

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 3361  
OFFERED BY MR. SENSENBRENNER OF  
WISCONSIN**

Strike all after the enacting clause and insert the following:

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

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

**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 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 entered.

Sec. 604. Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.

Sec. 605. 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  
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 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—

1 (1) in subparagraph (A)—

2 (A) in the matter preceding clause (i), by  
3 striking “a statement” and inserting “in the  
4 case of an application other than an application  
5 described in subparagraph (C), a statement”;  
6 and

7 (B) in clause (iii), by striking “; and” and  
8 inserting a semicolon;

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

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

13 “(C) in the case of an application for the  
14 production of call detail records created on or  
15 after the date of the application, a statement of  
16 facts showing that—

17 “(i) there are reasonable grounds to  
18 believe that the call detail records sought  
19 to be produced based on the specific selec-  
20 tion term required under subparagraph (A)  
21 are relevant to an authorized investigation  
22 (other than a threat assessment) conducted  
23 in accordance with subsection (a)(2) to  
24 protect against international terrorism;  
25 and

1                   “(ii) there are facts giving rise to a  
2                   reasonable, articulable suspicion that such  
3                   specific selection term is associated with a  
4                   foreign power or an agent of a foreign  
5                   power; and”.

6           (b)   ORDER.—Section   501(c)(2)   (50   U.S.C.  
7 1861(c)(2)) is amended—

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

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

12                   (3) by adding at the end the following new sub-  
13                   paragraph:

14                   “(F) in the case of an application de-  
15                   scribed in subsection (b)(2)(C), shall—

16                   “(i) authorize the production of call  
17                   detail records for a period not to exceed  
18                   180 days;

19                   “(ii) provide that an order for such  
20                   production may be extended upon applica-  
21                   tion under subsection (b) and the judicial  
22                   finding under paragraph (1);

23                   “(iii) provide that the Government  
24                   may require the production of call detail  
25                   records—

1                   “(I) using the specific selection  
2                   term that satisfies the standard re-  
3                   quired under subsection (b)(2)(C)(ii)  
4                   as the basis for production; and

5                   “(II) using the results of the pro-  
6                   duction under subclause (I) as the  
7                   basis for production;

8                   “(iv) direct each person the Govern-  
9                   ment directs to produce call detail records  
10                  under the order to furnish the Government  
11                  forthwith all information, facilities, or  
12                  technical assistance necessary to accom-  
13                  plish the production in such a manner as  
14                  will protect the secrecy of the production  
15                  and produce a minimum of interference  
16                  with the services that such person is pro-  
17                  viding to each subject of the production;  
18                  and

19                  “(v) direct the Government to destroy  
20                  all call detail records produced under the  
21                  order not later than 5 years after the date  
22                  of the production of such records, except  
23                  for records that are relevant to an author-  
24                  ized investigation (other than a threat as-  
25                  sessment) conducted in accordance with

1 subsection (a)(2) to protect against inter-  
2 national terrorism.”.

3 **SEC. 102. EMERGENCY AUTHORITY.**

4 (a) **AUTHORITY.**—Section 501 (50 U.S.C. 1861) is  
5 amended by adding at the end the following new sub-  
6 section:

7 “(i) **EMERGENCY AUTHORITY FOR PRODUCTION OF**  
8 **TANGIBLE THINGS.**—

9 “(1) Notwithstanding any other provision of  
10 this section, the Attorney General may require the  
11 emergency production of tangible things if the Attor-  
12 ney General—

13 “(A) reasonably determines that an emer-  
14 gency situation requires the production of tan-  
15 gible things before an order authorizing such  
16 production can with due diligence be obtained;

17 “(B) reasonably determines that the fac-  
18 tual basis for the issuance of an order under  
19 this section to approve such production of tan-  
20 gible things exists;

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

1 things that the decision has been made to em-  
2 ploy the authority under this subsection; and

3 “(D) makes an application in accordance  
4 with this section to a judge having jurisdiction  
5 under this section as soon as practicable, but  
6 not later than 7 days after the Attorney Gen-  
7 eral requires the emergency production of tan-  
8 gible things under this subsection.

9 “(2) If the Attorney General authorizes the  
10 emergency production of tangible things under para-  
11 graph (1), the Attorney General shall require that  
12 the minimization procedures required by this section  
13 for the issuance of a judicial order be followed.

14 “(3) In the absence of a judicial order approv-  
15 ing the production of tangible things under this sub-  
16 section, the production shall terminate when the in-  
17 formation sought is obtained, when the application  
18 for the order is denied, or after the expiration of 7  
19 days from the time the Attorney General begins re-  
20 quiring the emergency production of such tangible  
21 things, whichever is earliest.

22 “(4) A denial of the application made under  
23 this subsection may be reviewed as provided in this  
24 section.

1           “(5) If such application for approval is denied,  
2           or in any other case where the production of tangible  
3           things is terminated and no order is issued approv-  
4           ing the production, no information obtained or evi-  
5           dence derived from such production shall be received  
6           in evidence or otherwise disclosed in any trial, hear-  
7           ing, or other proceeding in or before any court,  
8           grand jury, department, office, agency, regulatory  
9           body, legislative committee, or other authority of the  
10          United States, a State, or political subdivision there-  
11          of, and no information concerning any United States  
12          person acquired from such production shall subse-  
13          quently be used or disclosed in any other manner by  
14          Federal officers or employees without the consent of  
15          such person, except with the approval of the Attor-  
16          ney General if the information indicates a threat of  
17          death or serious bodily harm to any person.

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

20          (b) CONFORMING AMENDMENT.—Section 501(d) (50  
21          U.S.C. 1861(d)) is amended—

22                  (1) in paragraph (1)—

23                          (A) in the matter preceding subparagraph

24                          (A), by striking “pursuant to an order” and in-



1           serting “pursuant to an order issued or an  
2           emergency production required”;

3           (B) in subparagraph (A), by striking “such  
4           order” and inserting “such order or such emer-  
5           gency production”; and

6           (C) in subparagraph (B), by striking “the  
7           order” and inserting “the order or the emer-  
8           gency production”; and

9           (2) in paragraph (2)—

10           (A) in subparagraph (A), by striking “an  
11           order” and inserting “an order or emergency  
12           production”; and

13           (B) in subparagraph (B), by striking “an  
14           order” and inserting “an order or emergency  
15           production”.

16 **SEC. 103. PROHIBITION ON BULK COLLECTION OF TAN-**  
17 **GIBLE THINGS.**

18           (a) APPLICATION.—Section 501(b)(2) (50 U.S.C.  
19 1861(b)(2)), as amended by section 101(a), is further  
20 amended by inserting before subparagraph (B), as reded-  
21 igned by such section 101(a), the following new subpara-  
22 graph:

23           “(A) a specific selection term to be used as  
24           the basis for the production of the tangible  
25           things sought;”.

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

3 (1) in paragraph (2)(A), by striking the semi-  
4 colon and inserting “, including each specific selec-  
5 tion term to be used as the basis for the produc-  
6 tion;”; and

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

9 “(3) No order issued under this subsection may au-  
10 thorize the collection of tangible things without the use  
11 of a specific selection term that meets the requirements  
12 of subsection (b)(2).”.

13 **SEC. 104. JUDICIAL REVIEW OF MINIMIZATION PROCE-**  
14 **DURES FOR THE PRODUCTION OF TANGIBLE**  
15 **THINGS.**

16 Section 501(c)(1) (50 U.S.C. 1861(c)(1)) is amended  
17 by inserting after “subsections (a) and (b)” the following:  
18 “and that the minimization procedures submitted in ac-  
19 cordance with subsection (b)(2)(D) meet the definition of  
20 minimization procedures under subsection (g)”.

21 **SEC. 105. LIABILITY PROTECTION.**

22 Section 501(e) (50 U.S.C. 1861(e)) is amended to  
23 read as follows:

24 “(e) No cause of action shall lie in any court against  
25 a person who produces tangible things or provides infor-

1 mation, facilities, or technical assistance pursuant to an  
2 order issued or an emergency production required under  
3 this section. Such production shall not be deemed to con-  
4 stitute a waiver of any privilege in any other proceeding  
5 or context.”.

6 **SEC. 106. COMPENSATION FOR ASSISTANCE.**

7 Section 501 (50 U.S.C. 1861), as amended by section  
8 102 of this Act, is further amended by adding at the end  
9 the following new subsection:

10 “(j) COMPENSATION.—The Government shall com-  
11 pensate, at the prevailing rate, a person for producing tan-  
12 gible things or providing information, facilities, or assist-  
13 ance in accordance with an order issued or an emergency  
14 production required under this section.”.

15 **SEC. 107. DEFINITIONS.**

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

19 “(k) DEFINITIONS.—In this section:

20 “(1) CALL DETAIL RECORD DEFINED.—The  
21 term ‘call detail record’—

22 “(A) means session identifying information  
23 (including originating or terminating telephone  
24 number, International Mobile Subscriber Iden-  
25 tity number, or International Mobile Station

1 Equipment Identity number), a telephone call-  
2 ing card number, or the time or duration of a  
3 call; and

4 “(B) does not include—

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

8 “(ii) the name, address, or financial  
9 information of a subscriber or customer; or

10 “(iii) cell site location information.

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

14 **SEC. 108. INSPECTOR GENERAL REPORTS ON BUSINESS**  
15 **RECORDS ORDERS.**

16 Section 106A of the USA PATRIOT Improvement  
17 and Reauthorization Act of 2005 (Public Law 109–177;  
18 120 Stat. 200) is amended—

19 (1) in subsection (b)—

20 (A) in paragraph (1), by inserting “and  
21 calendar years 2012 through 2014” after  
22 “2006”;

23 (B) by striking paragraphs (2) and (3);

24 (C) by redesignating paragraphs (4) and  
25 (5) as paragraphs (2) and (3), respectively; and

1 (D) in paragraph (3) (as so redesignated)—  
2

3 (i) by striking subparagraph (C) and  
4 inserting the following new subparagraph:

5 “(C) with respect to calendar years 2012  
6 through 2014, an examination of the minimiza-  
7 tion procedures used in relation to orders under  
8 section 501 of the Foreign Intelligence Surveil-  
9 lance Act of 1978 (50 U.S.C. 1861) and wheth-  
10 er the minimization procedures adequately pro-  
11 tect the constitutional rights of United States  
12 persons;” and

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

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

19 “(3) CALENDAR YEARS 2012 THROUGH  
20 2014.—Not later than December 31, 2015, the In-  
21 spector General of the Department of Justice shall  
22 submit to the Committee on the Judiciary and the  
23 Select Committee on Intelligence of the Senate and  
24 the Committee on the Judiciary and the Permanent  
25 Select Committee on Intelligence of the House of

1       Representatives a report containing the results of  
2       the audit conducted under subsection (a) for cal-  
3       endar years 2012 through 2014.”;

4               (3) by redesignating subsections (d) and (e) as  
5       subsections (e) and (f), respectively;

6               (4) by inserting after subsection (c) the fol-  
7       lowing new subsection:

8       “(d) INTELLIGENCE ASSESSMENT.—

9               “(1) IN GENERAL.—For the period beginning  
10       on January 1, 2012, and ending on December 31,  
11       2014, the Inspector General of the Intelligence Com-  
12       munity shall assess—

13               “(A) the importance of the information ac-  
14       quired under title V of the Foreign Intelligence  
15       Surveillance Act of 1978 (50 U.S.C. 1861 et  
16       seq.) to the activities of the intelligence commu-  
17       nity;

18               “(B) the manner in which that information  
19       was collected, retained, analyzed, and dissemi-  
20       nated by the intelligence community;

21               “(C) the minimization procedures used by  
22       elements of the intelligence community under  
23       such title and whether the minimization proce-  
24       dures adequately protect the constitutional  
25       rights of United States persons; and

1           “(D) any minimization procedures pro-  
2           posed by an element of the intelligence commu-  
3           nity under such title that were modified or de-  
4           nied by the court established under section  
5           103(a) of such Act (50 U.S.C. 1803(a)).

6           “(2) SUBMISSION DATE FOR ASSESSMENT.—  
7           Not later than December 31, 2015, the Inspector  
8           General of the Intelligence Community shall submit  
9           to the Committee on the Judiciary and the Select  
10          Committee on Intelligence of the Senate and the  
11          Committee on the Judiciary and the Permanent Se-  
12          lect Committee on Intelligence of the House of Rep-  
13          resentatives a report containing the results of the  
14          assessment for calendar years 2012 through 2014.”;

15          (5) in subsection (e), as redesignated by para-  
16          graph (3)—

17                 (A) in paragraph (1)—

18                         (i) by striking “a report under sub-  
19                         section (c)(1) or (c)(2)” and inserting “any  
20                         report under subsection (e) or (d)”;

21                         (ii) by striking “Inspector General of  
22                         the Department of Justice” and inserting  
23                         “Inspector General of the Department of  
24                         Justice, the Inspector General of the Intel-  
25                         ligence Community, and any Inspector

1 General of an element of the intelligence  
2 community that prepares a report to assist  
3 the Inspector General of the Department  
4 of Justice or the Inspector General of the  
5 Intelligence Community in complying with  
6 the requirements of this section”; and

7 (B) in paragraph (2), by striking “the re-  
8 ports submitted under subsections (c)(1) and  
9 (c)(2)” and inserting “any report submitted  
10 under subsection (c) or (d)”;

11 (6) in subsection (f), as redesignated by para-  
12 graph (3)—

13 (A) by striking “The reports submitted  
14 under subsections (c)(1) and (c)(2)” and insert-  
15 ing “Each report submitted under subsection  
16 (c)”;

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

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

21 “(g) DEFINITIONS.—In this section:

22 “(1) INTELLIGENCE COMMUNITY.—The term  
23 ‘intelligence community’ has the meaning given that  
24 term in section 3 of the National Security Act of  
25 1947 (50 U.S.C. 3003).



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

5 **SEC. 109. EFFECTIVE DATE.**

6           The amendments made by sections 101 through 103  
7           shall take effect on the date that is 180 days after the  
8           date of the enactment of this Act.

9 **TITLE II—FISA PEN REGISTER**  
10 **AND TRAP AND TRACE DE-**  
11 **VICE REFORM**

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

13           (a) PROHIBITION.—Section 402(c) (50 U.S.C.  
14 1842(c)) is amended—

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

17                 (2) in paragraph (2), by striking the period and  
18                 inserting a semicolon; and

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

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

1 (b) DEFINITION.—Section 401 (50 U.S.C. 1841) is  
2 amended by adding at the end the following new para-  
3 graph:

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

6 **SEC. 202. MINIMIZATION PROCEDURES.**

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

10 “(5) The term ‘minimization procedures’  
11 means—

12 “(A) specific procedures that are reason-  
13 ably designed in light of the purpose and tech-  
14 nique of an order for the installation and use  
15 of a pen register or trap and trace device to  
16 minimize the retention and prohibit the dissemi-  
17 nation of nonpublicly available information con-  
18 cerning unconsenting United States persons  
19 consistent with the need of the United States to  
20 obtain, produce, and disseminate foreign intel-  
21 ligence information;

22 “(B) procedures that require that nonpub-  
23 licly available information, which is not foreign  
24 intelligence information, as defined in section  
25 101(e)(1), shall not be disseminated in a man-

1           ner that identifies any United States person,  
2           without such person’s consent, unless such per-  
3           son’s identity is necessary to understand foreign  
4           intelligence information or assess its impor-  
5           tance; and

6                   “(C) notwithstanding subparagraphs (A)  
7           and (B), procedures that allow for the retention  
8           and dissemination of information that is evi-  
9           dence of a crime which has been, is being, or  
10          is about to be committed and that is to be re-  
11          tained or disseminated for law enforcement pur-  
12          poses.”.

13          (b) APPLICATION.—Section 402(c) (50 U.S.C.  
14 1842(c)), as amended by section 201 of this Act, is further  
15 amended by adding at the end the following new para-  
16 graph:

17                   “(4) a statement of proposed minimization pro-  
18          cedures.”.

19          (c) ORDER.—Section 402(d) (50 U.S.C. 1842(d)) is  
20 amended—

21                   (1) in paragraph (1), by inserting “and that the  
22          proposed minimization procedures meet the defini-  
23          tion of minimization procedures under this title” be-  
24          fore the period at the end; and

25                   (2) in paragraph (2)(B)—

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

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

5 “(iv) the minimization procedures be fol-  
6 lowed; and”.

7 (d) COMPLIANCE ASSESSMENT.—Section 402 (50  
8 U.S.C. 1842) is amended by adding at the end the fol-  
9 lowing new subsection:

10 “(h) At or before the end of the period of time for  
11 which the installation and use of a pen register or trap  
12 and trace device is approved under an order or an exten-  
13 sion under this section, the judge may assess compliance  
14 with the minimization procedures by reviewing the cir-  
15 cumstances under which information concerning United  
16 States persons was retained or disseminated.”.

17 **TITLE III—FISA ACQUISITIONS**  
18 **TARGETING PERSONS OUT-**  
19 **SIDE THE UNITED STATES RE-**  
20 **FORMS**

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

22 Section 702(b)(2) (50 U.S.C. 1881a(b)(2)) is amend-  
23 ed by striking “the purpose” and inserting “a purpose”.

1 **SEC. 302. MINIMIZATION PROCEDURES.**

2 Section 702(e)(1) (50 U.S.C. 1881a(e)(1)) is amend-  
3 ed—

4 (1) by striking “that meet” and inserting the  
5 following: “that—

6 “(A) meet”;

7 (2) in subparagraph (A) (as designated by  
8 paragraph (1) of this section), by striking the period  
9 and inserting “; and”; and

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

12 “(B) consistent with such definition, mini-  
13 mize the acquisition, and prohibit the retention  
14 and dissemination, of any communication as to  
15 which the sender and all intended recipients are  
16 determined to be located in the United States  
17 and prohibit the use of any discrete, non-target  
18 communication that is determined to be to or  
19 from a United States person or a person who  
20 appears to be located in the United States, ex-  
21 cept to protect against an immediate threat to  
22 human life.”.

23 **SEC. 303. LIMITS ON USE OF UNLAWFULLY OBTAINED IN-**  
24 **FORMATION.**

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

1                   “(D) LIMITATION ON USE OF INFORMA-  
2                   TION.—

3                   “(i) IN GENERAL.—Except as pro-  
4                   vided in clause (ii), no information ob-  
5                   tained or evidence derived from an acquisi-  
6                   tion pursuant to a certification or tar-  
7                   geting or minimization procedures subject  
8                   to an order under subparagraph (B) con-  
9                   cerning any United States person shall be  
10                  received in evidence or otherwise disclosed  
11                  in any trial, hearing, or other proceeding  
12                  in or before any court, grand jury, depart-  
13                  ment, office, agency, regulatory body, legis-  
14                  lative committee, or other authority of the  
15                  United States, a State, or political subdivi-  
16                  sion thereof, and no information con-  
17                  cerning any United States person acquired  
18                  from the acquisition shall subsequently be  
19                  used or disclosed in any other manner by  
20                  Federal officers or employees without the  
21                  consent of the United States person, ex-  
22                  cept with the approval of the Attorney  
23                  General if the information indicates a  
24                  threat of death or serious bodily harm to  
25                  any person.

1                   “(ii) EXCEPTION.—If the Government  
2                   corrects any deficiency identified by the  
3                   order of the Court under subparagraph  
4                   (B), the Court may permit the use or dis-  
5                   closure of information acquired before the  
6                   date of the correction under such mini-  
7                   mization procedures as the Court shall es-  
8                   tablish for purposes of this clause.”.

9   **TITLE       IV—FOREIGN       INTEL-**  
10   **LIGENCE       SURVEILLANCE**  
11   **COURT REFORMS**

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

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

15       “(i) AMICUS CURIAE.—

16               “(1) AUTHORIZATION.—A court established  
17               under subsection (a) or (b), consistent with the re-  
18               quirement of subsection (c) and any other statutory  
19               requirement that the court act expeditiously or with-  
20               in a stated time—

21                   “(A) shall appoint an individual to serve as  
22                   amicus curiae to assist such court in the consid-  
23                   eration of any application for an order or review  
24                   that, in the opinion of the court, presents a  
25                   novel or significant interpretation of the law,

1           unless the court issues a written finding that  
2           such appointment is not appropriate; and

3                   “(B) may appoint an individual to serve as  
4           amicus curiae in any other instance as such  
5           court deems appropriate.

6                   “(2) DESIGNATION.—The presiding judges of  
7           the courts established under subsections (a) and (b)  
8           shall jointly designate not less than 5 individuals to  
9           be eligible to serve as amicus curiae. Such individ-  
10          uals shall be persons who possess expertise in pri-  
11          vacy and civil liberties, intelligence collection, tele-  
12          communications, or any other area of law that may  
13          lend legal or technical expertise to the courts and  
14          who have been determined by appropriate executive  
15          branch officials to be eligible for access to classified  
16          information.

17                   “(3) DUTIES.—An individual appointed to serve  
18          as amicus curiae under paragraph (1) shall carry  
19          out the duties assigned by the appointing court.  
20          Such court may authorize the individual appointed  
21          to serve as amicus curiae to review any application,  
22          certification, petition, motion, or other submission  
23          that the court determines is relevant to the duties  
24          assigned by the court.



1           “(4) NOTIFICATION.—The presiding judges of  
2 the courts established under subsections (a) and (b)  
3 shall notify the Attorney General of each exercise of  
4 the authority to appoint an individual to serve as  
5 amicus curiae under paragraph (1).

6           “(5) ASSISTANCE.—A court established under  
7 subsection (a) or (b) may request and receive (in-  
8 cluding on a non-reimbursable basis) the assistance  
9 of the executive branch in the implementation of this  
10 subsection.

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

17 **SEC. 402. DECLASSIFICATION OF DECISIONS, ORDERS, AND**  
18 **OPINIONS.**

19           (a) DECLASSIFICATION.—Title VI (50 U.S.C. 1871  
20 et seq.) is amended—

21           (1) in the heading, by striking “**REPORT-**  
22 **ING REQUIREMENT**” and inserting “**OVER-**  
23 **SIGHT**”; and

24           (2) by adding at the end the following new sec-  
25 tion:

1 **“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**  
2 **ORDERS, AND OPINIONS.**

3 “(a) DECLASSIFICATION REQUIRED.—Subject to  
4 subsection (b), the Attorney General shall conduct a de-  
5 classification review of each decision, order, or opinion  
6 issued by the Foreign Intelligence Surveillance Court or  
7 the Foreign Intelligence Surveillance Court of Review (as  
8 defined in section 601(e)) that includes significant con-  
9 struction or interpretation of any provision of this Act  
10 and, consistent with that review, make publicly available  
11 to the greatest extent practicable each such decision,  
12 order, or opinion.

13 “(b) REDACTED FORM.—The Attorney General may  
14 satisfy the requirement under subsection (a) to make a  
15 decision, order, or opinion described in such subsection  
16 publicly available to the greatest extent practicable by  
17 making such decision, order, or opinion publicly available  
18 in redacted form.

19 “(c) NATIONAL SECURITY WAIVER.—The Attorney  
20 General may waive the requirement to declassify and make  
21 publicly available a particular decision, order, or opinion  
22 under subsection (a) if the Attorney General—

23 “(1) determines that a waiver of such require-  
24 ment is necessary to protect the national security of  
25 the United States or properly classified intelligence  
26 sources or methods; and

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

3           (b) TABLE OF CONTENTS AMENDMENTS.—The table  
4           of contents in the first section is amended—

5           (1) by striking the item relating to title VI and  
6           inserting the following new item:

                                  “TITLE VI—OVERSIGHT”; AND

7           (2) by inserting after the item relating to sec-  
8           tion 601 the following new item:

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

9           **TITLE V—NATIONAL SECURITY**  
10           **LETTER REFORM**

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

12           (a) COUNTERINTELLIGENCE ACCESS TO TELEPHONE  
13           TOLL AND TRANSACTIONAL RECORDS.—Section 2709(b)  
14           of title 18, United States Code, is amended in the matter  
15           preceding paragraph (1) by striking “may” and inserting  
16           “may, using a specific selection term as the basis for a  
17           request”.

18           (b) ACCESS TO FINANCIAL RECORDS FOR CERTAIN  
19           INTELLIGENCE AND PROTECTIVE PURPOSES.—Section  
20           1114(a)(2) of the Right to Financial Privacy Act of 1978  
21           (12 U.S.C. 3414(a)(2)) by striking the period and insert-  
22           ing “and a specific selection term to be used as the basis  
23           for the production and disclosure of financial records.”.

1 (c) DISCLOSURES TO FBI OF CERTAIN CONSUMER  
2 RECORDS FOR COUNTERINTELLIGENCE PURPOSES.—Sec-  
3 tion 626(a) of the Fair Credit Reporting Act (15 U.S.C.  
4 1681u(a)) is amended by striking “that information,” and  
5 inserting “that information that includes a specific selec-  
6 tion term to be used as the basis for the production of  
7 that information.”.

8 (d) DISCLOSURES TO GOVERNMENTAL AGENCIES  
9 FOR COUNTERTERRORISM PURPOSES OF CONSUMER RE-  
10 PORTS.—Section 627(a) of the Fair Credit Reporting Act  
11 (15 U.S.C. 1681v(a)) is amended by striking “analysis.”  
12 and inserting “analysis and a specific selection term to  
13 be used as the basis for the production of such informa-  
14 tion.”.

15 (e) DEFINITIONS.—

16 (1) COUNTERINTELLIGENCE ACCESS TO TELE-  
17 PHONE TOLL AND TRANSACTIONAL RECORDS.—Sec-  
18 tion 2709 of title 18, United States Code, is amend-  
19 ed by adding at the end the following new sub-  
20 section:

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

1           (2) ACCESS TO FINANCIAL RECORDS FOR CER-  
2           TAIN INTELLIGENCE AND PROTECTIVE PURPOSES.—  
3           Section 1114 of the Right to Financial Privacy Act  
4           (12 U.S.C. 3414) is amended by adding at the end  
5           the following new subsection:

6           “(e) In this section, the term ‘specific selection term’  
7           has the meaning given the term in section 501 of the For-  
8           eign Intelligence Surveillance Act of 1978 (50 U.S.C.  
9           1861).”.

10           (3) DISCLOSURES TO FBI OF CERTAIN CON-  
11           SUMER RECORDS FOR COUNTERINTELLIGENCE PUR-  
12           POSES.—Section 626 of the Fair Credit Reporting  
13           Act (15 U.S.C. 1681u) is amended by adding at the  
14           end the following new subsection:

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

19           (4) DISCLOSURES TO GOVERNMENTAL AGEN-  
20           CIES FOR COUNTERTERRORISM PURPOSES OF CON-  
21           SUMER REPORTS.—Section 627 of the Fair Credit  
22           Reporting Act (15 U.S.C. 1681v) is amended by  
23           adding at the end the following new subsection:

24           “(g) SPECIFIC SELECTION TERM DEFINED.—In this  
25           section, the term ‘specific selection term’ has the meaning

1 given the term in section 501 of the Foreign Intelligence  
2 Surveillance Act of 1978 (50 U.S.C. 1861).”.

3 **TITLE VI—FISA TRANSPARENCY**  
4 **AND REPORTING REQUIRE-**  
5 **MENTS**

6 **SEC. 601. ADDITIONAL REPORTING ON ORDERS REQUIRING**  
7 **PRODUCTION OF BUSINESS RECORDS.**

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

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

11 (2) by inserting before paragraph (5) (as so re-  
12 designated) the following new paragraphs:

13 “(1) the total number of applications described  
14 in section 501(b)(2)(B) made for orders approving  
15 requests for the production of tangible things;

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

18 “(3) the total number of applications described  
19 in section 501(b)(2)(C) made for orders approving  
20 requests for the production of call detail records;

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

1 **SEC. 602. BUSINESS RECORDS COMPLIANCE REPORTS TO**  
2 **CONGRESS.**

3 (a) BUSINESS RECORDS PRODUCTIONS.—Section  
4 502(b) (50 U.S.C. 1862(b)), as amended by section 601  
5 of this Act, is further amended—

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

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

10 “(1) any compliance reviews conducted by the  
11 Federal Government of the production of tangible  
12 things under section 501;”.

13 (b) FISA AUTHORITIES IN GENERAL.—Section  
14 601(a) (50 U.S.C. 1871(a)) is amended—

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

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

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

21 “(6) any compliance reviews conducted by the  
22 Federal Government of electronic surveillance, phys-  
23 ical searches, the installation of pen register or trap  
24 and trace devices, access to records, or acquisitions  
25 conducted under 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 seq.),  
5 as amended by section 402 of this Act, is further amended  
6 by adding at the end the following new section:

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

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

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

17 “(2) the number of orders modified under each  
18 of those sections;

19 “(3) the number of orders denied under each of  
20 those sections; and

21 “(4) the number of appointments of an indi-  
22 vidual to serve as amicus curiae under section 103,  
23 including the name of each individual appointed to  
24 serve as amicus curiae.”.

25 (b) TABLE OF CONTENTS AMENDMENT.—The table  
26 of contents in the first section, as amended by section 402



1 of this Act, is further amended by inserting after the item  
2 relating to section 602, as added by such section 402, the  
3 following new item:

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

4 **SEC. 604. REPORTING REQUIREMENTS FOR DECISIONS OF**  
5 **THE FOREIGN INTELLIGENCE SURVEIL-**  
6 **LANCE COURT.**

7 Section 601(c)(1) (50 U.S.C. 1871(c)) is amended to  
8 read as follows:

9 “(1) not later than 45 days after the date on  
10 which the Foreign Intelligence Surveillance Court or  
11 the Foreign Intelligence Surveillance Court of Re-  
12 view issues a decision, order, or opinion that in-  
13 cludes a significant construction or interpretation of  
14 any provision of this Act or a denial of a request for  
15 an order or a modification of a request for an order,  
16 or results in a change of application of any provision  
17 of this Act or a new application of any provision of  
18 this Act—

19 “(A) a copy of such decision, order, or  
20 opinion and any pleadings, applications, or  
21 memoranda of law associated with such deci-  
22 sion, order, or opinion; and

23 “(B) with respect to such decision, order,  
24 or opinion, a brief statement of the relevant

1 background factual information, questions of  
2 law, legal analysis, and decision rendered; and”.

3 **SEC. 605. SUBMISSION OF REPORTS UNDER FISA.**

4 (a) **ELECTRONIC SURVEILLANCE.**—Section 108(a)(1)  
5 (50 U.S.C. 1808(a)(1)) is amended by striking “the  
6 House Permanent Select Committee on Intelligence and  
7 the Senate Select Committee on Intelligence, and the  
8 Committee on the Judiciary of the Senate,” and inserting  
9 “the Permanent Select Committee on Intelligence and the  
10 Committee on the Judiciary of the House of Representa-  
11 tives and the Select Committee on Intelligence and the  
12 Committee on the Judiciary of the Senate”.

13 (b) **PHYSICAL SEARCHES.**—Section 306 (50 U.S.C.  
14 1826) is amended—

15 (1) in the first sentence, by striking “Perma-  
16 nent Select Committee on Intelligence of the House  
17 of Representatives and the Select Committee on In-  
18 telligence of the Senate, and the Committee on the  
19 Judiciary of the Senate,” and inserting “Permanent  
20 Select Committee on Intelligence and the Committee  
21 on the Judiciary of the House of Representatives  
22 and the Select Committee on Intelligence and the  
23 Committee on the Judiciary of the Senate”; and

1           (2) in the second sentence, by striking “and the  
2           Committee on the Judiciary of the House of Rep-  
3           resentatives”.

4           (c) PEN REGISTER AND TRAP AND TRACE DE-  
5           VICES.—Section 406(b) (50 U.S.C. 1846(b)) is amend-  
6           ed—

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

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

11          (3) by adding at the end the following new  
12          paragraphs:

13               “(4) each department or agency on behalf of  
14               which the Government has made application for or-  
15               ders approving the use of pen registers or trap and  
16               trace devices under this title; and

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

20          (d) ACCESS TO CERTAIN BUSINESS RECORDS AND  
21          OTHER TANGIBLE THINGS.—Section 502(a) (50 U.S.C.  
22          1862(a)) is amended by striking “Permanent Select Com-  
23          mittee on Intelligence of the House of Representatives and  
24          the Select Committee on Intelligence and the Committee  
25          on the Judiciary of the Senate” and inserting “Permanent

1 Select Committee on Intelligence of the House of Rep-  
2 resentatives, the Select Committee on Intelligence of the  
3 Senate, and the Committees on the Judiciary of the House  
4 of Representatives and the Senate”.

5 **TITLE VII—SUNSETS**

6 **SEC. 701. SUNSETS.**

7 (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-  
8 IZATION ACT OF 2005.—Section 102(b)(1) of the USA  
9 PATRIOT Improvement and Reauthorization Act of 2005  
10 (50 U.S.C. 1805 note) is amended by striking “June 1,  
11 2015” and inserting “December 31, 2017”.

12 (b) INTELLIGENCE REFORM AND TERRORISM PRE-  
13 VENTION ACT OF 2004.—Section 6001(b)(1) of the Intel-  
14 ligence Reform and Terrorism Prevention Act of 2004 (50  
15 U.S.C. 1801 note) is amended by striking “June 1, 2015”  
16 and inserting “December 31, 2017”.

