

116TH CONGRESS  
2D SESSION

# H. R. 6172

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## AN ACT

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

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

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

2 (a) SHORT TITLE.—This Act may be cited as the  
3 “USA FREEDOM Reauthorization Act of 2020”.

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

Sec. 1. Short title; table of contents.

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

**TITLE I—FISA BUSINESS RECORDS**

Sec. 101. Repeal of authority to access on an ongoing basis call detail records.

Sec. 102. Protection of certain information.

Sec. 103. Use of information.

Sec. 104. Limitation on retention of business record information.

Sec. 105. Effective date.

**TITLE II—ACCURACY AND INTEGRITY OF FISA PROCESS**

Sec. 201. Certifications regarding accuracy of FISA applications.

Sec. 202. Description of techniques carried out before targeting United States  
person.

Sec. 203. Investigations relating to Federal candidates and elected Federal offi-  
cials.

Sec. 204. Removal or suspension of Federal officers for misconduct before For-  
eign Intelligence Surveillance Court.

Sec. 205. Penalties for offenses related to FISA.

Sec. 206. Contempts constituting crimes.

Sec. 207. Effective date.

**TITLE III—FOREIGN INTELLIGENCE SURVEILLANCE COURT**

Sec. 301. Declassification of significant decisions, orders, and opinions.

Sec. 302. Appointment of amici curiae and access to information.

Sec. 303. Effective and independent advice for Foreign Intelligence Surveillance  
Court.

Sec. 304. Transcripts of proceedings and communications regarding applica-  
tions.

Sec. 305. Information provided in annual reports.

**TITLE IV—TRANSPARENCY, SUNSETS, AND OTHER MATTERS**

Sec. 401. Congressional oversight.

Sec. 402. Establishment of compliance officers.

Sec. 403. Public reports on information obtained or derived under FISA and  
protection of First Amendment activities.

Sec. 404. Mandatory reporting on certain orders.

Sec. 405. Report on use of FISA authorities regarding protected activities and  
protected classes.

Sec. 406. Improvements to Privacy and Civil Liberties Oversight Board.

Sec. 407. Sunsets.

Sec. 408. Technical amendments.

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

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

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

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

13 (a) CALL DETAIL RECORDS.—

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

16 (A) by striking subparagraph (C);

17 (B) in subparagraph (B)—

18 (i) in the matter preceding clause (i),  
19 by striking “in the case of” and all that  
20 follows through “in subparagraph (C)),”;  
21 and

22 (ii) in clause (iii), by striking the  
23 semicolon at the end and inserting “;  
24 and”; and

25 (C) by redesignating subparagraph (D) as  
26 subparagraph (C).

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

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

7       (b) CONFORMING AMENDMENTS.—

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

10           (A) in paragraph (1), by striking “with  
11           subsection (b)(2)(D)” and inserting “with sub-  
12           section (b)(2)(C)”;

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

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

17           “(i) to adopt minimization procedures  
18           that require the prompt destruction of all  
19           call detail records produced under the  
20           order that the Government determines are  
21           not foreign intelligence information; and

22           “(ii) to destroy all call detail records  
23           produced under the order as prescribed by  
24           such procedures.”;

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

3       “(j) COMPENSATION.—The Government shall com-  
4       pensate a person for reasonable expenses incurred for pro-  
5       viding technical assistance to the Government under this  
6       section.”.

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

12          (4) OVERSIGHT.—Section 502(b) (50 U.S.C.  
13      1862(b)) is amended—

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

15                (B) by redesignating paragraphs (5)  
16      through (8) as paragraphs (4) through (7), re-  
17      spectively;

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

20                (A) in subsection (b)—

21                      (i) by transferring subparagraph (C)  
22      of paragraph (6) to the end of paragraph  
23      (5);

24                      (ii) in paragraph (5)—

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

3 (II) in subparagraph (B), by  
 4 striking the semicolon and inserting “;  
 5 and”; and

6 (III) in subparagraph (C), as  
 7 transferred by clause (i) of this sub-  
 8 paragraph, by striking “any database  
 9 of”;

10 (iii) by striking paragraph (6) (as  
 11 amended by clause (i) of this subpara-  
 12 graph); and

13 (iv) by redesignating paragraph (7) as  
 14 paragraph (6); and

15 (B) in subsection (d)—

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

19 (ii) in paragraph (2)(A), by striking  
 20 “Paragraphs (2)(B), (2)(C), and (6)(C)”  
 21 and inserting “Paragraphs (2)(B) and  
 22 (2)(C)”.

23 (6) PUBLIC REPORTING.—Section 604(a)(1)(F)  
 24 (50 U.S.C. 1874(a)(1)(F)) is amended—

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

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

5 (C) by striking clause (iii).

6 **SEC. 102. PROTECTION OF CERTAIN INFORMATION.**

7 (a) PROTECTION.—Subsection (a) of section 501 (50  
8 U.S.C. 1861), as amended by section 101, is further  
9 amended by adding at the end the following new para-  
10 graph:

11 “(5)(A) An application under paragraph (1) may not  
12 seek an order authorizing or requiring the production of  
13 a tangible thing under circumstances in which a person  
14 has a reasonable expectation of privacy and a warrant  
15 would be required for law enforcement purposes.

16 “(B) An application under paragraph (1) may not  
17 seek an order authorizing or requiring the production of  
18 cell site location or global positioning system informa-  
19 tion.”.

20 (b) CLARIFICATION OF EMERGENCY AUTHORITY FOR  
21 CELL SITE LOCATION OR GLOBAL POSITIONING SYSTEM  
22 INFORMATION.—The Attorney General may treat the pro-  
23 duction of cell site location or global positioning system  
24 information as electronic surveillance rather than business  
25 records for purposes of authorizing the emergency produc-

tion of such information pursuant to section 105(e) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(e)).

(c) CONFORMING AMENDMENT.—Subsection (a) of section 501 (50 U.S.C. 1861) is further amended by striking “Subject to paragraph (3)” and inserting “Subject to paragraphs (3), (4), and (5)”.

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

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

(1) by striking “Information acquired” and inserting the following:

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

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

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

“(A) information obtained or derived from the production of tangible things pursuant to an investigation conducted under this section shall be deemed to be information acquired from an electronic surveillance pursuant to title I, unless the court or other authority of the United States finds, in response to a motion from the Government, that providing notice to



an aggrieved person would harm the national security of the United States; and

“(B) in carrying out subparagraph (A), a person shall be deemed to be an aggrieved person if—

“(i) the person is the target of such an investigation; and

“(ii) the activities or communications of the person are described in the tangible things that the Government intends to use or disclose in any trial, hearing, or other proceeding.”.

**SEC. 104. LIMITATION ON RETENTION OF BUSINESS RECORD INFORMATION.**

(a) REQUIREMENT.—Section 501(g) (50 U.S.C. 1861(g)) is amended—

(1) in paragraph (2), by striking “In this section” and inserting “In accordance with paragraph (3), in this section”;

(2) by redesignating paragraph (3) as paragraph (4); and

(3) by inserting after paragraph (2) the following new paragraph (3):

“(3) LIMITATION ON RETENTION.—The minimization procedures under paragraph (1) shall en-

1 sure that tangible things, and information therein,  
2 received under this section may not be retained in  
3 excess of 5 years, unless—

4 “(A) the tangible thing or information has  
5 been affirmatively determined, in whole or in  
6 part, to constitute foreign intelligence or coun-  
7 terintelligence or to be necessary to understand  
8 or assess foreign intelligence or counterintel-  
9 ligence;

10 “(B) the tangible thing or information is  
11 reasonably believed to constitute evidence of a  
12 crime and is retained by a law enforcement  
13 agency;

14 “(C) the tangible thing or information is  
15 enciphered or reasonably believed to have a se-  
16 cret meaning;

17 “(D) retention is necessary to protect  
18 against an imminent threat to human life;

19 “(E) retention is necessary for technical  
20 assurance or compliance purposes, including a  
21 court order or discovery obligation, in which  
22 case access to the tangible thing or information  
23 retained for technical assurance or compliance  
24 purposes shall be reported to the Permanent  
25 Select Committee on Intelligence and the Com-

1 mittee on the Judiciary of the House of Rep-  
2 resentatives and the Select Committee on Intel-  
3 ligence and the Committee on the Judiciary of  
4 the Senate on an annual basis; or

5 “(F) retention for a period in excess of 5  
6 years is approved by the Director of the Fed-  
7 eral Bureau of Investigation, based on a deter-  
8 mination that retention is necessary to protect  
9 the national security of the United States, in  
10 which case the Director shall provide to such  
11 committees a written certification describing—

12 “(i) the reasons extended retention is  
13 necessary to protect the national security  
14 of the United States;

15 “(ii) the duration for which the Direc-  
16 tor is authorizing retention;

17 “(iii) generally the tangible things or  
18 information to be retained; and

19 “(iv) the measures the Director is tak-  
20 ing to protect the privacy interests of  
21 United States persons or persons located  
22 inside the United States.”.

23 (b) OVERSIGHT.—Section 502(b) (50 U.S.C.  
24 1862(b)) is amended—

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

3 (2) in paragraph (8)(E), by striking the period  
 4 and inserting “; and”; and

5 (3) by adding at the end the following new  
 6 paragraph:

7 “(9) a description of each time that an excep-  
 8 tion to the 5-year limitation on the retention of in-  
 9 formation was made pursuant to any of subpara-  
 10 graphs (C) through (E) of subsection (g)(3) of sec-  
 11 tion 501, including an explanation for each such ex-  
 12 ception.”.

13 **SEC. 105. EFFECTIVE DATE.**

14 The amendments made by this title shall take effect  
 15 on the date of the enactment of this Act and shall apply  
 16 with respect to applications made under section 501 of the  
 17 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
 18 1861) on or after such date.

19 **TITLE II—ACCURACY AND**  
 20 **INTEGRITY OF FISA PROCESS**

21 **SEC. 201. CERTIFICATIONS REGARDING ACCURACY OF FISA**  
 22 **APPLICATIONS.**

23 (a) TITLE I.—Subsection (a) of section 104 (50  
 24 U.S.C. 1804) is amended—

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

3           (2) in paragraph (9), by striking the period at  
4       the end and inserting “; and”; and

5           (3) by adding at the end the following new  
6       paragraph:

7           “(10) a certification by the applicant that, to  
8       the best knowledge of the applicant, the attorney for  
9       the Government and the Department of Justice has  
10      been apprised of all information that might reason-  
11      ably—

12                 “(A) call into question the accuracy of the  
13                 application or the reasonableness of any assess-  
14                 ment in the application conducted by the de-  
15                 partment or agency on whose behalf the appli-  
16                 cation is made; or

17                 “(B) otherwise raise doubts with respect to  
18                 the findings required under section 105(a).”.

19       (b) TITLE III.—Subsection (a) of section 303 (50  
20   U.S.C. 1823) is amended—

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

23           (2) in paragraph (8), by striking the period at  
24       the end and inserting “; and”; and

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

3           “(9) a certification by the applicant that, to the  
4 best knowledge of the applicant, the attorney for the  
5 Government and the Department of Justice has been  
6 apprised of all information that might reasonably—

7           “(A) call into question the accuracy of the  
8 application or the reasonableness of any assess-  
9 ment in the application conducted by the de-  
10 partment or agency on whose behalf the appli-  
11 cation is made; or

12           “(B) otherwise raise doubts with respect to  
13 the findings required under section 304(a).”.

14       (c) TITLE IV.—Subsection (c) of section 402 (50  
15 U.S.C. 1842) is amended—

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

18           (2) in paragraph (3), by striking the period at  
19 the end and inserting “; and”; and

20           (3) by adding at the end the following new  
21 paragraph:

22           “(4) a certification by the applicant that, to the  
23 best knowledge of the applicant, the attorney for the  
24 Government and the Department of Justice has been  
25 apprised of all information that might reasonably—

1           “(A) call into question the accuracy of the  
2           application or the reasonableness of any assess-  
3           ment in the application conducted by the de-  
4           partment or agency on whose behalf the appli-  
5           cation is made; or

6           “(B) otherwise raise doubts with respect to  
7           the findings required under subsection (d).”.

8           (d) TITLE V.—Subsection (b)(2) of section 501 (50  
9           U.S.C. 1861), as amended by section 101, is further  
10          amended—

11           (1) in subparagraph (B), by striking “; and”  
12          and inserting a semicolon;

13           (2) in subparagraph (C), by striking the period  
14          at the end and inserting “; and”; and

15           (3) by adding at the end the following new sub-  
16          paragraph:

17           “(D) a statement by the applicant that, to  
18           the best knowledge of the applicant, the appli-  
19           cation fairly reflects all information that might  
20           reasonably—

21           “(i) call into question the accuracy of  
22           the application or the reasonableness of  
23           any assessment in the application con-  
24           ducted by the department or agency on  
25           whose behalf the application is made; or

1 “(ii) otherwise raise doubts with re-  
2 spect to the findings required under sub-  
3 section (c).”.

4 (e) TITLE VII.—

5 (1) SECTION 703.—Subsection (b)(1) of section  
6 703 (50 U.S.C. 1881b) is amended—

7 (A) in subparagraph (I), by striking “;  
8 and” and inserting a semicolon;

9 (B) in subparagraph (J), by striking the  
10 period at the end and inserting “; and”; and

11 (C) by adding at the end the following new  
12 subparagraph:

13 “(K) a certification by the applicant that,  
14 to the best knowledge of the applicant, the at-  
15 torney for the Government and the Department  
16 of Justice has been apprised of all information  
17 that might reasonably—

18 “(i) call into question the accuracy of  
19 the application or the reasonableness of  
20 any assessment in the application con-  
21 ducted by the department or agency on  
22 whose behalf the application is made; or

23 “(ii) otherwise raise doubts with re-  
24 spect to the findings required under sub-  
25 section (c).”.



1           (2) SECTION 704.—Subsection (b) of section  
2       704 (50 U.S.C. 1881c) is amended—

3           (A) in paragraph (6), by striking “; and”  
4       and inserting a semicolon;

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

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

9           “(8) a certification by the applicant that, to the  
10      best knowledge of the applicant, the attorney for the  
11      Government and the Department of Justice has been  
12      apprised of all information that might reasonably—

13           “(A) call into question the accuracy of the  
14      application or the reasonableness of any assess-  
15      ment in the application conducted by the de-  
16      partment or agency on whose behalf the appli-  
17      cation is made; or

18           “(B) otherwise raise doubts with respect to  
19      the findings required under subsection (c).”.

20      (f) REVIEW OF CASE FILES TO ENSURE ACCU-  
21      RACY.—Not later than 180 days after the date of the en-  
22      actment of this Act, the Attorney General, in consultation  
23      with the Director of the Federal Bureau of Investigation,  
24      shall promulgate rules governing the review of case files,  
25      as appropriate, to ensure that applications to the Foreign

1 Intelligence Surveillance Court under title I or III of the  
2 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
3 1801 et seq.) that target United States persons are accu-  
4 rate and complete.

5 **SEC. 202. DESCRIPTION OF TECHNIQUES CARRIED OUT BE-**  
6 **FORE TARGETING UNITED STATES PERSON.**

7 (a) TITLE I.—Section 104(a)(6) (50 U.S.C.  
8 1804(a)(6)) is amended—

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

11 (2) by adding at the end the following new sub-  
12 paragraph:

13 “(F) with respect to a target who is a  
14 United States person, including a statement de-  
15 scribing the investigative techniques carried out  
16 before making the application; and”.

17 (b) TITLE III.—Section 303(a)(6) (50 U.S.C.  
18 1823(a)(6)) is amended—

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

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

23 “(F) with respect to a target who is a  
24 United States person, includes a statement de-

1 scribing the investigative techniques carried out  
 2 before making the application; and”.

3 **SEC. 203. INVESTIGATIONS RELATING TO FEDERAL CANDIDATES AND ELECTED FEDERAL OFFICIALS.**

5 (a) TITLE I.—Section 104(a)(6) (50 U.S.C.  
 6 1804(a)(6)), as amended by section 202, is further amended  
 7 ed by adding at the end the following new subparagraph:

8 “(G) if the target of the electronic surveillance  
 9 lance is an elected Federal official or a candidate  
 10 didate in a Federal election, that the Attorney  
 11 General has approved in writing of the investigation;”.

13 (b) TITLE III.—Section 303(a)(6) (50 U.S.C.  
 14 1823(a)(6)), as amended by section 202, is further amended  
 15 ed by adding at the end the following new subparagraph:

16 “(G) if the target of the physical search is  
 17 an elected Federal official or a candidate in a  
 18 Federal election, that the Attorney General has  
 19 approved in writing of the investigation;”.

20 **SEC. 204. REMOVAL OR SUSPENSION OF FEDERAL OFFICERS FOR MISCONDUCT BEFORE FOREIGN INTELLIGENCE SURVEILLANCE COURT.**

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

1       “(l) REMOVAL OR SUSPENSION OF FEDERAL OFFI-  
2   CERS FOR MISCONDUCT BEFORE COURTS.—An employee,  
3   officer, or contractor of the United States Government  
4   who engages in deliberate misconduct with respect to pro-  
5   ceedings before the Foreign Intelligence Surveillance  
6   Court or the Foreign Intelligence Surveillance Court of  
7   Review shall be subject to appropriate adverse actions, in-  
8   cluding, as appropriate, suspension without pay or re-  
9   moval.”.

10   **SEC. 205. PENALTIES FOR OFFENSES RELATED TO FISA.**

11       (a) FALSE DECLARATIONS BEFORE FISC AND  
12   FISCR.—Section 1623(a) of title 18, United States Code,  
13   is amended by inserting before “, or both” the following:  
14   “or, if such proceedings are before or ancillary to the For-  
15   eign Intelligence Surveillance Court or the Foreign Intel-  
16   ligence Surveillance Court of Review established by section  
17   103 of the Foreign Intelligence Surveillance Act of 1978  
18   (50 U.S.C. 1803), imprisoned not more than eight years”.

19       (b) INCREASED PENALTY FOR UNAUTHORIZED  
20   USE.—Section 109(c) (50 U.S.C. 1809(c)) is amended by  
21   striking “five years” and inserting “eight years”.

22       (c) UNAUTHORIZED DISCLOSURE OF APPLICA-  
23   TIONS.—

24               (1) IN GENERAL.—Subsection (a) of section  
25       109 (50 U.S.C. 1809) is amended—

1 (A) in the matter preceding paragraph (1),  
2 by striking “intentionally”;

3 (B) in paragraph (1)—

4 (i) by inserting “intentionally” before  
5 “engages in”; and

6 (ii) by striking “; or” and inserting a  
7 semicolon;

8 (C) in paragraph (2)—

9 (i) by inserting “intentionally” before  
10 “disclose or uses”; and

11 (ii) by striking the period at the end  
12 and inserting “; or”; and

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

15 “(3) is an employee, officer, or contractor of the  
16 United States Government and intentionally dis-  
17 closes an application, or classified information con-  
18 tained therein, for an order under any title of this  
19 Act to any person not entitled to receive classified  
20 information.”.

21 (2) CONFORMING AMENDMENT.—Subsection (b)  
22 of such section is amended by striking “under sub-  
23 section (a)” and inserting “under paragraph (1) or  
24 (2) of subsection (a)”.

1 **SEC. 206. CONTEMPTS CONSTITUTING CRIMES.**

2 Section 402 of title 18, United States Code, is  
3 amended by inserting after “any district court of the  
4 United States” the following: “, the Foreign Intelligence  
5 Surveillance Court or the Foreign Intelligence Surveillance  
6 Court of Review established by section 103 of the Foreign  
7 Intelligence Surveillance Act of 1978 (50 U.S.C. 1803),”.

8 **SEC. 207. EFFECTIVE DATE.**

9 The amendments made by this title shall take effect  
10 on the date of the enactment of this Act and shall apply  
11 with respect to applications made under section 501 of the  
12 Foreign Intelligence Surveillance Act of 1978 (50 U.S.C.  
13 1861) on or after such date.

14 **TITLE III—FOREIGN INTEL-**  
15 **LIGENCE SURVEILLANCE**  
16 **COURT**

17 **SEC. 301. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**  
18 **ORDERS, AND OPINIONS.**

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

1 (b) MATTERS COVERED.—Such subsection is further  
2 amended—

3 (1) by striking “Subject to subsection (b)” and  
4 inserting “(1) Subject to subsection (b)”;

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

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

10 “(2) The decisions, orders, or opinions issued by the  
11 Foreign Intelligence Surveillance Court or the Foreign In-  
12 telligence Surveillance Court of Review described in this  
13 paragraph are such decisions, orders, or opinions that—

14 “(A) include a significant construction or inter-  
15 pretation of any provision of law, including any  
16 novel or significant construction or interpretation  
17 of—

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

19 “(ii) section 501(a)(5); or

20 “(B) result from a proceeding in which an ami-  
21 cus curiae has been appointed pursuant to section  
22 103(i).”.

23 (c) APPLICATION OF REQUIREMENT.—Section 602 of  
24 the Foreign Intelligence Surveillance Act of 1978 (50  
25 U.S.C. 1872) shall apply with respect to each decision,

1 order, or opinion issued by the Foreign Intelligence Sur-  
2 veillance Court or the Foreign Intelligence Surveillance  
3 Court of Review before, on, or after the date of the enact-  
4 ment of such section. With respect to such decisions, or-  
5 ders, or opinions issued before or on such date, the Direc-  
6 tor of National Intelligence shall complete the declassifica-  
7 tion review and public release of each such decision, order,  
8 or opinion pursuant to such section by not later than one  
9 year after the date of the enactment of this Act.

10 **SEC. 302. APPOINTMENT OF AMICI CURIAE AND ACCESS TO**  
11 **INFORMATION.**

12 (a) EXPANSION OF APPOINTMENT AUTHORITY.—  
13 Subparagraph (A) of section 103(i)(2) (50 U.S.C.  
14 1803(i)(2)) is amended to read as follows:

15 “(A) shall appoint an individual who has  
16 been designated under paragraph (1) to serve  
17 as amicus curiae to assist such court in the  
18 consideration of any application for an order or  
19 review that, in the opinion of the court—

20 “(i) presents a novel or significant in-  
21 terpretation of the law, unless the court  
22 issues a finding that such appointment is  
23 not appropriate; or

24 “(ii) presents exceptional concerns  
25 about the protection of the rights of a



1 United States person under the first  
2 amendment to the Constitution, unless the  
3 court issues a finding that such appoint-  
4 ment is not appropriate; and”.

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

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

10 (2) by inserting after paragraph (6) the fol-  
11 lowing new paragraph:

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

14 “(A) FISA COURT DECISIONS.—Following  
15 issuance of an order under this Act by the For-  
16 eign Intelligence Surveillance Court, an amicus  
17 curiae appointed under paragraph (2) may peti-  
18 tion the court to certify for review to the For-  
19 eign Intelligence Surveillance Court of Review a  
20 question of law pursuant to subsection (j). If  
21 the court denies such petition, the court shall  
22 provide for the record a written statement of  
23 the reasons for such denial. Upon certification  
24 of any question of law pursuant to this sub-  
25 paragraph, the Court of Review shall appoint

1 the amicus curiae to assist the Court of Review  
2 in its consideration of the certified question, un-  
3 less the Court of Review issues a finding that  
4 such appointment is not appropriate.

5 “(B) FISA COURT OF REVIEW DECI-  
6 SIONS.—An amicus curiae appointed under  
7 paragraph (2) may petition the Foreign Intel-  
8 ligence Surveillance Court of Review to certify  
9 for review to the Supreme Court of the United  
10 States any question of law pursuant to section  
11 1254(2) of title 28, United States Code.”.

12 (c) ACCESS TO INFORMATION.—

13 (1) APPLICATION AND MATERIALS.—Subpara-  
14 graph (A) of section 103(i)(6) (50 U.S.C.  
15 1803(i)(6)) is amended by striking clause (ii) and  
16 inserting the following new clause:

17 “(ii) may make a submission to the  
18 court requesting access to any particular  
19 materials or information (or category of  
20 materials or information) that the amicus  
21 curiae believes to be relevant to the duties  
22 of the amicus curiae.”.

23 (2) CONSULTATION AMONG AMICI CURIAE.—

24 Such section is further amended—

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

4 (B) by inserting after subparagraph (A)  
5 the following new subparagraph:

6 “(B) CONSULTATION.—If the Foreign In-  
7 telligence Surveillance Court or the Foreign In-  
8 telligence Surveillance Court of Review deter-  
9 mines that it is relevant to the duties of an  
10 amicus curiae appointed by the court under  
11 paragraph (2), the amicus curiae may consult  
12 with one or more of the other individuals des-  
13 ignated by the court to serve as amicus curiae  
14 pursuant to paragraph (1) regarding any of the  
15 information relevant to any assigned pro-  
16 ceeding.”.

17 (d) TERM LIMITS.—

18 (1) REQUIREMENT.—Paragraph (1) of section  
19 103(i) (50 U.S.C. 1803(i)) is amended by adding at  
20 the end the following new sentence: “An individual  
21 may serve as an amicus curiae for a 5-year term,  
22 and the presiding judges may, for good cause, jointly  
23 reappoint the individual to a single additional  
24 term.”.

1           (2) APPLICATION.—The amendment made by  
 2       paragraph (1) shall apply with respect to the service  
 3       of an amicus curiae appointed under section 103(i)  
 4       of the Foreign Intelligence Surveillance Act of 1978  
 5       (50 U.S.C. 1803(i)) that occurs on or after the date  
 6       of the enactment of this Act, regardless of the date  
 7       on which the amicus curiae is appointed.

8       **SEC. 303. EFFECTIVE AND INDEPENDENT ADVICE FOR FOR-**  
 9                               **EIGN INTELLIGENCE SURVEILLANCE COURT.**

10       Section 103 (50 U.S.C. 1803), as amended by section  
 11   204, is further amended by adding at the end the following  
 12   new subsection:

13       “(m) INDEPENDENT LEGAL ADVISORS.—

14               “(1) AUTHORITY.—The Foreign Intelligence  
 15       Surveillance Court and the Foreign Intelligence Sur-  
 16       veillance Court of Review may jointly employ legal  
 17       advisors to assist the courts in all aspects of consid-  
 18       ering any matter before the courts, including with  
 19       respect to—

20               “(A) providing advice on issues of law or  
 21       fact presented by any application for an order  
 22       under this Act;

23               “(B) requesting information from the Gov-  
 24       ernment in connection with any such applica-  
 25       tion;

1           “(C) identifying any concerns with any  
2           such application; and

3           “(D) proposing requirements or conditions  
4           for the approval of any such application.

5           “(2) DIRECTION.—The legal advisors employed  
6           under paragraph (1) shall be subject solely to the di-  
7           rection of the presiding judges of the Foreign Intel-  
8           ligence Surveillance Court and the Foreign Intel-  
9           ligence Surveillance Court of Review.”.

10 **SEC. 304. TRANSCRIPTS OF PROCEEDINGS AND COMMU-**  
11 **NICATIONS REGARDING APPLICATIONS.**

12           (a) TRANSCRIPTS.—Subsection (c) of section 103 (50  
13 U.S.C. 1803) is amended—

14           (1) by striking “Proceedings under this Act”  
15           and inserting “(1) Proceedings under this Act”;

16           (2) by inserting “, and shall be transcribed” be-  
17           fore the first period;

18           (3) by inserting “, transcriptions of pro-  
19           ceedings,” after “applications made”; and

20           (4) by adding at the end the following new sen-  
21           tence: “Transcriptions of proceedings shall be stored  
22           in a file associated with the relevant application or  
23           order.”.

24           (b) REQUIREMENT FOR WRITTEN RECORDS OF  
25 INTERACTIONS WITH COURT.—Such subsection, as

1 amended by paragraph (1) of this section, is further  
2 amended by adding at the end the following new para-  
3 graph:

4 “(2) The Attorney General and the Foreign Intel-  
5 ligence Surveillance Court shall maintain all written sub-  
6 stantive communications between the Department of Jus-  
7 tice and the court, including the identity of the employees  
8 of the court to or from whom the communications were  
9 made, regarding an application or order made under this  
10 title in a file associated with the application or order.”.

11 (c) CONFORMING AMENDMENT.—Subsection (i)(2) of  
12 section 103 (50 U.S.C. 1803) is amended by striking  
13 “subsection (c)” and inserting “subsection (c)(1)”.

14 **SEC. 305. INFORMATION PROVIDED IN ANNUAL REPORTS.**

15 (a) REPORTS BY DIRECTOR OF THE ADMINISTRA-  
16 TIVE OFFICE OF THE UNITED STATES COURTS.—Sub-  
17 section (a)(1) of section 603 (50 U.S.C. 1873) is amend-  
18 ed—

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

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

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

1           “(G) the number of times the Attorney  
 2           General required the emergency production of  
 3           tangible things pursuant to section 501(i)(1)  
 4           and the application under subparagraph (D) of  
 5           such section was denied;

6           “(H) the number of certifications by the  
 7           Foreign Intelligence Surveillance Court of Re-  
 8           view pursuant to section 103(j); and

9           “(I) the number of requests to certify a  
 10          question made by an amicus curiae to the For-  
 11          eign Intelligence Surveillance Court or the For-  
 12          eign Intelligence Surveillance Court of Review  
 13          pursuant to section 103(i)(7).”.

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

## 20           **TITLE IV—TRANSPARENCY,** 21           **SUNSETS, AND OTHER MATTERS**

### 22           **SEC. 401. CONGRESSIONAL OVERSIGHT.**

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

1           (1) by redesignating subsection (e) as sub-  
2           section (f); and

3           (2) by inserting after subsection (d) the fol-  
4           lowing new subsection (e):

5           “(e) CONGRESSIONAL OVERSIGHT.—In a manner  
6 consistent with the protection of the national security,  
7 nothing in this Act or any other provision of law may be  
8 construed to preclude the Permanent Select Committee on  
9 Intelligence of the House of Representatives and the Se-  
10 lect Committee on Intelligence of the Senate from receiv-  
11 ing in a timely manner, upon request, applications sub-  
12 mitted under this Act to the Foreign Intelligence Surveil-  
13 lance Court, orders of the court, and relevant materials  
14 relating to such applications and orders.”.

15           (b) CONFORMING AMENDMENT.—Section 602(a) (50  
16 U.S.C. 1872(a)) is amended by striking “in section  
17 601(e)” and inserting “in section 601(f)”.

18 **SEC. 402. ESTABLISHMENT OF COMPLIANCE OFFICERS.**

19           (a) IN GENERAL.—Title VI (50 U.S.C. 1871 et seq.)  
20 is amended by adding at the end the following new section:

21 **“SEC. 605. COMPLIANCE OFFICERS.**

22           “(a) APPOINTMENT.—The head of each covered  
23 agency shall appoint a single Federal officer to serve as  
24 the Compliance Officer for that agency.



1       “(b) COMPLIANCE.—Each Compliance Officer ap-  
2   pointed under subsection (a) shall be responsible for over-  
3   seeing the compliance of the relevant covered agency with  
4   the requirements of this Act.

5       “(c) AUDITS.—Each Compliance Officer shall con-  
6   duct routine audits of the compliance by the relevant cov-  
7   ered agency with—

8           “(1) the requirements of this Act regarding  
9       submitting applications to the Foreign Intelligence  
10      Surveillance Court, including with respect to the ac-  
11      curacy of such applications; and

12           “(2) the minimization, targeting, querying, and  
13      accuracy procedures required by this Act.

14       “(d) ASSESSMENTS.—Each Compliance Officer  
15   shall—

16           “(1) conduct on a routine basis assessments of  
17      the efficacy of the minimization, targeting, querying,  
18      and accuracy procedures adopted by the Attorney  
19      General pursuant to this Act; and

20           “(2) annually submit to the Assistant Attorney  
21      General designated as the Assistant Attorney Gen-  
22      eral for National Security under section 507A of  
23      title 28, United States Code, and the head of the  
24      relevant covered agency the findings of such assess-  
25      ments, including any recommendations of the Com-

1 compliance Officer with respect to improving such proce-  
2 dures.

3 “(e) REMEDIATION.—Each Compliance Officer shall  
4 ensure the remediation of any compliance issues of the rel-  
5 evant covered agency identified pursuant to this section  
6 or the rules of the Foreign Intelligence Surveillance Court.

7 “(f) INSPECTOR GENERALS ASSESSMENT.—On an  
8 annual basis, and consistent with the protection of sources  
9 and methods, each Inspector General of a covered agency  
10 shall submit to the Foreign Intelligence Surveillance Court  
11 and the appropriate congressional committees an assess-  
12 ment of the implementation of this section by the covered  
13 agency.

14 “(g) DEFINITIONS.—In this section:

15 “(1) APPROPRIATE CONGRESSIONAL COMMIT-  
16 TEES.—The term ‘appropriate congressional com-  
17 mittees’ means—

18 “(A) the Permanent Select Committee on  
19 Intelligence and the Committee on the Judici-  
20 ary of the House of Representatives; and

21 “(B) the Select Committee on Intelligence  
22 and the Committee on the Judiciary of the Sen-  
23 ate.

24 “(2) COVERED AGENCY.—The term ‘covered  
25 agency’ means a department or agency of the United

1 States Government that submits applications to the  
 2 Foreign Intelligence Surveillance Court under this  
 3 Act.

4 “(3) FOREIGN INTELLIGENCE SURVEILLANCE  
 5 COURT.—The term ‘Foreign Intelligence Surveillance  
 6 Court’ has the meaning given that term in section  
 7 101.”.

8 (b) CLERICAL AMENDMENT.—The table of sections  
 9 at the beginning of the Foreign Intelligence Surveillance  
 10 Act of 1978 is amended by inserting after the item relat-  
 11 ing to section 604 the following new item:

“Sec. 605. Compliance officers.”.

12 **SEC. 403. PUBLIC REPORTS ON INFORMATION OBTAINED**  
 13 **OR DERIVED UNDER FISA AND PROTECTION**  
 14 **OF FIRST AMENDMENT ACTIVITIES.**

15 (a) REPORTS.—Not later than 180 days after the  
 16 date of the enactment of this Act, the Attorney General  
 17 shall make publicly available the following reports:

18 (1) A report explaining how the United States  
 19 Government determines whether information is “ob-  
 20 tained or derived” from activities authorized by the  
 21 Foreign Intelligence Surveillance Act of 1978 (50  
 22 U.S.C. 1801 et seq.) for purposes of the notice re-  
 23 quirements under such Act.

24 (2) A report explaining how the United States  
 25 Government interprets the prohibition under section

1       501(a) of such Act (50 U.S.C. 1861(a)) on con-  
2       ducting an investigation of a United States person  
3       “solely upon the basis of activities protected by the  
4       first amendment to the Constitution”.

5       (b) REQUIREMENTS.—The Attorney General shall en-  
6       sure that the reports under subsection (a) are detailed and  
7       use hypothetical fact patterns to describe how the United  
8       States Government conducts the analyses covered by the  
9       reports.

10       (c) FORM.—The reports under subsection (a) shall be  
11       made publicly available in unclassified form.

12       **SEC. 404. MANDATORY REPORTING ON CERTAIN ORDERS.**

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

16               (1) in subparagraph (B), by striking “the num-  
17       ber of search terms concerning a known United  
18       States person” and inserting “the number of search  
19       terms that concern a known United States person or  
20       are reasonably likely to identify a United States per-  
21       son”; and

22               (2) in subparagraph (C), by striking “the num-  
23       ber of queries concerning a known United States  
24       person” and inserting “the number of queries that

1 concern a known United States person or are rea-  
2 sonably likely to identify a United States person”.

3 (b) MODIFICATION TO EXCEPTIONS.—Subsection  
4 (d)(2) of such section, as amended by section 101, is  
5 amended by striking “(A) FEDERAL” and all that follows  
6 through “(B) ELECTRONIC MAIL ADDRESS AND TELE-  
7 PHONE NUMBERS.—”.

8 **SEC. 405. REPORT ON USE OF FISA AUTHORITIES REGARD-**  
9 **ING PROTECTED ACTIVITIES AND PRO-**  
10 **TECTED CLASSES.**

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

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

20 (2) the impact of the use of such authorities on  
21 such activities and protected classes.

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

1           (1) Activities and expression protected by the  
 2       First Amendment to the Constitution of the United  
 3       States.

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

7       (c) FORM.—In addition to the report made publicly  
 8       available under subsection (a), the Board may submit to  
 9       the appropriate congressional committees a classified  
 10      annex.

11      (d) APPROPRIATE CONGRESSIONAL COMMITTEES  
 12      DEFINED.—In this section, the term “appropriate con-  
 13      gressional committees” means—

14           (1) the Committee on the Judiciary and the  
 15       Permanent Select Committee on Intelligence of the  
 16       House of Representatives; and

17           (2) the Committee on the Judiciary and the Se-  
 18       lect Committee on Intelligence of the Senate.

19      **SEC. 406. IMPROVEMENTS TO PRIVACY AND CIVIL LIB-**  
 20                                      **ERTIES OVERSIGHT BOARD.**

21      Paragraph (4) of section 1061(h) of the Intelligence  
 22      Reform and Terrorism Prevention Act of 2004 (42 U.S.C.  
 23      2000ee(h)) is amended to read as follows:

24           “(4) TERM.—

1           “(A) COMMENCEMENT.—Each member of  
2           the Board shall serve a term of 6 years, com-  
3           mencing on the date of the appointment of the  
4           member to the Board.

5           “(B) REAPPOINTMENT.—A member may  
6           be reappointed to one or more additional terms.

7           “(C) VACANCY.—A vacancy in the Board  
8           shall be filled in the manner in which the origi-  
9           nal appointment was made.

10          “(D) EXTENSION.—Upon the expiration of  
11          the term of office of a member, the member  
12          may continue to serve, at the election of the  
13          member—

14                 “(i) during the period preceding the  
15                 reappointment of the member pursuant to  
16                 subparagraph (B); or

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

19   **SEC. 407. SUNSETS.**

20          (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-  
21          IZATION ACT OF 2005.—Section 102(b)(1) of the USA  
22          PATRIOT Improvement and Reauthorization Act of 2005  
23          (50 U.S.C. 1805 note) is amended by striking “March 15,  
24          2020” and inserting “December 1, 2023”.

1 (b) INTELLIGENCE REFORM AND TERRORISM PRE-  
 2 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-  
 3 ligence Reform and Terrorism Prevention Act of 2004 (50  
 4 U.S.C. 1801 note) is amended by striking “March 15,  
 5 2020” and inserting “December 1, 2023”.

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

9 **SEC. 408. TECHNICAL AMENDMENTS.**

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

13 (1) In section 103(e) (50 U.S.C. 1803(e)), by  
 14 striking “702(h)(4)” both places it appears and in-  
 15 serting “702(i)(4)”.

16 (2) In section 105(a)(4) (50 U.S.C.  
 17 1805(a)(4))—

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

20 (B) by striking “section 104(d)” and in-  
 21 serting “section 104(c)”.

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



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

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

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

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

10                (C) in the subsection heading of subsection  
11   (m), by inserting a comma after “ASSESS-  
12   MENTS”.

13           (6) In section 801(8)(B)(iii) (50 U.S.C.  
14   1885(8)(B)(iii)), by striking “702(h)” and inserting  
15   “702(i)”.

16           (7) In section 802(a)(3) (50 U.S.C.  
17   1885a(a)(3)), by striking “702(h)” and inserting  
18   “702(i)”.

19           (b) REFERENCES TO FOREIGN INTELLIGENCE SUR-  
20   VEILLANCE COURT AND FOREIGN INTELLIGENCE SUR-  
21   VEILLANCE COURT OF REVIEW.—

22           (1) DEFINITIONS.—Section 101 (50 U.S.C.  
23   1801) is amended by adding at the end the following  
24   new subsections:

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

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

6 (2) CONFORMING AMENDMENTS.—The Foreign  
7 Intelligence Surveillance Act of 1978 (50 U.S.C.  
8 1801 et seq.) is amended—

9 (A) in section 102 (50 U.S.C. 1802), by  
10 striking “the court established under section  
11 103(a)” and inserting “the Foreign Intelligence  
12 Surveillance Court”;

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

14 (i) in subsection (a)—

15 (I) in paragraph (2)(A), by strik-  
16 ing “The court established under this  
17 subsection” and inserting “The For-  
18 eign Intelligence Surveillance Court”;  
19 and

20 (II) by striking “the court estab-  
21 lished under this subsection” each  
22 place it appears and inserting “the  
23 Foreign Intelligence Surveillance  
24 Court”;

25 (ii) in subsection (g)—

1 (I) by striking “the court estab-  
2 lished pursuant to subsection (a)” and  
3 inserting “the Foreign Intelligence  
4 Surveillance Court”;

5 (II) by striking “the court of re-  
6 view established pursuant to sub-  
7 section (b)” and inserting “the For-  
8 eign Intelligence Surveillance Court of  
9 Review”; and

10 (III) by striking “The courts es-  
11 tablished pursuant to subsections (a)  
12 and (b)” and inserting “The Foreign  
13 Intelligence Surveillance Court and  
14 the Foreign Intelligence Surveillance  
15 Court of Review”;

16 (iii) in subsection (h), by striking “a  
17 court established under this section” and  
18 inserting “the Foreign Intelligence Surveil-  
19 lance Court or the Foreign Intelligence  
20 Surveillance Court of Review”;

21 (iv) in subsection (i)—

22 (I) in paragraph (1), by striking  
23 “the courts established under sub-  
24 sections (a) and (b)” and inserting  
25 “the Foreign Intelligence Surveillance

1 Court and the Foreign Intelligence  
2 Surveillance Court of Review”;

3 (II) in paragraph (3)(B), by  
4 striking “the courts” and inserting  
5 “the Foreign Intelligence Surveillance  
6 Court and the Foreign Intelligence  
7 Surveillance Court of Review”;

8 (III) in paragraph (5), by strik-  
9 ing “the court” and inserting “the  
10 Foreign Intelligence Surveillance  
11 Court or the Foreign Intelligence Sur-  
12 veillance Court of Review, as the case  
13 may be,”;

14 (IV) in paragraph (6), by strik-  
15 ing “the court” each place it appears  
16 and inserting “the Foreign Intel-  
17 ligence Surveillance Court or the For-  
18 eign Intelligence Surveillance Court of  
19 Review”;

20 (V) by striking “a court estab-  
21 lished under subsection (a) or (b)”  
22 each place it appears and inserting  
23 “the Foreign Intelligence Surveillance  
24 Court or the Foreign Intelligence Sur-  
25 veillance Court of Review”; and

1 (VI) by striking “A court estab-  
2 lished under subsection (a) or (b)”  
3 each place it appears and inserting  
4 “The Foreign Intelligence Surveillance  
5 Court or the Foreign Intelligence Sur-  
6 veillance Court of Review”;  
7 (v) in subsection (j)—

8 (I) by striking “a court estab-  
9 lished under subsection (a)” and in-  
10 serting “the Foreign Intelligence Sur-  
11 veillance Court”; and

12 (II) by striking “the court deter-  
13 mines” and inserting “the Foreign In-  
14 telligence Surveillance Court deter-  
15 mines”;

16 (vi) by striking “the court established  
17 under subsection (a)” each place it appears  
18 and inserting “the Foreign Intelligence  
19 Surveillance Court”; and

20 (vii) by striking “the court established  
21 under subsection (b)” each place it appears  
22 and inserting “the Foreign Intelligence  
23 Surveillance Court of Review”;

24 (C) in section 105(c) (50 U.S.C.  
25 1805(c))—

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

4 (ii) in paragraph (3), by striking “the  
5 court” each place it appears and inserting  
6 “the Foreign Intelligence Surveillance  
7 Court”;

8 (D) in section 401(1) (50 U.S.C. 1841(1)),  
9 by striking “, and ‘State’” and inserting  
10 “‘State’, ‘Foreign Intelligence Surveillance  
11 Court’, and ‘Foreign Intelligence Surveillance  
12 Court of Review’”;

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

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

18 (ii) in subsection (h)(2), by striking  
19 “the court established under section  
20 103(a)” and inserting “the Foreign Intel-  
21 ligence Surveillance Court”;

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

23 (i) in subsection (b)(1), by striking  
24 “the court established by section 103(a)”

1 and inserting “the Foreign Intelligence  
2 Surveillance Court”;

3 (ii) in subsection (g)(3), by striking  
4 “the court established under section  
5 103(a)” and inserting “the Foreign Intel-  
6 ligence Surveillance Court”; and

7 (iii) in subsection (k)(1), by striking  
8 “, and ‘State’” and inserting “‘State’, and  
9 ‘Foreign Intelligence Surveillance Court’”;

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

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

15 (i) in paragraph (8)(B)(i), by striking  
16 “the court established under section  
17 103(a)” and inserting “the Foreign Intel-  
18 ligence Surveillance Court”; and

19 (ii) by adding at the end the following  
20 new paragraph:

21 “(10) FOREIGN INTELLIGENCE SURVEILLANCE  
22 COURT.—The term ‘Foreign Intelligence Surveillance  
23 Court’ means the court established under section  
24 103(a).”; and

1 (I) in section 802(a)(1) (50 U.S.C.  
2 1885a(a)(1)), by striking “the court established  
3 under section 103(a)” and inserting “the For-  
4 eign Intelligence Surveillance Court”.

5 (c) UPDATED REFERENCES TO CERTAIN INDIVID-  
6 UALS.—The Foreign Intelligence Surveillance Act of 1978  
7 (50 U.S.C. 1801 et seq.) is amended—

8 (1) in section 102(a) (50 U.S.C. 1802(a))—

9 (A) in paragraph (2), by striking “him”  
10 and inserting “the Attorney General”; and

11 (B) in paragraph (3), by striking “his cer-  
12 tification” and inserting “the Attorney Gen-  
13 eral’s certification”;

14 (2) in section 103(a)(1) (50 U.S.C.  
15 1803(a)(1)), by striking “his decision” and inserting  
16 “the decision of such judge”;

17 (3) in section 104(a) (50 U.S.C. 1804(a))—

18 (A) in the language preceding paragraph  
19 (1), by striking “his finding” and inserting “the  
20 Attorney General’s finding”; and

21 (B) in paragraph (3), by striking “his be-  
22 lief” and inserting “the applicant’s belief”;

23 (4) in section 105(a) (50 U.S.C. 1805(a)), by  
24 striking “he” and inserting “the judge”;

25 (5) in section 106 (50 U.S.C. 1806)—



1 (A) in subsection (e), by striking “he” and  
2 inserting “the person”; and

3 (B) in subsection (j), by striking “his dis-  
4 cretion” and inserting “the discretion of the  
5 judge”;

6 (6) in section 109 (50 U.S.C. 1809)—

7 (A) in subsection (a), by striking “he” and  
8 inserting “the person”; and

9 (B) in subsection (b), by striking “his offi-  
10 cial duties” and inserting “the official duties of  
11 such officer”;

12 (7) in section 305 (50 U.S.C. 1825)—

13 (A) in subsection (f)(1), by striking “he”  
14 and inserting “the person”; and

15 (B) in subsection (j)(1), by striking “his  
16 discretion” and inserting “the discretion of the  
17 judge”;

18 (8) in section 307 (50 U.S.C. 1827)—

19 (A) in subsection (a), by striking “he” and  
20 inserting “the person”; and

21 (B) in subsection (b), by striking “his offi-  
22 cial duties” and inserting “the official duties of  
23 such officer”; and

1           (9) in section 403 (50 U.S.C. 1843), by striking  
2       “his designee” and inserting “a designee of the At-  
3       torney General”.

4       (d) COORDINATION WITH OTHER AMENDMENTS  
5 MADE BY THIS ACT.—For purposes of applying amend-  
6 ments made by provisions of this Act other than this sec-  
7 tion, the amendments made by this section shall be treated  
8 as having been enacted immediately before any such  
9 amendments by other provisions of this Act.

Passed the House of Representatives March 11,  
2020.

Attest:

*Clerk.*



116<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6172

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## AN ACT

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