

1 “(E) a description of the nature of the information sought and the type of  
2 communications or activities to be subjected to acquisition;

3 “(F) a certification made by the Attorney General or an official specified in section  
4 104(a)(6) that—

5 “(i) the certifying official deems the information sought to be foreign  
6 intelligence information;

7 “(ii) a significant purpose of the acquisition is to obtain foreign intelligence  
8 information;

9 “(iii) such information cannot reasonably be obtained by normal investigative  
10 techniques;

11 “(iv) designates the type of foreign intelligence information being sought  
12 according to the categories described in section 101(e); and

13 “(v) includes a statement of the basis for the certification that—

14 “(I) the information sought is the type of foreign intelligence information  
15 designated; and

16 “(II) such information cannot reasonably be obtained by normal  
17 investigative techniques;

18 “(G) a summary statement of the means by which the acquisition will be conducted  
19 and whether physical entry is required to effect the acquisition;

20 “(H) the identity of any electronic communication service provider necessary to  
21 effect the acquisition, provided, however, that the application is not required to identify  
22 the specific facilities, places, premises, or property at which the acquisition authorized  
23 under this section will be directed or conducted;

24 “(I) a statement of the facts concerning any previous applications that have been  
25 made to any judge of the Foreign Intelligence Surveillance Court involving the United  
26 States person specified in the application and the action taken on each previous  
27 application; and

28 “(J) a statement of the period of time for which the acquisition is required to be  
29 maintained, provided that such period of time shall not exceed 90 days per application.

30 “(2) OTHER REQUIREMENTS OF THE ATTORNEY GENERAL.—The Attorney General may  
31 require any other affidavit or certification from any other officer in connection with the  
32 application.

33 “(3) OTHER REQUIREMENTS OF THE JUDGE.—The judge may require the applicant to  
34 furnish such other information as may be necessary to make the findings required by  
35 subsection (c)(1).

36 “(4) CONSTRUCTION.—Nothing in title I of this Act shall be construed to require an  
37 application under section 104 for an acquisition that is targeted in accordance with  
38 this section at a United States person reasonably believed to be located outside the  
39 United States.

40 “(c) Order.—

1           “(1) FINDINGS.—Upon an application made pursuant to subsection (b), the Foreign  
2 Intelligence Surveillance Court shall enter an ex parte order as requested or as modified by  
3 the Court approving the acquisition if the Court finds that—

4           “(A) the application has been made by a Federal officer and approved by the  
5 Attorney General;

6           “(B) on the basis of the facts submitted by the applicant, for the United States person  
7 who is the target of the acquisition, there is probable cause to believe that the target  
8 is—

9           “(i) a person reasonably believed to be located outside the United States; and

10           “(ii) a foreign power, an agent of a foreign power, or an officer or employee of  
11 a foreign power;

12           “(C) the proposed minimization procedures meet the definition of minimization  
13 procedures under section 101(h) or section 301(4), as appropriate; and

14           “(D) the application ~~which~~ that has been filed contains all statements and  
15 certifications required by subsection (b) and the certification or certifications are not  
16 clearly erroneous on the basis of the statement made under subsection (b)(1)(F)(v) and  
17 any other information furnished under subsection (b)(3).

18           “(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for  
19 purposes of ~~an order under~~ paragraph (1)(B), a judge having jurisdiction under subsection  
20 (a)(1) may consider past activities of the target, ~~as well as~~ and facts and circumstances  
21 relating to current or future activities of the target. ~~However, no~~ No United States person  
22 may be considered a foreign power, agent of a foreign power, or officer or employee of a  
23 foreign power solely upon the basis of activities protected by the first amendment to the  
24 Constitution of the United States.

25           “(3) REVIEW.—

26           “(A) LIMITATION ON REVIEW.—Review by a judge having jurisdiction under  
27 subsection (a)(1) shall be limited to that required to make the findings described in  
28 paragraph (1).

29           “(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted  
30 under subsection (b) are insufficient to establish probable cause ~~to issue an order under~~  
31 paragraph (1)(B), the judge shall enter an order so stating and provide a written  
32 statement for the record of the reasons for such determination. The Government may  
33 appeal an order under this ~~elause~~ subparagraph pursuant to subsection (f).

34           “(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the  
35 proposed minimization procedures ~~required under~~ referred to in paragraph (1)(C) do  
36 not meet the definition of minimization procedures under section 101(h) or section  
37 301(4), as appropriate, the judge shall enter an order so stating and provide a written  
38 statement for the record of the reasons for such determination. The Government may  
39 appeal an order under this ~~elause~~ subparagraph pursuant to subsection (f).

40           “(D) REVIEW OF CERTIFICATION.—If the judge determines that an application  
41 required by subsection (b) does not contain all of the required elements, or that the

1 certification or certifications are clearly erroneous on the basis of the statement made  
2 under subsection (b)(1)(F)(v) and any other information furnished under subsection  
3 (b)(3), the judge shall enter an order so stating and provide a written statement for the  
4 record of the reasons for such determination. The Government may appeal an order  
5 under this ~~clause~~ **subparagraph** pursuant to subsection (f).

6 **“(4) SPECIFICATIONS.—**An order approving an acquisition under this subsection shall  
7 specify—

8 **“(A)** the identity, if known, or a description of the United States person who is the  
9 target of the acquisition identified or described in the application pursuant to  
10 subsection (b)(1)(B);

11 **“(B)** if provided in the application pursuant to subsection (b)(1)(H), the nature and  
12 location of each of the facilities or places at which the acquisition will be directed;

13 **“(C)** the nature of the information sought to be acquired and the type of  
14 communications or activities to be subjected to acquisition;

15 **“(D)** the means by which the acquisition will be conducted and whether physical  
16 entry is required to effect the acquisition; and

17 **“(E)** the period of time during which the acquisition is approved.

18 **“(5) DIRECTIONS.—**An order approving ~~acquisitions~~ **an acquisition** under this subsection  
19 shall direct—

20 **“(A)** that the minimization procedures **referred to in paragraph (1)(C), as**  
21 **approved or modified by the Court,** be followed;

22 **“(B)** an electronic communication service provider to provide to the Government  
23 forthwith all information, facilities, or assistance necessary to accomplish the  
24 acquisition authorized under ~~this subsection~~ **such order** in a manner that will protect  
25 the secrecy of the acquisition and produce a minimum of interference with the services  
26 that such electronic communication service provider is providing to the target of the  
27 **acquisition;**

28 **“(C)** an electronic communication service provider to maintain under security  
29 procedures approved by the Attorney General any records concerning the acquisition  
30 or the aid furnished that such electronic communication service provider wishes to  
31 maintain; and

32 **“(D)** that the Government compensate, at the prevailing rate, such electronic  
33 communication service provider for providing such information, facilities, or  
34 assistance.

35 **“(6) DURATION.—**An order approved under this ~~paragraph~~ **subsection** shall be effective  
36 for a period not to exceed 90 days and such order may be renewed for additional 90-day  
37 periods upon submission of renewal applications meeting the requirements of subsection  
38 (b).

39 **“(7) COMPLIANCE.—**At or prior to the end of the period of time for which an acquisition  
40 is approved by an order or extension under this section, the judge may assess compliance  
41 with the minimization procedures **referred to in paragraph (1)(C)** by reviewing the

1 circumstances under which information concerning United States persons was acquired,  
2 retained, or disseminated.

3 “(d) Emergency Authorization.—

4 “(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other  
5 provision of this Act, if the Attorney General reasonably determines that—

6 “(A) an emergency situation exists with respect to the acquisition of foreign  
7 intelligence information for which an order may be obtained under subsection (c)  
8 before an order authorizing such acquisition can with due diligence be obtained, and

9 “(B) the factual basis for issuance of an order under this subsection to approve such  
10 acquisition exists,

11 the Attorney General may authorize ~~the emergency~~ such acquisition if a judge having  
12 jurisdiction under subsection (a)(1) is informed by the Attorney General, or a designee of  
13 the Attorney General, at the time of such authorization that the decision has been made to  
14 conduct such acquisition and if an application in accordance with this ~~subsection~~ section is  
15 made to a judge of the Foreign Intelligence Surveillance Court as soon as practicable, but  
16 not more than 7 days after the Attorney General authorizes such acquisition.

17 “(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes ~~such emergency~~  
18 an acquisition under paragraph (1), the Attorney General shall require that the  
19 minimization procedures ~~required by this section referred to in subsection (c)(1)(C)~~ for  
20 the issuance of a judicial order be followed.

21 “(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of a judicial order  
22 approving ~~such an acquisition, the~~ under paragraph (1), such acquisition shall terminate  
23 when the information sought is obtained, when the application for the order is denied, or  
24 after the expiration of 7 days from the time of authorization by the Attorney General,  
25 whichever is earliest.

26 “(4) USE OF INFORMATION.—~~IN THE EVENT THAT SUCH INFORMATION.—~~If an application  
27 for approval submitted pursuant to paragraph (1) is denied, or in any other case where  
28 the acquisition is terminated and no order is issued approving the acquisition, no  
29 information obtained or evidence derived from such acquisition, except under  
30 circumstances in which the target of the acquisition is determined not to be a United States  
31 person ~~during the pendency of the 7-day emergency acquisition period~~, shall be received in  
32 evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any  
33 court, grand jury, department, office, agency, regulatory body, legislative committee, or  
34 other authority of the United States, a State, or political subdivision thereof, and no  
35 information concerning any United States person acquired from such acquisition shall  
36 subsequently be used or disclosed in any other manner by Federal officers or employees  
37 without the consent of such person, except with the approval of the Attorney General if the  
38 information indicates a threat of death or serious bodily harm to any person.

39 “(e) Release From Liability.—~~Notwithstanding any other law, no~~ Liability.—No cause of  
40 action shall lie in any court against any electronic communication service provider for providing  
41 any information, facilities, or assistance in accordance with an order or request for emergency  
42 assistance issued pursuant to subsections (c) or (d).

1 “(f) Appeal.—

2 “(1) APPEAL TO THE FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW.—The  
3 Government may file an appeal with the Foreign Intelligence Surveillance Court of Review  
4 for review of an order issued pursuant to subsection (c). The Court of Review shall have  
5 jurisdiction to consider such appeal and shall provide a written statement for the record of  
6 the reasons for a decision under this paragraph.

7 “(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a  
8 writ of certiorari for review of the a decision of the Court of Review issued under paragraph  
9 (1). The record for such review shall be transmitted under seal to the Supreme Court of the  
10 United States, which shall have jurisdiction to review such ~~decision.~~ decision.”

11 **“SEC. 705 704. OTHER ACQUISITIONS TARGETING**  
12 **UNITED STATES PERSONS OUTSIDE THE UNITED**  
13 **STATES.**

14 “(a) Jurisdiction and Scope.—

15 “(1) JURISDICTION.—The Foreign Intelligence Surveillance Court shall have jurisdiction  
16 to enter an order pursuant to subsection (c).

17 “(2) SCOPE.—No ~~element of the intelligence community~~ department or agency of the  
18 Federal Government may intentionally target, for the purpose of acquiring foreign  
19 intelligence information, a United States person reasonably believed to be located outside  
20 the United States under circumstances in which the targeted United States person has a  
21 reasonable expectation of privacy and a warrant would be required if the acquisition were  
22 conducted inside the United States for law enforcement purposes, unless a judge of the  
23 Foreign Intelligence Surveillance Court has entered an order with respect to such targeted  
24 United States person or the Attorney General has authorized an emergency acquisition  
25 pursuant to subsections (c) or (d) or any other provision of this Act.

26 “(3) LIMITATIONS.—

27 “(A) MOVING OR MISIDENTIFIED TARGETS.—~~IN THE EVENT THAT THE TARGETS.—~~If  
28 a targeted United States person is reasonably believed to be in the United States during  
29 the pendency of an order issued pursuant to subsection (c), ~~such acquisition shall cease~~  
30 ~~until authority is obtained pursuant to this Act or the targeting of such United States~~  
31 ~~person under this section shall cease unless the targeted United States person is~~  
32 ~~again reasonably believed to be located outside the United States during the pendency~~  
33 ~~of an order issued pursuant to subsection (c).~~

34 “(B) APPLICABILITY.—If ~~the an~~ acquisition is to be conducted inside the United  
35 States and could be authorized under section 704, ~~the procedures of section 704 shall~~  
36 ~~apply, unless an order or emergency acquisition authority has been obtained under a~~  
37 ~~703, the acquisition may only be conducted if authorized by section 703 or in~~  
38 ~~accordance with another provision of this Act other than under this section.~~

39 “(b) Application.—Each application for an order under this section shall be made by a Federal  
40 officer in writing upon oath or affirmation to a judge having jurisdiction under subsection (a)(1).  
41 Each application shall require the approval of the Attorney General based upon the Attorney

1 General's finding that it satisfies the criteria and requirements of such application as set forth in  
2 this section and shall include—

3 “(1) the identity of the Federal officer making the application;

4 “(2) the identity, if known, or a description of the specific United States person who is  
5 the target of the acquisition;

6 “~~(2)~~“(3) a statement of the facts and circumstances relied upon to justify the applicant's  
7 belief that the United States person who is the target of the acquisition is—

8 “(A) a person reasonably believed to be located outside the United States; and

9 “(B) a foreign power, an agent of a foreign power, or an officer or employee of a  
10 foreign power;

11 “~~(3)~~“(4) a statement of the proposed minimization procedures that meet the definition of  
12 minimization procedures under section 101(h) or section 301(4), **as appropriate**;;

13 “(4)“(5) a certification made by the Attorney General, an official specified in section  
14 104(a)(6), or the head of an element of the intelligence community that—

15 “(A) the certifying official deems the information sought to be foreign intelligence  
16 information; and

17 “(B) a significant purpose of the acquisition is to obtain foreign intelligence  
18 information;

19 “~~(5)~~“(6) a statement of the facts concerning any previous applications that have been  
20 made to any judge of the Foreign Intelligence Surveillance Court involving the United  
21 States person specified in the application and the action taken on each previous application;  
22 and

23 “~~(6)~~“(7) a statement of the period of time for which the acquisition is required to be  
24 maintained, provided that such period of time shall not exceed 90 days per application.

25 “(c) Order.—

26 “(1) ~~FINDINGS. — IF, UPON FINDINGS. — Upon an application made pursuant to subsection~~  
27 ~~(b), a judge having jurisdiction under subsection (a) finds that— the Foreign Intelligence~~  
28 ~~Surveillance Court shall enter an ex parte order as requested or as modified by the~~  
29 ~~Court if the Court finds that—~~

30 “~~(A)~~“(A) the application has been made by a Federal officer and approved by  
31 the Attorney General;

32 “(B) on the basis of the facts submitted by the applicant, for the United States person  
33 who is the target of the acquisition, there is probable cause to believe that the target  
34 is—

35 “(i) a person reasonably believed to be located outside the United States; and

36 “(ii) a foreign power, an agent of a foreign power, or an officer or employee of  
37 a foreign power;

38 “~~(B)~~“(C) the proposed minimization procedures, with respect to their dissemination  
39 provisions, meet the definition of minimization procedures under section 101(h) or

1 section 301(4), as appropriate; and

2 ~~“(C)”~~“(D) the application which that has been filed contains all statements and  
3 certifications required by subsection (b) and the certification provided under subsection  
4 ~~(b)(4)(b)(5)~~ is not clearly erroneous on the basis of the information furnished under  
5 subsection (b).;

6 ~~the Court shall issue an ex parte order so stating.~~

7 “(2) PROBABLE CAUSE.—In determining whether or not probable cause exists for  
8 purposes of an order under paragraph ~~(1)(A)~~(1)(B), a judge having jurisdiction under  
9 subsection (a)(1) may consider past activities of the target, ~~as well as~~ and facts and  
10 circumstances relating to current or future activities of the target. ~~However, no~~ No United  
11 States person may be considered a foreign power, agent of a foreign power, or officer or  
12 employee of a foreign power solely upon the basis of activities protected by the first  
13 amendment to the Constitution of the United States.

14 “(3) REVIEW.—

15 “(A) LIMITATIONS ON REVIEW.—Review by a judge having jurisdiction under  
16 subsection (a)(1) shall be limited to that required to make the findings described in  
17 paragraph (1). The judge shall not have jurisdiction to review the means by which an  
18 acquisition under this section may be conducted.

19 “(B) REVIEW OF PROBABLE CAUSE.—If the judge determines that the facts submitted  
20 under subsection (b) are insufficient to establish probable cause ~~to issue an order~~ under  
21 this subsection, the judge shall enter an order so stating and provide a written statement  
22 for the record of the reasons for such determination. The Government may appeal an  
23 order under this clause pursuant to subsection (e).

24 “(C) REVIEW OF MINIMIZATION PROCEDURES.—If the judge determines that the  
25 minimization procedures applicable to dissemination of information obtained through  
26 an acquisition under this subsection do not meet the definition of minimization  
27 procedures under section 101(h) or section 301(4), as appropriate, the judge shall  
28 enter an order so stating and provide a written statement for the record of the reasons  
29 for such determination. The Government may appeal an order under this clause  
30 pursuant to subsection (e).

31 “(D) SCOPE OF REVIEW OF CERTIFICATION.—If the judge ~~determines Foreign~~  
32 **Intelligence Surveillance Court determines that an application under subsection**  
33 **(b) does not contain all the required elements, or that the certification provided**  
34 **under subsection ~~(b)(4)(b)(5)~~ is clearly erroneous on the basis of the information**  
35 **furnished under subsection (b), the judge shall enter an order so stating and provide a**  
36 **written statement for the record of the reasons for such determination. The**  
37 **Government may appeal an order under this ~~subparagraph~~ clause pursuant to**  
38 **subsection (e).**

39 “(4) DURATION.—An order under this paragraph shall be effective for a period not to  
40 exceed 90 days and such order may be renewed for additional 90-day periods upon  
41 submission of renewal applications meeting the requirements of subsection (b).

42 “(5) COMPLIANCE.—At or prior to the end of the period of time for which an order or

1 extension is granted under this section, the judge may assess compliance with the  
2 minimization procedures referred to in paragraph (1)(C) by reviewing the circumstances  
3 under which information concerning United States persons was disseminated, provided that  
4 the judge may not inquire into the circumstances relating to the conduct of the acquisition.

5 “(d) Emergency Authorization.—

6 “(1) AUTHORITY FOR EMERGENCY AUTHORIZATION.—Notwithstanding any other  
7 provision in of this subsection section, if the Attorney General reasonably determines  
8 that—

9 “(A) an emergency situation exists with respect to the acquisition of foreign  
10 intelligence information for which an order may be obtained under subsection (c)  
11 before an order under that subsection may can, with due diligence, be obtained, and

12 “(B) the factual basis for the issuance of an order under this section exists,  
13 the Attorney General may authorize the emergency acquisition if a judge having jurisdiction  
14 under subsection (a)(1) is informed by the Attorney General or a designee of the Attorney  
15 General at the time of such authorization that the decision has been made to conduct such  
16 acquisition and if an application in accordance with this subsection section is made to a  
17 judge of the Foreign Intelligence Surveillance Court as soon as practicable, but not more  
18 than 7 days after the Attorney General authorizes such acquisition.

19 “(2) MINIMIZATION PROCEDURES.—If the Attorney General authorizes such an  
20 emergency acquisition under paragraph (1), the Attorney General shall require that the  
21 minimization procedures required by this section referred to in subsection (c)(1)(C) be  
22 followed.

23 “(3) TERMINATION OF EMERGENCY AUTHORIZATION.—In the absence of an order under  
24 subsection (c), the an emergency acquisition under paragraph (1) shall terminate when  
25 the information sought is obtained, if the application for the order is denied, or after the  
26 expiration of 7 days from the time of authorization by the Attorney General, whichever is  
27 earliest.

28 “(4) USE OF INFORMATION.—~~IN THE EVENT THAT SUCH APPLICATION INFORMATION.—If~~  
29 ~~an application submitted to the Court pursuant to paragraph (1) is denied, or in any~~  
30 ~~other case where the acquisition is terminated and no order is issued approving the~~  
31 ~~acquisition with respect to the target of the acquisition is issued under subsection (c),~~  
32 ~~no information obtained or evidence derived from such acquisition, except under~~  
33 ~~circumstances in which the target of the acquisition is determined not to be a United States~~  
34 ~~person during the pendency of the 7-day emergency acquisition period, shall be received in~~  
35 ~~evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any~~  
36 ~~court, grand jury, department, office, agency, regulatory body, legislative committee, or~~  
37 ~~other authority of the United States, a State, or political subdivision thereof, and no~~  
38 ~~information concerning any United States person acquired from such acquisition shall~~  
39 ~~subsequently be used or disclosed in any other manner by Federal officers or employees~~  
40 ~~without the consent of such person, except with the approval of the Attorney General if the~~  
41 ~~information indicates a threat of death or serious bodily harm to any person.~~

42 “(e) Appeal.—



1           “(1) APPEAL TO THE COURT OF REVIEW.—The Government may file an appeal with the  
2 Foreign Intelligence Surveillance Court of Review for review of an order issued pursuant to  
3 subsection (c). The Court of Review shall have jurisdiction to consider such appeal and  
4 shall provide a written statement for the record of the reasons for a decision under this  
5 paragraph.

6           “(2) CERTIORARI TO THE SUPREME COURT.—The Government may file a petition for a  
7 writ of certiorari for review of the a decision of the Court of Review issued under paragraph  
8 (1). The record for such review shall be transmitted under seal to the Supreme Court of the  
9 United States, which shall have jurisdiction to review such decision.

10       **“SEC. 706 705. JOINT APPLICATIONS AND**  
11 **CONCURRENT AUTHORIZATIONS.**

12       “(a) Joint Applications and Orders.—If an acquisition targeting a United States person under  
13 section 704 703 or section 705 704 is proposed to be conducted both inside and outside the  
14 United States, a judge having jurisdiction under section 704(a)(1) 703(a)(1) or section 705(a)(1)  
15 704(a)(1) may issue simultaneously, upon the request of the Government in a joint application  
16 complying with the requirements of section 704(b) or 703(b) and section 705(b) 704(b), orders  
17 under section 704(e) or 703(c) and section 705(e), 704(c), as applicable appropriate.

18       “(b) Concurrent Authorization.—If an order authorizing electronic surveillance or physical  
19 search has been obtained under section 105 or section 304 and that order is still in effect, during  
20 the pendency of that order, the Attorney General may authorize, without an order under section  
21 704 or section 705, an acquisition of foreign intelligence information targeting 703 or section  
22 704, the targeting of that United States person for the purpose of acquiring foreign  
23 intelligence information while such person is reasonably believed to be located outside the  
24 United States.

25       **“SEC. 707 706. USE OF INFORMATION ACQUIRED**  
26 **UNDER TITLE VII.**

27       “(a) Information Acquired Under Section 703.—~~Information 702.~~—Information acquired  
28 from an acquisition conducted under section 703 702 shall be deemed to be information acquired  
29 from an electronic surveillance pursuant to title I for purposes of section 106, except for the  
30 purposes of subsection (j) of such section.

31       “(b) Information Acquired Under Section 704.—~~Information 703.~~—Information acquired  
32 from an acquisition conducted under section 704 703 shall be deemed to be information acquired  
33 from an electronic surveillance pursuant to title I for purposes of section 106.

34       **“SEC. 708 707. CONGRESSIONAL OVERSIGHT.**

35       “(a) Semiannual Report.—Not less frequently than once every 6 months, the Attorney General  
36 shall fully inform, in a manner consistent with national security, the congressional intelligence  
37 committees, and the Committee Committees on the Judiciary of the Senate, and the Committee  
38 on the Judiciary of and the House of Representatives, concerning the implementation of this  
39 title.

40       “(b) Content.—Each report made under subparagraph subsection (a) shall include—

1 “(1) with respect to section ~~703~~— 702—

2 “(A) any certifications made under ~~subsection 703(f)~~ section 702(g) during the  
3 reporting period;

4 “(B) with respect to each certification made under section 702(g)(1)(B)(ii), the  
5 reasons for exercising the authority under such paragraph;

6 “(C) any directives issued under ~~subsection 703(g)~~ section 702(h) during the  
7 reporting period;

8 “~~(C)~~“(D) a description of the judicial review during the reporting period of any such  
9 certifications and targeting and minimization procedures required by subsections (d)  
10 and (e) of section 702 and utilized with respect to such acquisition, including a copy  
11 of any order or pleading in connection with such review that contains a significant  
12 legal interpretation of the provisions of this section 702;

13 “~~(D)~~“(E) any actions taken to challenge or enforce a directive under paragraphs (4)  
14 or (5) of section ~~703(g)~~; 702(h);

15 “~~(E)~~“(F) any compliance reviews conducted by the ~~Department of Justice or the~~  
16 ~~Office of Attorney General or the~~ Director of National Intelligence of acquisitions  
17 authorized under ~~subsection 703(a)~~; section 702(a);

18 “~~(F)~~“(G) a description of any incidents of noncompliance with a directive issued by  
19 the Attorney General and the Director of National Intelligence under ~~subsection 703(g)~~  
20 section 702(h), including—

21 “(i) incidents of noncompliance by an element of the intelligence community  
22 with procedures ~~adopted pursuant to and~~ guidelines submitted in accordance  
23 with subsections (d) and (e) and (f) of section ~~703~~; 702; and

24 “(ii) incidents of noncompliance by a specified person to whom the Attorney  
25 General and Director of National Intelligence issued a directive under ~~subsection~~  
26 ~~703(g)~~; section 702(h); and

27 “~~(G)~~“(H) any procedures implementing ~~this~~ section 702;

28 “(2) with respect to section ~~704~~— 703—

29 “(A) the total number of applications made for orders under section ~~704(b)~~ 703(b);

30 “(B) the total number of such ~~orders either~~ orders—

31 “(i) granted;;

32 “(ii) modified; or

33 “(iii) denied; and

34 “(C) the total number of emergency acquisitions authorized by the Attorney General  
35 under section ~~704(d)~~ 703(d) and the total number of subsequent orders approving or  
36 denying such acquisitions; and

37 “(3) with respect to section ~~705~~— 704—

38 “(A) the total number of applications made for orders under ~~705(b)~~ 704(b);

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1           “(B) the total number of such orders  
2           either“(i) granted;;  
3           “(ii) modified;; or  
4           “(iii) denied; and  
5           “(C) the total number of emergency acquisitions authorized by the Attorney General  
6           under ~~subsection 705(d)~~ section 704(d) and the total number of subsequent orders  
7           approving or denying such ~~applications.”~~.  
8           applications.

9           **“SEC. 708. SAVINGS PROVISION.**

10          “Nothing in this title shall be construed to limit the authority of the Government to seek  
11          an order or authorization under, or otherwise engage in any activity that is authorized  
12          under, any other title of this Act.”.

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

- 15           (1) by striking the item relating to title VII;  
16           (2) by striking the item relating to section 701; and  
17           (3) by adding at the end the following:

18          **“TITLE VII—ADDITIONAL PROCEDURES REGARDING  
19          CERTAIN PERSONS OUTSIDE THE UNITED STATES**

20          ~~“Sec. 701. Limitation on definition of electronic surveillance.”~~ **“Sec. 701. Definitions.**

21          ~~“Sec. 702. Definitions.~~

22          ~~“Sec. 703. Procedures”~~ **“Sec. 702. Procedures** for targeting certain persons outside the United States  
23          other than United States persons.

24          ~~“Sec. 704. Certain”~~ **“Sec. 703. Certain** acquisitions inside the United States of United States persons  
25          outside the United States.

26          ~~“Sec. 705. Other”~~ **“Sec. 704. Other** acquisitions targeting United States persons outside the United  
27          States.

28          ~~“Sec. 706. Joint”~~ **“Sec. 705. Joint** applications and concurrent authorizations.

29          ~~“Sec. 707. Use”~~ **“Sec. 706. Use** of information acquired under title VII.

30          **“Sec. 707. Congressional oversight.**

31          ~~“Sec. 708. Savings provision.”~~ **“Sec. 708. Congressional oversight.”**

32          (c) Technical and Conforming Amendments.—

33           (1) TITLE 18, UNITED STATES CODE.—Section code.—

34           (A) Section 2232.—Section 2232(e) of title 18, United States Code, is amended by  
35           inserting “(as defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978,

1 regardless of the limitation of section 701 of that Act) after "electronic surveillance".  
2 ~~(B) Section 2511.— Section 2511(2)(a)(ii)(A) of title 18, United States Code, is amended~~  
3 ~~by inserting "or a court order pursuant to section 705 704 of the Foreign Intelligence~~  
4 ~~Surveillance Act of 1978" after "assistance".~~

5 (2) FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 601(a)(1) 1978.—  
6 (A) Section 109.—Section 109 of the Foreign Intelligence Surveillance Act of 1978 (50  
7 U.S.C. 1809) is amended 1871(a)(1) is amended—  
8 (A) in subparagraph (C), by striking "and"; and  
9 (B) by adding at the end the following new subparagraphs:—  
10 "(c) Definition.— For the purpose of this section, the term 'electronic surveillance'  
11 means electronic surveillance as defined in section 101(f) of this Act regardless of the  
12 limitation of section 701 of this Act."  
13 (B) Section 110.— Section 110 of the Foreign Intelligence Surveillance Act of 1978  
14 (50 U.S.C. 1810) is amended by—  
15 (i) adding an "(a)" before "Civil Action";  
16 (ii) redesignating subsections (a) through (e) as paragraphs (1) through (3),  
17 respectively; and  
18 (iii) adding at the end the following:  
19 "(b) Definition.— For the purpose of this section, the term 'electronic surveillance'  
20 means electronic surveillance as defined in section 101(f) of this Act regardless of the  
21 limitation of section 701 of this Act."  
22 (C) Section 601.— Section 601(a)(1) of the Foreign Intelligence Surveillance Act of  
23 1978 (50 U.S.C. 1871(a)(1)) is amended by striking subparagraphs (C) and (D) and  
24 inserting the following:  
25 "(C) pen registers under section 402;  
26 "(D) access to records under section 501;  
27 "(E) acquisitions under section 704; 703; and  
28 "(F) acquisitions under section 704;". 705;".  
29 (d) Termination of Authority.—  
30 (1) In general.— Except as provided in paragraph (2), the amendments made by  
31 subsections (a)(2), (b), and (c) shall cease to have effect on December 31, 2013.  
32 (2) Continuing applicability.— Section 703(g)(3) of the Foreign Intelligence  
33 Surveillance Act of 1978 (as amended by subsection (a)) shall remain in effect with  
34 respect to any directive issued pursuant to section 703(g) of that Act (as so amended)  
35 for information, facilities, or assistance provided during the period such directive was  
36 or is in effect. Section 704(e) of the Foreign Intelligence Surveillance Act of 1978 (as  
37 amended by subsection (a)) shall remain in effect with respect to an order or request  
38 for emergency assistance under that section. The use of information acquired by an

1 acquisition conducted under section 703 of that Act (as so amended) shall continue to  
2 be governed by the provisions of section 707 of that Act (as so amended).

3 **SEC. 102. STATEMENT OF EXCLUSIVE MEANS BY**  
4 **WHICH ELECTRONIC SURVEILLANCE AND**  
5 **INTERCEPTION OF ~~DOMESTIC~~ CERTAIN**  
6 **COMMUNICATIONS MAY BE CONDUCTED.**

7 (a) Statement of Exclusive Means.—Title I of the Foreign Intelligence Surveillance Act of  
8 1978 (50 U.S.C. 1801 et seq.) is amended by adding at the end the following new section:

9 “statement of exclusive means by which electronic surveillance and interception of ~~domestic~~  
10 **certain** communications may be conducted

11 “Sec. 112. ~~The~~(a) Except as provided in subsection (b), the procedures of chapters 119,  
12 121, and 206 of title 18, United States Code, and this Act shall be the exclusive means by which  
13 electronic surveillance (as defined in section 101(f), regardless of the limitation of section 701)  
14 and the interception of domestic wire, oral, or electronic communications may be ~~conducted~~.”  
15 **conducted.**

16 (b) ~~Table of Contents.~~—The“(b) Only an express statutory authorization for electronic  
17 surveillance or the interception of domestic wire, oral, or electronic communications, other  
18 than as an amendment to this Act or chapters 119, 121, or 206 of title 18, United States  
19 Code, shall constitute an additional exclusive means for the purpose of subsection (a).”.

20 (b) Offense.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50  
21 U.S.C. 1809(a)) is amended by striking “authorized by statute” each place it appears in  
22 such section and inserting “authorized by this Act, chapter 119, 121, or 206 of title 18,  
23 United States Code, or any express statutory authorization that is an additional exclusive  
24 means for conducting electronic surveillance under section 112.”; and

25 (c) Conforming Amendments.—

26 (1) TITLE 18, UNITED STATES CODE.—Section 2511(2)(a) of title 18, United States  
27 Code, is amended by adding at the end the following:

28 “(iii) If a certification under subparagraph (ii)(B) for assistance to obtain  
29 foreign intelligence information is based on statutory authority, the  
30 certification shall identify the specific statutory provision, and shall certify  
31 that the statutory requirements have been met.”; and

32 (2) TABLE OF CONTENTS.—The table of contents in the first section of the Foreign  
33 Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding  
34 inserting after the item relating to section 111, the following new item:

35 “Sec. 112. Statement of exclusive means by which electronic surveillance and interception of  
36 ~~domestic certain~~ communications may be conducted.”.

37 (c) ~~Conforming Amendments.~~—Section 2511(2) of title 18,  
38 ~~United States Code, is amended in paragraph (f), by striking “,~~

1 ~~as defined in section 101 of such Act,” and inserting “(as~~  
2 ~~defined in section 101(f) of such Act regardless of the limitation~~  
3 ~~of section 701 of such Act)”.~~

4 SEC. 103. SUBMITTAL TO CONGRESS OF CERTAIN  
5 COURT ORDERS UNDER THE FOREIGN INTELLIGENCE  
6 SURVEILLANCE ACT OF 1978.

7 (a) Inclusion of Certain Orders in Semiannual Reports of Attorney General.—Subsection  
8 (a)(5) of section 601 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1871) is  
9 amended by striking “(not including orders)” and inserting “, orders.”.

10 (b) Reports by Attorney General on Certain Other Orders.—Such section 601 is further  
11 amended by adding at the end the following:

12 “(c) Submissions to Congress.—The Attorney General shall submit to the committees of  
13 Congress referred to in subsection (a)—

14 “(1) a copy of any decision, order, or opinion issued by the Foreign Intelligence  
15 Surveillance Court or the Foreign Intelligence Surveillance Court of Review that includes  
16 significant construction or interpretation of any provision of this Act, and any pleadings,  
17 applications, or memoranda of law associated with such decision, order, or opinion, not  
18 later than 45 days after such decision, order, or opinion is issued; and

19 “(2) a copy of any such decision, order, or opinion, and any pleadings, applications, or  
20 memoranda of law associated with such decision, order, or opinion, that was issued during  
21 the 5-year period ending on the date of the enactment of the FISA Amendments Act of 2008  
22 and not previously submitted in a report under subsection (a).

23 “(d) Protection of National Security.—The Attorney General, in consultation with the Director  
24 of National Intelligence, may authorize redactions of materials described in subsection (c) that  
25 are provided to the committees of Congress referred to in subsection (a), if such redactions are  
26 necessary to protect the national security of the United States and are limited to sensitive sources  
27 and methods information or the identities of targets.”.

28 (c) Definitions.—Such section 601, as amended by subsections (a) and (b), is further amended  
29 by adding at the end the following:

30 “(e) Definitions.—In this section:

31 “(1) FOREIGN INTELLIGENCE SURVEILLANCE COURT; COURT.—The term “‘Foreign  
32 ‘Foreign Intelligence Surveillance Court’” Court’ means the court established by section  
33 103(a).

34 “(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT OF REVIEW; COURT OF REVIEW.—The  
35 term ‘Foreign Intelligence Surveillance Court of Review’ means the court established by  
36 section 103(b).”.

37 SEC. 104. APPLICATIONS FOR COURT ORDERS.

1 Section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) is  
2 amended—

3 (1) in subsection (a)—

4 (A) by striking paragraphs (2) and (11);

5 (B) by redesignating paragraphs (3) through (10) as paragraphs (2) through (9),  
6 respectively;

7 (C) in paragraph (5), as redesignated by subparagraph (B) of this paragraph, by  
8 striking “detailed”;

9 (D) in paragraph (6), as redesignated by subparagraph (B) of this paragraph, in the  
10 matter preceding subparagraph (A)—

11 (i) by striking “Affairs or” and inserting “Affairs,”; and

12 (ii) by striking “Senate—” and inserting “Senate, or the Deputy Director of the  
13 Federal Bureau of Investigation, if designated by the President as a certifying  
14 official—”;

15 (E) in paragraph (7), as redesignated by subparagraph (B) of this paragraph, by  
16 striking “statement of” and inserting “summary statement of”;

17 (F) in paragraph (8), as redesignated by subparagraph (B) of this paragraph, by  
18 adding “and” at the end; and

19 (G) in paragraph (9), as redesignated by subparagraph (B) of this paragraph, by  
20 striking “; and” and inserting a period;

21 (2) by striking subsection (b);

22 (3) by redesignating subsections (c) through (e) as subsections (b) through (d),  
23 respectively; and

24 (4) in paragraph (1)(A) of subsection (d), as redesignated by paragraph (3) of this  
25 subsection, by striking “or the Director of National Intelligence” and inserting “the Director  
26 of National Intelligence, or the Director of the Central Intelligence Agency”.

## 27 SEC. 105. ISSUANCE OF AN ORDER.

28 Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is  
29 amended—

30 (1) in subsection (a)—

31 (A) by striking paragraph (1); and

32 (B) by redesignating paragraphs (2) through (5) as paragraphs (1) through (4),  
33 respectively;

34 (2) in subsection (b), by striking “(a)(3)” and inserting “(a)(2)”;

35 (3) in subsection (c)(1)—

36 (A) in subparagraph (D), by adding “and” at the end;