIONS.—In this section:**

1 “(1) INTELLIGENCE COMMUNITY.—The
2 term ‘intelligence community’ has the
3 meaning given that term in section 3 of
4 the National Security Act of 1947 (50
5 U.S.C. 3003).

6 “(2) UNITED STATES PERSON.—The term
7 ‘United States person’ has the meaning
8 given that term in section 101 of the For-
9 eign Intelligence Surveillance Act of 1978
10 (50 U.S.C. 1801).”.

11 SEC. 109. EFFECTIVE DATE.

12 The amendments made by sections 101
13 through 103 shall take effect on the date that
14 is 180 days after the date of the enactment of
15 this Act.

16 **TITLE II—FISA PEN REGISTER**
17 **AND TRAP AND TRACE DE-**
18 **VICE REFORM**

19 SEC. 201. PROHIBITION ON BULK COLLECTION.

20 (a) PROHIBITION.—Section 402(c) (50 U.S.C.
21 1842(c)) is amended—

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

24 (2) in paragraph (2), by striking the
25 period and inserting a semicolon; and

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

3 **“(3) a specific selection term to be**
4 **used as the basis for selecting the tele-**
5 **phone line or other facility to which the**
6 **pen register or trap and trace device is to**
7 **be attached or applied; and”.**

8 **(b) DEFINITION.—Section 401 (50 U.S.C.**
9 **1841) is amended by adding at the end the fol-**
10 **lowing new paragraph:**

11 **“(4) The term ‘specific selection term’**
12 **has the meaning given the term in sec-**
13 **tion 501.”.**

14 **SEC. 202. MINIMIZATION PROCEDURES.**

15 **(a) DEFINITION.—Section 401 (50 U.S.C.**
16 **1841), as amended by section 201 of this Act,**
17 **is further amended by adding at the end the**
18 **following new paragraph:**

19 **“(5) The term ‘minimization proce-**
20 **dures’ means—**

21 **“(A) specific procedures that are**
22 **reasonably designed in light of the**
23 **purpose and technique of an order**
24 **for the installation and use of a pen**
25 **register or trap and trace device to**

1 minimize the retention and prohibit
2 the dissemination of nonpublicly
3 available information concerning
4 unconsenting United States persons
5 consistent with the need of the
6 United States to obtain, produce, and
7 disseminate foreign intelligence in-
8 formation;

9 “(B) procedures that require that
10 nonpublicly available information,
11 which is not foreign intelligence in-
12 formation, as defined in section
13 101(e)(1), shall not be disseminated in
14 a manner that identifies any United
15 States person, without such person’s
16 consent, unless such person’s identity
17 is necessary to understand foreign in-
18 telligence information or assess its
19 importance; and

20 “(C) notwithstanding subpara-
21 graphs (A) and (B), procedures that
22 allow for the retention and dissemi-
23 nation of information that is evidence
24 of a crime which has been, is being,
25 or is about to be committed and that

1 is to be retained or disseminated for
2 law enforcement purposes.”.

3 **(b) APPLICATION.**—Section 402(c) (50 U.S.C.
4 1842(c)), as amended by section 201 of this
5 Act, is further amended by adding at the end
6 the following new paragraph:

7 “(4) a statement of proposed mini-
8 mization procedures.”.

9 **(c) ORDER.**—Section 402(d) (50 U.S.C.
10 1842(d)) is amended—

11 (1) in paragraph (1), by inserting “and
12 that the proposed minimization proce-
13 dures meet the definition of minimization
14 procedures under this title” before the
15 period at the end; and

16 (2) in paragraph (2)(B)—

17 (A) in clause (ii)(II), by striking “;
18 and” and inserting a semicolon; and

19 (B) by adding at the end the fol-
20 lowing new clause:

21 “(iv) the minimization procedures
22 be followed; and”.

23 **(d) COMPLIANCE ASSESSMENT.**—Section 402
24 (50 U.S.C. 1842) is amended by adding at the
25 end the following new subsection:

1 “(h) At or before the end of the period of
2 time for which the installation and use of a
3 pen register or trap and trace device is ap-
4 proved under an order or an extension under
5 this section, the judge may assess compliance
6 with the minimization procedures by review-
7 ing the circumstances under which informa-
8 tion concerning United States persons was re-
9 tained or disseminated.”.

10 **TITLE III—FISA ACQUISITIONS**
11 **TARGETING PERSONS OUT-**
12 **SIDE THE UNITED STATES RE-**
13 **FORMS**

14 **SEC. 301. PROHIBITION ON REVERSE TARGETING.**

15 Section 702(b)(2) (50 U.S.C. 1881a(b)(2)) is
16 amended by striking “the purpose” and in-
17 serting “a purpose”.

18 **SEC. 302. MINIMIZATION PROCEDURES.**

19 Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is
20 amended—

21 (1) by striking “that meet” and insert-
22 ing the following: “that—

23 “(A) meet”;

24 (2) in subparagraph (A) (as des-
25 igned by paragraph (1) of this section),

1 by striking the period and inserting “;
2 and”; and

3 (3) by adding at the end the following
4 new subparagraph:

5 “(B) consistent with such defini-
6 tion, minimize the acquisition, and
7 prohibit the retention and dissemina-
8 tion, of any communication as to
9 which the sender and all intended re-
10 cipients are determined to be located
11 in the United States and prohibit the
12 use of any discrete, non-target com-
13 munication that is determined to be
14 to or from a United States person or
15 a person who appears to be located in
16 the United States, except to protect
17 against an immediate threat to
18 human life.”.

19 SEC. 303. LIMITS ON USE OF UNLAWFULLY OBTAINED IN-
20 FORMATION.

21 Section 702(i)(3) (50 U.S.C. 1881a(i)(3)) is
22 amended by adding at the end the following
23 new subparagraph:

24 “(D) LIMITATION ON USE OF INFOR-
25 MATION.—

1 “(i) **IN GENERAL.—Except as**
2 **provided in clause (ii), no infor-**
3 **mation obtained or evidence de-**
4 **rived from an acquisition pursu-**
5 **ant to a certification or targeting**
6 **or minimization procedures sub-**
7 **ject to an order under subpara-**
8 **graph (B) concerning any United**
9 **States person shall be received in**
10 **evidence or otherwise disclosed**
11 **in any trial, hearing, or other pro-**
12 **ceeding in or before any court,**
13 **grand jury, department, office,**
14 **agency, regulatory body, legisla-**
15 **tive committee, or other authority**
16 **of the United States, a State, or**
17 **political subdivision thereof, and**
18 **no information concerning any**
19 **United States person acquired**
20 **from the acquisition shall subse-**
21 **quently be used or disclosed in**
22 **any other manner by Federal offi-**
23 **cers or employees without the**
24 **consent of the United States per-**
25 **son, except with the approval of**

1 the Attorney General if the infor-
2 mation indicates a threat of death
3 or serious bodily harm to any per-
4 son.

5 “(ii) EXCEPTION.—If the Gov-
6 ernment corrects any deficiency
7 identified by the order of the
8 Court under subparagraph (B),
9 the Court may permit the use or
10 disclosure of information ac-
11 quired before the date of the cor-
12 rection under such minimization
13 procedures as the Court shall es-
14 tablish for purposes of this
15 clause.”.

16 **TITLE IV—FOREIGN INTEL-**
17 **LIGENCE SURVEILLANCE**
18 **COURT REFORMS**

19 **SEC. 401. APPOINTMENT OF AMICUS CURIAE.**

20 Section 103 (50 U.S.C. 1803) is amended by
21 adding at the end the following new sub-
22 section:

23 “(i) AMICUS CURIAE.—

24 “(1) AUTHORIZATION.—A court estab-
25 lished under subsection (a) or (b), con-

1 sistent with the requirement of sub-
2 section (c) and any other statutory re-
3 quirement that the court act expedi-
4 tiously or within a stated time—

5 “(A) shall appoint an individual to
6 serve as amicus curiae to assist such
7 court in the consideration of any ap-
8 plication for an order or review that,
9 in the opinion of the court, presents a
10 novel or significant interpretation of
11 the law, unless the court issues a
12 written finding that such appoint-
13 ment is not appropriate; and

14 “(B) may appoint an individual to
15 serve as amicus curiae in any other
16 instance as such court deems appro-
17 priate.

18 “(2) DESIGNATION.—The presiding
19 judges of the courts established under
20 subsections (a) and (b) shall jointly des-
21 ignate not less than 5 individuals to be el-
22 igible to serve as amicus curiae. Such in-
23 dividuals shall be persons who possess
24 expertise in privacy and civil liberties,
25 intelligence collection, telecommuni-

1 cations, or any other area of law that
2 may lend legal or technical expertise to
3 the courts and who have been deter-
4 mined by appropriate executive branch
5 officials to be eligible for access to classi-
6 fied information.

7 “(3) DUTIES.—An individual appointed
8 to serve as amicus curiae under para-
9 graph (1) shall carry out the duties as-
10 signed by the appointing court. Such
11 court may authorize the individual ap-
12 pointed to serve as amicus curiae to re-
13 view any application, certification, peti-
14 tion, motion, or other submission that the
15 court determines is relevant to the duties
16 assigned by the court.

17 “(4) NOTIFICATION.—The presiding
18 judges of the courts established under
19 subsections (a) and (b) shall notify the At-
20 torney General of each exercise of the au-
21 thority to appoint an individual to serve
22 as amicus curiae under paragraph (1).

23 “(5) ASSISTANCE.—A court established
24 under subsection (a) or (b) may request
25 and receive (including on a non-reim-

1 **bursable basis) the assistance of the execu-**
2 **utive branch in the implementation of**
3 **this subsection.**

4 **“(6) ADMINISTRATION.—A court estab-**
5 **lished under subsection (a) or (b) may**
6 **provide for the designation, appointment,**
7 **removal, training, or other support for an**
8 **individual appointed to serve as amicus**
9 **curiae under paragraph (1) in a manner**
10 **that is not inconsistent with this sub-**
11 **section.”.**

12 **SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND**
13 **OPINIONS.**

14 **(a) DECLASSIFICATION.—Title VI (50 U.S.C.**
15 **1871 et seq.) is amended—**

16 **(1) in the heading, by striking “RE-**
17 **PORTING REQUIREMENT” and inserting**
18 **“OVERSIGHT”; and**

19 **(2) by adding at the end the following**
20 **new section:**

21 **“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**
22 **ORDERS, AND OPINIONS.**

23 **“(a) DECLASSIFICATION REQUIRED.—Subject**
24 **to subsection (b), the Attorney General shall**
25 **conduct a declassification review of each de-**

1 cision, order, or opinion issued by the Foreign
2 Intelligence Surveillance Court or the For-
3 eign Intelligence Surveillance Court of Re-
4 view (as defined in section 601(e)) that in-
5 cludes a significant construction or interpre-
6 tation of any provision of this Act and, con-
7 sistent with that review, make publicly avail-
8 able to the greatest extent practicable each
9 such decision, order, or opinion.

10 “(b) REDACTED FORM.—The Attorney Gen-
11 eral may satisfy the requirement under sub-
12 section (a) to make a decision, order, or opin-
13 ion described in such subsection publicly
14 available to the greatest extent practicable by
15 making such decision, order, or opinion pub-
16 licly available in redacted form.

17 “(c) NATIONAL SECURITY WAIVER.—The At-
18 torney General may waive the requirement to
19 declassify and make publicly available a par-
20 ticular decision, order, or opinion under sub-
21 section (a) if the Attorney General—

22 “(1) determines that a waiver of such
23 requirement is necessary to protect the
24 national security of the United States or

1 properly classified intelligence sources or
2 methods; and

3 “(2) makes publicly available an un-
4 classified summary of such decision,
5 order, or opinion.”.

6 (b) TABLE OF CONTENTS AMENDMENTS.—The
7 table of contents in the first section is amend-
8 ed—

9 (1) by striking the item relating to
10 title VI and inserting the following new
11 item:

“TITLE VI—OVERSIGHT”; AND

12 (2) by inserting after the item relat-
13 ing to section 601 the following new item:
“Sec. 602. Declassification of significant decisions, orders, and
opinions.”.

14 TITLE V—NATIONAL SECURITY 15 LETTER REFORM

16 SEC. 501. PROHIBITION ON BULK COLLECTION.

17 (a) COUNTERINTELLIGENCE ACCESS TO TELE-
18 PHONE TOLL AND TRANSACTIONAL RECORDS.—
19 Section 2709(b) of title 18, United States Code,
20 is amended in the matter preceding para-
21 graph (1) by striking “may” and inserting
22 “may, using a specific selection term as the
23 basis for a request”.

1 **(b) ACCESS TO FINANCIAL RECORDS FOR CER-**
2 **TAIN INTELLIGENCE AND PROTECTIVE PUR-**
3 **POSES.—Section 1114(a)(2) of the Right to Fi-**
4 **ancial Privacy Act of 1978 (12 U.S.C.**
5 **3414(a)(2)) is amended by striking the period**
6 **and inserting “and a specific selection term to**
7 **be used as the basis for the production and**
8 **disclosure of financial records.”.**

9 **(c) DISCLOSURES TO FBI OF CERTAIN CON-**
10 **SUMER RECORDS FOR COUNTERINTELLIGENCE**
11 **PURPOSES.—Section 626(a) of the Fair Credit**
12 **Reporting Act (15 U.S.C. 1681u(a)) is amended**
13 **by striking “that information,” and inserting**
14 **“that information that includes a specific se-**
15 **lection term to be used as the basis for the**
16 **production of that information,”.**

17 **(d) DISCLOSURES TO GOVERNMENTAL AGEN-**
18 **CIES FOR COUNTERTERRORISM PURPOSES OF**
19 **CONSUMER REPORTS.—Section 627(a) of the**
20 **Fair Credit Reporting Act (15 U.S.C. 1681v(a))**
21 **is amended by striking “analysis.” and insert-**
22 **ing “analysis and a specific selection term to**
23 **be used as the basis for the production of such**
24 **information.”.**

25 **(e) DEFINITIONS.—**

1 **(1) COUNTERINTELLIGENCE ACCESS TO**
2 **TELEPHONE TOLL AND TRANSACTIONAL**
3 **RECORDS.—Section 2709 of title 18, United**
4 **States Code, is amended by adding at the**
5 **end the following new subsection:**

6 **“(g) SPECIFIC SELECTION TERM DEFINED.—**
7 **In this section, the term ‘specific selection**
8 **term’ has the meaning given the term in sec-**
9 **tion 501 of the Foreign Intelligence Surveil-**
10 **lance Act of 1978 (50 U.S.C. 1861).”.**

11 **(2) ACCESS TO FINANCIAL RECORDS FOR**
12 **CERTAIN INTELLIGENCE AND PROTECTIVE**
13 **PURPOSES.—Section 1114 of the Right to**
14 **Financial Privacy Act of 1978 (12 U.S.C.**
15 **3414) is amended by adding at the end**
16 **the following new subsection:**

17 **“(e) In this section, the term ‘specific se-**
18 **lection term’ has the meaning given the term**
19 **in section 501 of the Foreign Intelligence Sur-**
20 **veillance Act of 1978 (50 U.S.C. 1861).”.**

21 **(3) DISCLOSURES TO FBI OF CERTAIN**
22 **CONSUMER RECORDS FOR COUNTERINTEL-**
23 **LIGENCE PURPOSES.—Section 626 of the**
24 **Fair Credit Reporting Act (15 U.S.C.**

1 **1681u) is amended by adding at the end**
2 **the following new subsection:**

3 **“(n) SPECIFIC SELECTION TERM DEFINED.—**
4 **In this section, the term ‘specific selection**
5 **term’ has the meaning given the term in sec-**
6 **tion 501 of the Foreign Intelligence Surveil-**
7 **lance Act of 1978 (50 U.S.C. 1861).”.**

8 **(4) DISCLOSURES TO GOVERNMENTAL**
9 **AGENCIES FOR COUNTERTERRORISM PUR-**
10 **POSES OF CONSUMER REPORTS.—Section 627**
11 **of the Fair Credit Reporting Act (15**
12 **U.S.C. 1681v) is amended by adding at the**
13 **end the following new subsection:**

14 **“(g) SPECIFIC SELECTION TERM DEFINED.—**
15 **In this section, the term ‘specific selection**
16 **term’ has the meaning given the term in sec-**
17 **tion 501 of the Foreign Intelligence Surveil-**
18 **lance Act of 1978 (50 U.S.C. 1861).”.**

19 **TITLE VI—FISA TRANSPARENCY**
20 **AND REPORTING REQUIRE-**
21 **MENTS**

22 **SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING**
23 **PRODUCTION OF BUSINESS RECORDS.**

24 **Section 502(b) (50 U.S.C. 1862(b)) is**
25 **amended—**

1 (1) by redesignating paragraphs (1),
2 (2), and (3) as paragraphs (5), (6), and (7),
3 respectively; and

4 (2) by inserting before paragraph (5)
5 (as so redesignated) the following new
6 paragraphs:

7 “(1) the total number of applications
8 described in section 501(b)(2)(B) made for
9 orders approving requests for the pro-
10 duction of tangible things;

11 “(2) the total number of such orders
12 either granted, modified, or denied;

13 “(3) the total number of applications
14 described in section 501(b)(2)(C) made for
15 orders approving requests for the pro-
16 duction of call detail records;

17 “(4) the total number of such orders
18 either granted, modified, or denied;”.

19 SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO
20 CONGRESS.

21 (a) **BUSINESS RECORDS PRODUCTIONS.**—Sec-
22 tion 502(b) (50 U.S.C. 1862(b)), as amended by
23 section 601 of this Act, is further amended—

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

4 (2) by inserting before paragraph (2)
5 (as so redesignated) the following new
6 paragraph:

7 “(1) any compliance reviews con-
8 ducted by the Federal Government of the
9 production of tangible things under sec-
10 tion 501;”.

11 (b) FISA AUTHORITIES IN GENERAL.—Sec-
12 tion 601(a) (50 U.S.C. 1871(a)) is amended—

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

15 (2) in paragraph (5), by striking the
16 period and inserting “; and”; and

17 (3) by adding at the end the following
18 new paragraph:

19 “(6) any compliance reviews con-
20 ducted by the Federal Government of
21 electronic surveillance, physical
22 searches, the installation of pen register
23 or trap and trace devices, access to
24 records, or acquisitions conducted under
25 this Act.”.

1 SEC. 603. ANNUAL REPORT BY THE DIRECTOR OF THE AD-
2 MINISTRATIVE OFFICE OF THE UNITED
3 STATES COURTS ON ORDERS ENTERED.

4 (a) IN GENERAL.—Title VI (50 U.S.C. 1871 et
5 seq.), as amended by section 402 of this Act,
6 is further amended by adding at the end the
7 following new section:

8 “SEC. 603. ANNUAL REPORT ON ORDERS ENTERED.

9 “The Director of the Administrative Office
10 of the United States Courts shall annually
11 submit to the Permanent Select Committee on
12 Intelligence and the Committee on the Judici-
13 ary of the House of Representatives and the
14 Select Committee on Intelligence and the
15 Committee on the Judiciary of the Senate and
16 make publicly available on an Internet
17 website—

18 “(1) the number of orders entered
19 under each of sections 105, 304, 402, 501,
20 702, 703, and 704;

21 “(2) the number of orders modified
22 under each of those sections;

23 “(3) the number of orders denied
24 under each of those sections; and

25 “(4) the number of appointments of
26 an individual to serve as *amicus curiae*

1 under section 103, including the name of
2 each individual appointed to serve as
3 **amicus curiae.**”.

4 **(b) TABLE OF CONTENTS AMENDMENT.—The**
5 **table of contents in the first section, as**
6 **amended by section 402 of this Act, is further**
7 **amended by inserting after the item relating**
8 **to section 602, as added by such section 402,**
9 **the following new item:**

“Sec. 603. Annual report on orders entered.”.

10 **SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO**
11 **FISA ORDERS.**

12 **(a) IN GENERAL.—Title VI (50 U.S.C. 1871 et**
13 **seq.), as amended by section 603 of this Act,**
14 **is further amended by adding at the end the**
15 **following new section:**

16 **“SEC. 604. PUBLIC REPORTING BY PERSONS SUBJECT TO**
17 **ORDERS.**

18 **“(a) REPORTING.—A person may semiannu-**
19 **ally publicly report the following information**
20 **with respect to the preceding half year using**
21 **one of the following structures:**

22 **“(1) A report that aggregates the**
23 **number of orders or directives the person**
24 **was required to comply with in the fol-**
25 **lowing separate categories:**

1 **“(A) Criminal process, subject to**
2 **no restrictions.**

3 **“(B) The number of national secu-**
4 **rity letters received, reported in**
5 **bands of 1000 starting with 0-999.**

6 **“(C) The number of customer ac-**
7 **counts affected by national security**
8 **letters, reported in bands of 1000**
9 **starting with 0-999.**

10 **“(D) The number of orders under**
11 **this Act for content, reported in**
12 **bands of 1000 starting with 0-999.**

13 **“(E) With respect to content or-**
14 **ders under this Act, in bands of 1000**
15 **starting with 0-999—**

16 **“(i) the number of customer**
17 **accounts affected under orders**
18 **under title I; and**

19 **“(ii) the number of customer**
20 **selectors targeted under orders**
21 **under title VII.**

22 **“(F) The number of orders under**
23 **this Act for non-content, reported in**
24 **bands of 1000 starting with 0-999.**

1 **“(G) With respect to non-content**
2 **orders under this Act, in bands of**
3 **1000 starting with 0-999—**

4 **“(i) the number of customer**
5 **accounts affected under orders**
6 **under—**

7 **“(I) title I;**

8 **“(II) title IV;**

9 **“(III) title V with respect**
10 **to applications described in**
11 **section 501(b)(2)(B); and**

12 **“(IV) title V with respect**
13 **to applications described in**
14 **section 501(b)(2)(C); and**

15 **“(ii) the number of customer**
16 **selectors targeted under orders**
17 **under title VII.**

18 **“(2) A report that aggregates the**
19 **number of orders or directives the person**
20 **was required to comply with in the fol-**
21 **lowing separate categories:**

22 **“(A) Criminal process, subject to**
23 **no restrictions.**

24 **“(B) The total number of all na-**
25 **tional security process received, in-**

1 **cluding all national security letters**
2 **and orders under this Act, reported**
3 **as a single number in a band of 0-249**
4 **and thereafter in bands of 250.**

5 **“(C) The total number of customer**
6 **selectors targeted under all national**
7 **security process received, including**
8 **all national security letters and or-**
9 **ders under this Act, reported as a sin-**
10 **gle number in a band of 0-249 and**
11 **thereafter in bands of 250.**

12 **“(3) A report that aggregates the**
13 **number of orders or directives the person**
14 **was required to comply with in the fol-**
15 **lowing separate categories:**

16 **“(A) Criminal process, subject to**
17 **no restrictions.**

18 **“(B) The number of national secu-**
19 **rity letters received, reported in**
20 **bands of 500 starting with 0-499.**

21 **“(C) The number of customer ac-**
22 **counts affected by national security**
23 **letters, reported in bands of 500 start-**
24 **ing with 0-499.**

1 **“(D) The number of orders under**
2 **this Act for content, reported in**
3 **bands of 500 starting with 0-499.**

4 **“(E) The number of customer se-**
5 **lectors targeted under such orders, in**
6 **bands of 500 starting with 0-499.**

7 **“(F) The number of orders under**
8 **this Act for non-content, reported in**
9 **bands of 500 starting with 0-499.**

10 **“(G) The number of customer se-**
11 **lectors targeted under such orders,**
12 **reported in bands of 500 starting with**
13 **0-499.**

14 **“(b) NATIONAL SECURITY LETTER DEFINED.—**
15 **The term ‘national security letter’ means any**
16 **of the following provisions:**

17 **“(1) Section 2709 of title 18, United**
18 **States Code.**

19 **“(2) Section 1114(a)(5)(A) of the Right**
20 **to Financial Privacy Act of 1978 (12**
21 **U.S.C. 3414(a)(5)(A)).**

22 **“(3) Subsection (a) or (b) of section**
23 **626 of the Fair Credit Reporting Act (15**
24 **U.S.C. 1681u(a), 1681u(b)).**

1 **“(4) Section 627(a) of the Fair Credit**
2 **Reporting Act (15 U.S.C. 1681v(a)).”.**

3 **(b) TABLE OF CONTENTS AMENDMENT.—The**
4 **table of contents in the first section, as**
5 **amended by section 603 of this Act, is further**
6 **amended by inserting after the item relating**
7 **to section 603, as added by section 603 of this**
8 **Act, the following new item:**

“Sec. 604. Public reporting by persons subject to orders.”.

9 **SEC. 605. REPORTING REQUIREMENTS FOR DECISIONS OF**
10 **THE FOREIGN INTELLIGENCE SURVEIL-**
11 **LANCE COURT.**

12 **Section 601(c)(1) (50 U.S.C. 1871(c)) is**
13 **amended to read as follows:**

14 **“(1) not later than 45 days after the**
15 **date on which the Foreign Intelligence**
16 **Surveillance Court or the Foreign Intel-**
17 **ligence Surveillance Court of Review**
18 **issues a decision, order, or opinion that**
19 **includes a significant construction or in-**
20 **terpretation of any provision of this Act**
21 **or a denial of a request for an order or a**
22 **modification of a request for an order, or**
23 **results in a change of application of any**
24 **provision of this Act or a new application**
25 **of any provision of this Act—**

1 “(A) a copy of such decision,
2 order, or opinion and any pleadings,
3 applications, or memoranda of law as-
4 sociated with such decision, order, or
5 opinion; and

6 “(B) with respect to such decision,
7 order, or opinion, a brief statement of
8 the relevant background factual in-
9 formation, questions of law, legal
10 analysis, and decision rendered; and”.

11 SEC. 606. SUBMISSION OF REPORTS UNDER FISA.

12 (a) ELECTRONIC SURVEILLANCE.—Section
13 108(a)(1) (50 U.S.C. 1808(a)(1)) is amended by
14 striking “the House Permanent Select Com-
15 mittee on Intelligence and the Senate Select
16 Committee on Intelligence, and the Com-
17 mittee on the Judiciary of the Senate,” and in-
18 serting “the Permanent Select Committee on
19 Intelligence and the Committee on the Judici-
20 ary of the House of Representatives and the
21 Select Committee on Intelligence and the
22 Committee on the Judiciary of the Senate”.

23 (b) PHYSICAL SEARCHES.—Section 306 (50
24 U.S.C. 1826) is amended—

1 (1) in the first sentence, by striking
2 “Permanent Select Committee on Intel-
3 ligence of the House of Representatives
4 and the Select Committee on Intelligence
5 of the Senate, and the Committee on the
6 Judiciary of the Senate,” and inserting
7 “Permanent Select Committee on Intel-
8 ligence and the Committee on the Judici-
9 ary of the House of Representatives and
10 the Select Committee on Intelligence and
11 the Committee on the Judiciary of the
12 Senate”; and

13 (2) in the second sentence, by striking
14 “and the Committee on the Judiciary of
15 the House of Representatives”.

16 (c) **PEN REGISTER AND TRAP AND TRACE DE-**
17 **VICES.—Section 406(b) (50 U.S.C. 1846(b)) is**
18 **amended—**

19 (1) in paragraph (2), by striking “;
20 and” and inserting a semicolon;

21 (2) in paragraph (3), by striking the
22 period and inserting a semicolon; and

23 (3) by adding at the end the following
24 new paragraphs:

1 “(4) each department or agency on be-
2 half of which the Government has made
3 application for orders approving the use
4 of pen registers or trap and trace devices
5 under this title; and

6 “(5) for each department or agency
7 described in paragraph (4), a breakdown
8 of the numbers required by paragraphs
9 (1), (2), and (3).”.

10 **(d) ACCESS TO CERTAIN BUSINESS RECORDS**
11 **AND OTHER TANGIBLE THINGS.—Section 502(a)**
12 **(50 U.S.C. 1862(a)) is amended by striking**
13 **“Permanent Select Committee on Intelligence**
14 **of the House of Representatives and the Se-**
15 **lect Committee on Intelligence and the Com-**
16 **mittee on the Judiciary of the Senate” and in-**
17 **serting “Permanent Select Committee on In-**
18 **telligence of the House of Representatives,**
19 **the Select Committee on Intelligence of the**
20 **Senate, and the Committees on the Judiciary**
21 **of the House of Representatives and the Sen-**
22 **ate”.**

1 **TITLE VII—SUNSETS**

2 **SEC. 701. SUNSETS.**

3 **(a) USA PATRIOT IMPROVEMENT AND RE-**
4 **AUTHORIZATION ACT OF 2005.—Section 102(b)(1)**
5 **of the USA PATRIOT Improvement and Reau-**
6 **thorization Act of 2005 (50 U.S.C. 1805 note) is**
7 **amended by striking “June 1, 2015” and in-**
8 **serting “December 31, 2017”.**

9 **(b) INTELLIGENCE REFORM AND TERRORISM**
10 **PREVENTION ACT OF 2004.—Section 6001(b)(1)**
11 **of the Intelligence Reform and Terrorism Pre-**
12 **vention Act of 2004 (50 U.S.C. 1801 note) is**
13 **amended by striking “June 1, 2015” and in-**
14 **serting “December 31, 2017”.**

Union Calendar No. 334

113TH CONGRESS
2^D SESSION

H. R. 3361

[Report No. 113-452, Parts I and II]

A BILL

To reform the authorities of the Federal Government to require the production of certain business records, conduct electronic surveillance, use pen registers and trap and trace devices, and use other forms of information gathering for foreign intelligence, counterterrorism, and criminal purposes, and for other purposes.

MAY 15, 2014

Reported from the Committee on the Judiciary with an amendment

MAY 15, 2014

Reported from the Select Committee on Intelligence (Permanent Select) with an amendment

MAY 15, 2014

The Committee on Financial Services discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed