

AMENDMENT NO.

Calendar No.

Purpose: To improve the bill.

**IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.****S. 2248**

To amend the Foreign Intelligence Surveillance Act of 1978,  
to modernize and streamline the provisions of that Act,  
and for other purposes.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by

Viz:

1        On page 2, line 5, strike “Targeting the communica-  
2 tions of”, and insert “Additional Procedures regarding”

3        On page 3, strike lines 1 through 5 and insert the  
4 following:

1 **“TITLE VII—ADDITIONAL PROCE-**  
2 **DURES REGARDING CERTAIN**  
3 **PERSONS OUTSIDE THE**  
4 **UNITED STATES”.**

5 On page 4, beginning on line 20, strike “communica-  
6 tions” and insert “communication”.

7 On page 5, strike lines 15 through 17 and insert the  
8 following:

9 **“SEC. 703. PROCEDURES FOR TARGETING CERTAIN PER-**  
10 **SONS OUTSIDE THE UNITED STATES OTHER**  
11 **THAN UNITED STATES PERSONS.”.**

12 On page 6, line 5, insert “located” after “be”.

13 On page 6, line 9, strike “and”.

14 On page 6, between lines 9 and 10, insert the fol-  
15 lowing:

16 “(3) may not intentionally target a United  
17 States person reasonably believed to be located out-  
18 side the United States, except in accordance with  
19 sections 704 or 705; and”.

- 1 On page 6, line 10, strike "(3)" and insert "(4)".
- 2 Beginning on page 6, strike line 13 and all that fol-  
3 lows through page 8, line 24.
- 4 On page 9, line 1, strike "(d)" and insert "(c)".
- 5 On page 9, line 6, strike "(g)" and insert "(f)".
- 6 On page 9, line 8, strike "(e) and (f)" and insert "(d)  
7 and (e)".
- 8 On page 9, line 9, strike "(e)" and insert "(d)".
- 9 On page 9, line 19, strike "(i)" and insert "(h)".
- 10 On page 9, line 20, strike "(f)" and insert "(e)".
- 11 On page 10, line 5, strike "(i)" and insert "(h)".
- 12 On page 10, line 6, strike "(g)" and insert "(f)".
- 13 On page 11, line 12, strike "(i)" and insert "(h)".

- 1 On page 12, line 8, strike "(i)" and insert "(h)".
- 2 On page 13, line 15, strike "(i)" and insert "(h)".
- 3 On page 13, line 16, strike "(h)" and insert "(g)".
- 4 On page 18, line 5, strike "(i)" and insert "(h)".
- 5 On page 18, line 11, strike "(d) or" and insert "(c)  
6 and the".
- 7 On page 18, beginning on line 12, strike "(e) and  
8 (f)" and insert "(d) and (e)".
- 9 On page 18, line 21, strike "(g)" and insert "(f)".
- 10 On page 19, line 1, strike "(e)" and insert "(d)".
- 11 On page 19, line 8, strike "(f)" and insert "(e)".
- 12 On page 19, line 13, strike "(g)" and insert "(f)".
- 13 On page 19, line 16, strike "(e) and (f)" and insert  
14 "(d) and (e)".

1 On page 19, line 25, strike “(g)” and insert “(f)”.

2 On page 20, line 2, strike “(e) and (f)” and insert  
3 “(d) and (e)”.

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

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

10 “(C) IMPLEMENTATION PENDING AP-  
11 PEAL.—No later than 30 days after an appeal  
12 to it of an order under paragraph (5)(B) direct-  
13 ing the correction of a deficiency, the Court of  
14 Review shall determine, and enter a cor-  
15 responding order, whether all or any part of the  
16 correction order, as issued or modified, shall be  
17 implemented during the pendency of the ap-  
18 peal.”.

19 On page 21, line 14, strike “(C)” and insert “(D)”.

20 On page 21, line 22, strike “(j)” and insert “(i)”.

- 1        On page 21, line 25, strike “(k)” and insert “(j)”.
- 2        On page 22, line 20, strike “(l) OVERSIGHT.—” and  
3 insert “(k) ASSESSMENTS AND REVIEWS.—”
- 4        On page 23, line 11, strike “(a)—” and insert “(a)  
5 with respect to their department, agency, or element—”.
- 6        On page 23, line 13, strike “of their agency or ele-  
7 ment”.
- 8        On page 23, line 15, strike “(e) and (f)” and insert  
9 “(d) and (e)”.
- 10       On page 24, line 5, strike “persons located in the  
11 United States” and insert “such targets located in the  
12 United States”.
- 13       On page 25, line 8, strike “and”.
- 14       On page 25, beginning on line 11, strike “persons  
15 located in the United States whose communications were  
16 reviewed” and insert “such targets located in the United  
17 States whose communications were reviewed; and



1 the limitation of section 701) or the acquisition of  
2 stored electronic communications that requires an  
3 order under this Act, and such acquisition is con-  
4 ducted within the United States.

5 “(2) LIMITATION.—In the event that a United  
6 States person targeted under this subsection is rea-  
7 sonably believed to be located in the United States  
8 during the pendency of an order issued pursuant to  
9 subsection (c), such acquisition shall cease until au-  
10 thority, other than under this section, is obtained  
11 pursuant to this Act or the targeted United States  
12 person is again reasonably believed to be located out-  
13 side the United States during the pendency of an  
14 order issued pursuant to subsection (c).

15 “(b) APPLICATION.—

16 “(1) IN GENERAL.—Each application for an  
17 order under this section shall be made by a Federal  
18 officer in writing upon oath or affirmation to a  
19 judge having jurisdiction under subsection (a)(1).  
20 Each application shall require the approval of the  
21 Attorney General based upon the Attorney General’s  
22 finding that it satisfies the criteria and requirements  
23 of such application, as set forth in this section, and  
24 shall include—

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

3           “(B) the identity, if known, or a descrip-  
4           tion of the United States person target of the  
5           acquisition;

6           “(C) a statement of the facts and cir-  
7           cumstances relied upon to justify the appli-  
8           cant’s belief that the target of acquisition is—

9                   “(i) a United States person reason-  
10                  ably believed to be located outside the  
11                  United States; and

12                   “(ii) a foreign power, an agent of a  
13                  foreign power, or an officer or employee of  
14                  a foreign power;

15           “(D) a statement of the proposed mini-  
16           mization procedures consistent with the require-  
17           ments of section 101(h) or section 301(4);

18           “(E) a description of the nature of the in-  
19           formation sought and the type of communica-  
20           tions to be acquired;

21           “(F) a certification made by the Attorney  
22           General or an official specified in section  
23           104(a)(6) that—

1           “(i) the certifying official deems the  
2 information sought to be foreign intel-  
3 ligence information;

4           “(ii) a significant purpose of the ac-  
5 quisition is to obtain foreign intelligence  
6 information;

7           “(iii) such information cannot reason-  
8 ably be obtained by normal investigative  
9 techniques;

10           “(iv) designates the type of foreign in-  
11 telligence information being sought accord-  
12 ing to the categories described in section  
13 101(e); and

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

16           “(I) the information sought is  
17 the type of foreign intelligence infor-  
18 mation designated; and

19           “(II) such information cannot  
20 reasonably be obtained by normal in-  
21 vestigative techniques.

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

1           “(H) the identity of any electronic commu-  
2           nication service provider necessary to effect the  
3           acquisition, provided, however, that the applica-  
4           tion is not required to identify the specific fa-  
5           cilities, places, premises, or property at which  
6           the acquisition authorized under this section  
7           will be directed or conducted;

8           “(I) a summary statement of the facts con-  
9           cerning any previous applications that have  
10          been made to any judge of the Foreign Intel-  
11          ligence Surveillance Court involving the United  
12          States person specified in the application and  
13          the action taken on each previous application;  
14          and

15          “(J) a statement of the period of time for  
16          which the acquisition is required to be main-  
17          tained, provided that such period of time shall  
18          not exceed 90 days per application.

19          “(2) OTHER REQUIREMENTS OF THE ATTOR-  
20          NEY GENERAL.—The Attorney General may require  
21          any other affidavit or certification from any other  
22          officer in connection with the application.

23          “(3) OTHER REQUIREMENTS OF THE JUDGE.—  
24          The judge may require the applicant to furnish such

1 other information as may be necessary to make the  
2 findings required by subsection (c)(1).

3 “(c) ORDER.—

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

9 “(A) the application has been made by a  
10 Federal officer and approved by the Attorney  
11 General;

12 “(B) on the basis of the facts submitted by  
13 the applicant, there is probable cause to believe  
14 that the specified target of the acquisition is—

15 “(i) a United States person reason-  
16 ably believed to be located outside the  
17 United States; and

18 “(ii) a foreign power, an agent of a  
19 foreign power, or an officer or employee of  
20 a foreign power;

21 “(C) the proposed minimization procedures  
22 meet the definition of minimization procedures  
23 under section 101(h) or section 301(4); and

24 “(D) the application which has been filed  
25 contains all statements and certifications re-

1           quired by subsection (b) and the certification or  
2           certifications are not clearly erroneous on the  
3           basis of the statement made under subsection  
4           (b) (1)(F) and any other information furnished  
5           under subsection (b)(3).

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

18          “(3) REVIEW.—

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

23                 “(B) REVIEW OF PROBABLE CAUSE.—If  
24                 the judge determines that the facts submitted  
25                 under subsection (b) are insufficient to estab-

1           lish probable cause to issue an order under  
2           paragraph (1)(A), the judge shall enter an  
3           order so stating and provide a written state-  
4           ment for the record of the reasons for such de-  
5           termination. The Government may appeal an  
6           order under this clause pursuant to subsection  
7           (f).

8           “(C) REVIEW OF MINIMIZATION PROCE-  
9           DURES.—If the judge determines that the pro-  
10          posed minimization procedures required under  
11          paragraph (1)(B) do not meet the definition of  
12          minimization procedures under section 101(h)  
13          or section 301(4), the judge shall enter an  
14          order so stating and provide a written state-  
15          ment for the record of the reasons for such de-  
16          termination. The Government may appeal an  
17          order under this clause pursuant to subsection  
18          (f).

19          “(D) REVIEW OF CERTIFICATION.—If the  
20          judge determines that an application required  
21          by subsection (2) does not contain all of the re-  
22          quired elements, or that the certification or cer-  
23          tifications are clearly erroneous on the basis of  
24          the statement made under subsection  
25          (b)(1)(F)(v) and any other information fur-

1 nished under subsection (b)(3), the judge shall  
2 enter an order so stating and provide a written  
3 statement for the record of the reasons for such  
4 determination. The Government may appeal an  
5 order under this clause pursuant to subsection  
6 (f).

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

9 “(A) the identity, if known, or a descrip-  
10 tion of the United States person target of the  
11 acquisition identified or described in the appli-  
12 cation pursuant to subsection (b)(1)(B);

13 “(B) the type of information and commu-  
14 nications to be acquired;

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

18 “(D) the period of time during which the  
19 acquisition is approved.

20 “(5) DIRECTIONS.—An order approving acquisi-  
21 tions under this subsection shall direct—

22 “(A) that the minimization procedures be  
23 followed;

24 “(B) an electronic communication service  
25 provider to provide to the Government forthwith

1 all information, facilities, or assistance nec-  
2 essary to accomplish the acquisition authorized  
3 under this subsection in a manner that will pro-  
4 tect the secrecy of the acquisition and produce  
5 a minimum of interference with the services  
6 that such electronic communication service pro-  
7 vider is providing to the target;

8 “(C) an electronic communication service  
9 provider to maintain under security procedures  
10 approved by the Attorney General any records  
11 concerning the acquisition or the aid furnished  
12 that such electronic communication service pro-  
13 viders wish to maintain; and

14 “(D) that the Government compensate, at  
15 the prevailing rate, such electronic communica-  
16 tion service provider for providing such infor-  
17 mation, facilities, or assistance.

18 “(6) DURATION.—An order approved under this  
19 paragraph shall be effective for a period not to ex-  
20 ceed 90 days and such order may be renewed for ad-  
21 ditional 90-day periods upon submission of renewal  
22 applications meeting the requirements of subsection  
23 (b).

24 “(7) COMPLIANCE.—At or prior to the end of  
25 the period of time for which an acquisition is ap-

1 proved by an order or extension under this section,  
2 the judge may assess compliance with the minimiza-  
3 tion procedures by reviewing the circumstances  
4 under which information concerning United States  
5 persons was acquired, retained, or disseminated.

6 “(d) EMERGENCY AUTHORIZATION.—

7 “(1) AUTHORITY FOR EMERGENCY AUTHORIZA-  
8 TION.—Notwithstanding any other provision of this  
9 Act, if the Attorney General reasonably determines  
10 that—

11 “(A) an emergency situation exists with re-  
12 spect to the acquisition of foreign intelligence  
13 information for which an order may be obtained  
14 under subsection (c) before an order author-  
15 izing such acquisition can with due diligence be  
16 obtained; and

17 “(B) the factual basis for issuance of an  
18 order under this subsection to approve such ac-  
19 quisition exists,

20 the Attorney General may authorize the emergency  
21 acquisition if a judge having jurisdiction under sub-  
22 section (a)(1) is informed by the Attorney General,  
23 or a designee of the Attorney General, at the time  
24 of such authorization that the decision has been  
25 made to conduct such acquisition and if an applica-

1       tion in accordance with this subsection is made to a  
2       judge of the Foreign Intelligence Surveillance Court  
3       as soon as practicable, but not more than 168 hours  
4       after the Attorney General authorizes such acqui-  
5       sition.

6           “(2) MINIMIZATION PROCEDURES.—If the At-  
7       torney General authorizes such emergency acqui-  
8       sition, the Attorney General shall require that the  
9       minimization procedures required by this subsection  
10      for the issuance of a judicial order be followed.

11          “(3) TERMINATION OF EMERGENCY AUTHOR-  
12      IZATION.—In the absence of a judicial order approv-  
13      ing such acquisition, the acquisition shall terminate  
14      when the information sought is obtained, when the  
15      application for the order is denied, or after the expi-  
16      ration of 168 hours from the time of authorization  
17      by the Attorney General, whichever is earliest.

18          “(4) USE OF INFORMATION.—In the event that  
19      such application for approval is denied, or in any  
20      other case where the acquisition is terminated and  
21      no order is issued approving the acquisition, no in-  
22      formation obtained or evidence derived from such ac-  
23      quisition shall be received in evidence or otherwise  
24      disclosed in any trial, hearing, or other proceeding  
25      in or before any court, grand jury, department, of-

1        fice, agency, regulatory body, legislative committee,  
2        or other authority of the United States, a State, or  
3        political subdivision thereof, and no information con-  
4        cerning any United States person acquired from  
5        such acquisition shall subsequently be used or dis-  
6        closed in any other manner by Federal officers or  
7        employees without the consent of such person, ex-  
8        cept with the approval of the Attorney General if the  
9        information indicates a threat of death or serious  
10       bodily harm to any person.

11       “(e) **RELEASE FROM LIABILITY.**—Notwithstanding  
12 any other law, no cause of action shall lie in any court  
13 against any electronic communication service provider for  
14 providing any information, facilities, or assistance in ac-  
15 cordance with an order or request for emergency assist-  
16 ance issued pursuant to subsection (c).

17       “(f) **APPEAL.**—

18       “(1) **APPEAL TO THE FOREIGN INTELLIGENCE**  
19       **SURVEILLANCE COURT OF REVIEW.**—The Govern-  
20       ment may file an appeal with the Foreign Intel-  
21       ligence Surveillance Court of Review for review of an  
22       order issued pursuant to subsection (c). The Court  
23       of Review shall have jurisdiction to consider such ap-  
24       peal and shall provide a written statement for the

1 record of the reasons for a decision under this para-  
2 graph.

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

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

13 “(a) JURISDICTION AND SCOPE.—

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

17 “(2) SCOPE.—No element of the intelligence  
18 community may intentionally target, for the purpose  
19 of acquiring foreign intelligence information, a  
20 United States person reasonably believed to be lo-  
21 cated outside the United States under circumstances  
22 in which the targeted United States person has a  
23 reasonable expectation of privacy and a warrant  
24 would be required if the acquisition were conducted  
25 inside the United States for law enforcement pur-

1 poses, unless a judge of the Foreign Intelligence  
2 Surveillance Court has entered an order or the At-  
3 torney General has authorized an emergency acquisi-  
4 tion pursuant to subsections (c) or (d) or any other  
5 provision of this Act.

6 “(3) LIMITATIONS.—

7 “(A) MOVING OR MISIDENTIFIED TAR-  
8 GETS.—In the event that the targeted United  
9 States person is reasonably believed to be in the  
10 United States during the pendency of an order  
11 issued pursuant to subsection (c), such acquisi-  
12 tion shall cease until authority is obtained pur-  
13 suant to this Act or the targeted United States  
14 person is again reasonably believed to be lo-  
15 cated outside the United States during the  
16 pendency of an order issued pursuant to sub-  
17 section (c).

18 “(B) APPLICABILITY.—If the acquisition  
19 could be authorized under section 704, the pro-  
20 cedures of section 704 shall apply, unless an  
21 order or emergency acquisition authority has  
22 been obtained under a provision of this Act  
23 other than under this section.

24 “(b) APPLICATION.—Each application for an order  
25 under this section shall be made by a Federal officer in

1 writing upon oath or affirmation to a judge having juris-  
2 diction under subsection (a)(1). Each application shall re-  
3 quire the approval of the Attorney General based upon the  
4 Attorney General's finding that it satisfies the criteria and  
5 requirements of such application as set forth in this sec-  
6 tion and shall include—

7           “(1) the identity, if known, or a description of  
8           the specific United States person target of the acqui-  
9           sition;

10           “(2) a statement of the facts and circumstances  
11           relied upon to justify the applicant's belief that the  
12           target of the acquisition is—

13                   “(A) a United States person reasonably be-  
14                   lieved to be located outside the United States;  
15                   and

16                   “(B) a foreign power, an agent of a foreign  
17                   power, or an officer or employee of a foreign  
18                   power;

19           “(3) a statement of the proposed minimization  
20           procedures consistent with the requirements of sec-  
21           tion 101(h) or section 301(4);

22           “(4) a summary statement of the facts con-  
23           cerning any previous applications that have been  
24           made to any judge of the Foreign Intelligence Sur-  
25           veillance Court involving the United States person

1 specified in the application and the action taken on  
2 each previous application; and

3 “(5) a statement of the period of time for which  
4 the acquisition is required to be maintained, pro-  
5 vided that such period of time shall not exceed 90  
6 days per application.

7 “(c) ORDER.—

8 “(1) FINDINGS.—If, upon an application made  
9 pursuant to subsection (b), a judge having jurisdic-  
10 tion under subsection (a) finds that—

11 “(A) on the basis of the facts submitted by  
12 the applicant there is probable cause to believe  
13 that the specified target of the acquisition is—

14 “(i) a United States person reason-  
15 ably believed to be located outside the  
16 United States; and

17 “(ii) a foreign power, an agent of a  
18 foreign power, or an officer or employee of  
19 a foreign power; and

20 “(B) the proposed minimization proce-  
21 dures, with respect to their dissemination provi-  
22 sions, meet the definition of minimization pro-  
23 cedures under section 101(h) or section 301(4),  
24 the Court shall issue an ex parte order so stating.

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

13           “(3) REVIEW.—

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

21           “(B) REVIEW OF PROBABLE CAUSE.—If  
22           the judge determines that the facts submitted  
23           under subsection (b) are insufficient to estab-  
24           lish probable cause to issue an order under this  
25           subsection, the judge shall enter an order so

1           stating and provide a written statement for the  
2           record of the reasons for such determination.  
3           The Government may appeal an order under  
4           this clause pursuant to subsection (e).

5           “(C) REVIEW OF MINIMIZATION PROCE-  
6           DURES.—If the judge determines that the mini-  
7           mization procedures applicable to dissemination  
8           of information obtained through an acquisition  
9           under this subsection do not meet the definition  
10          of minimization procedures under section  
11          101(h) or section 301(4), the judge shall enter  
12          an order so stating and provide a written state-  
13          ment for the record of the reasons for such de-  
14          termination. The Government may appeal an  
15          order under this clause pursuant to subsection  
16          (e).

17          “(4) DURATION.—An order under this para-  
18          graph shall be effective for a period not to exceed 90  
19          days and such authorization may be renewed for ad-  
20          ditional 90-day periods upon submission of renewal  
21          applications meeting the requirements of subsection  
22          (b).

23          “(d) EMERGENCY AUTHORIZATION.—

24                 “(1) AUTHORITY FOR EMERGENCY AUTHORIZA-  
25                 TION.—Notwithstanding any other provision in this

1 subsection, if the Attorney General reasonably deter-  
2 mines that—

3 “(A) an emergency situation exists with re-  
4 spect to the acquisition of foreign intelligence  
5 information for which an order may be obtained  
6 under subsection (c) before an order under that  
7 subsection may, with due diligence, be obtained;  
8 and

9 “(B) the factual basis for issuance of an  
10 order under this section exists,  
11 the Attorney General may authorize the emergency  
12 acquisition if a judge having jurisdiction under sub-  
13 section (a)(1) is informed by the Attorney General  
14 or a designee of the Attorney General at the time of  
15 such authorization that the decision has been made  
16 to conduct such acquisition and if an application in  
17 accordance with this subsection is made to a judge  
18 of the Foreign Intelligence Surveillance Court as  
19 soon as practicable, but not more than 168 hours  
20 after the Attorney General authorizes such acquisi-  
21 tion.

22 “(2) MINIMIZATION PROCEDURES.—If the At-  
23 torney General authorizes such emergency acquisi-  
24 tion, the Attorney General shall require that the

1 minimization procedures required by this subsection  
2 be followed.

3 “(3) TERMINATION OF EMERGENCY AUTHOR-  
4 IZATION.—In the absence of an order under sub-  
5 section (c), the acquisition shall terminate when the  
6 information sought is obtained, if the application for  
7 the order is denied, or after the expiration of 168  
8 hours from the time of authorization by the Attor-  
9 ney General, whichever is earliest.

10 “(4) USE OF INFORMATION.—In the event that  
11 such application is denied, or in any other case  
12 where the acquisition is terminated and no order is  
13 issued approving the acquisition, no information ob-  
14 tained or evidence derived from such acquisition  
15 shall be received in evidence or otherwise disclosed  
16 in any trial, hearing, or other proceeding in or be-  
17 fore any court, grand jury, department, office, agen-  
18 cy, regulatory body, legislative committee, or other  
19 authority of the United States, a State, or political  
20 subdivision thereof, and no information concerning  
21 any United States person acquired from such acqui-  
22 sition shall subsequently be used or disclosed in any  
23 other manner by Federal officers or employees with-  
24 out the consent of such person, except with the ap-  
25 proval of the Attorney General if the information in-