

Amendment Options

On page 9, strike lines 10 through 16, and insert

“(1) Requirement to Adopt.—The Attorney General, in consultation with the DNI, shall adopt targeting procedures that are reasonably designed to ensure that any acquisition authorized under subsection (a) is limited to targeting persons reasonably believed to be located outside the United States, and that at least one party to a communication acquired is a specific individual target reasonably believed to be outside the United States.”

On page 21, strike line 11 through line 13, and insert the following:

“(ii) or, if the Government appeals an order under this section, until the Court of Review enters an order under subsection (C).

“(C) IMPLEMENTATION PENDING APPEAL.— No later than 30 days after an appeal to it of an order under paragraph (5)(B) directing the correction of a deficiency, the Court of Review shall determine, and enter a corresponding order, whether all or any part of the correction order, as issued or modified, shall be implemented during the pendency of the appeal.”

On page 21, line 22, insert

“(7) COMPLIANCE REVIEW.—At or before the end of the period of time for which minimization procedures have been approved under paragraph 5(A), the Court may review and assess compliance with such procedures by reviewing the semiannual assessments submitted by the Attorney General and the Director of National Intelligence pursuant to subsection (I) with respect to compliance with such procedures. In conducting a review under this paragraph, the Court may, to the extent necessary, require the Government to provide additional information regarding the acquisition, retention, or dissemination of information concerning United States persons during the course of an acquisition authorized under subsection (a). The Court shall consider the results of such review when approving the continued use of such procedures under paragraph 5(A).”

On page 24, lines 5, strike “persons located in the United States” and insert “such targets located in the United States”

On page 25, line 8, strike “and”.

On page 25, lines 11 through 13, strike “persons located in the United States whose communications were reviewed” and insert

“such targets located in the United States whose communications were reviewed; and

“(iv) a description of the system developed by the DNI to assess, in a manner consistent with national security, operational requirements and the privacy interests of U.S. persons, the extent to which the acquisitions authorized under subsection (a) acquire the communications of United States persons, as well as any results of that assessment. “

On page 26, strike line 3 and all that follows through line 17 of p. 28, and insert

[New sections 704 and 705 to be added]

“SEC. 706. USE OF INFORMATION ACQUIRED UNDER THIS TITLE.

“(a) Information acquired from an acquisition conducted under section 703 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106, except for the purposes of subsection (j) of such section.”

“(b) Information acquired from an acquisition conducted under sections 704 and 705 shall be deemed to be information acquired from an electronic surveillance pursuant to title I for purposes of section 106.”

SEC. 707. CONGRESSIONAL OVERSIGHT

“(a) SEMIANNUAL REPORT.—Not less frequently than once every 6 months, the Attorney General shall fully inform, in a manner consistent with national security, the congressional intelligence committees, the Committee on the Judiciary of the Senate, and the Committee on the Judiciary of the House of Representatives, concerning the implementation of this Title.

“(b) CONTENT.—Each report made under subparagraph (a) shall include—

(1) As to section 703—

“(A) any certifications made under subsection 703(g) during the reporting period;

“(B) any directives issued under subsection 703(h) during the reporting period;

“(C) a description of the judicial review during the reporting period of any such certifications and targeting and minimization procedures utilized with respect to such acquisition, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section;

“(D) any actions taken to challenge or enforce a directive under paragraphs (4) or (5) of subsections 703(h);

“(E) any compliance reviews conducted by the Department of Justice or the Office of the Director of National Intelligence of acquisitions authorized under subsection 703(a);

“(F) a description of any incidents of noncompliance with a directive issued by the Attorney General and the Director of National Intelligence under subsection 703(a), including—

“(i) incidents of noncompliance by an element of the intelligence community with procedures adopted pursuant to subsections 703(e) and (f); and

“(ii) incidents of noncompliance by a specified person to whom the Attorney General and Director of National Intelligence issued a directive under subsection 703(h);

“(G) any procedures implementing this section; and

“(H) any annual review conducted pursuant to section 703(l)(3).

“(2) As to section 704—

“(A) the total number of applications made for orders under section 704(b);

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

“(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 704(d) and the total number of subsequent orders approving or denying such acquisitions; and

“(D) a description of the judicial review during the reporting period of any applications under subsection 704, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section.

“(3) As to section 705—

“(A) the total number of applications made for orders under 705(b);

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

“(C) the total number of emergency acquisitions authorized by the Attorney General under subsection 704(d) and the total number of subsequent orders approving or denying such applications; and

“(D) a description of the judicial review during the reporting period of any applications under subsection 704, including a copy of any order or pleading in connection with such review that contains a significant legal interpretation of the provisions of this section.

(b) Table of Contents.—The table of contents in the first section of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et. seq.) is amended—

(1) by striking the item relating to title VII;

(2) by striking the item relating to section 701; and

(3) by adding at the end the following:

“Sec.701. Limitation on definition of electronic surveillance.

“Sec.702. Definitions.

“Sec.703. Procedures for targeting certain persons outside the United States.

“Sec.704. Certain acquisitions inside the United States of United States persons outside the United States.

“Sec.705. Other acquisitions targeting United States persons outside the United States.

“Sec.706. Use of information acquired under title VII.”.

“Sec.707. Congressional Oversight.