

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 4291
OFFERED BY M. _____**

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 “FISA Transparency and Modernization 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. Prohibition on bulk collection of call detail records.
- Sec. 3. Prohibition on bulk collection of electronic communications records.
- Sec. 4. Prohibition on bulk collection of certain business records.
- Sec. 5. Appointment of amicus curiae.
- Sec. 6. Reporting requirements for decisions of the Foreign Intelligence Surveillance Court.
- Sec. 7. Declassification of decisions, orders, and opinions.
- Sec. 8. Public reporting on incidental collection of United States person information.
- Sec. 9. Annual reports on violations of law or executive order.
- Sec. 10. Periodic review of intelligence community procedures for the acquisition, retention, and dissemination of intelligence.
- Sec. 11. Procedures for targeted acquisitions of terrorist and foreign agent non-content communications records.
- Sec. 12. Continuous evaluation and sharing of derogatory information regarding personnel with access to classified information.
- Sec. 13. Requirements for intelligence community contractors.
- Sec. 14. Sunsets.

1 **SEC. 2. PROHIBITION ON BULK COLLECTION OF CALL DE-**
2 **TAIL RECORDS.**

3 (a) PROHIBITION.—Section 501(a) of the Foreign In-
4 telligence Surveillance Act of 1978 (50 U.S.C. 1861) is
5 amended—

6 (1) in paragraph (1), by striking “other items”
7 and inserting “other items, but not including call de-
8 tail records”; and

9 (2) by adding at the end the following new
10 paragraph:

11 “(4) In this subsection, the term ‘call detail records’
12 means communications routing information, including an
13 original or terminating telephone number, an Inter-
14 national Mobile Subscriber Identity, an International Mo-
15 bile Station Equipment Identity, a trunk identifier, a tele-
16 phone calling card number, the time or duration of a call,
17 or original or terminating text-message numerical infor-
18 mation.”.

19 (b) EFFECTIVE DATE.—The amendments made by
20 subsection (a) shall take effect on the date that is 180
21 days after the date of the enactment of this Act.

22 **SEC. 3. PROHIBITION ON BULK COLLECTION OF ELEC-**
23 **TRONIC COMMUNICATIONS RECORDS.**

24 (a) PROHIBITION.—The Foreign Intelligence Surveil-
25 lance Act of 1978 (50 U.S.C. 1801 et seq.) is amended
26 by adding at the end the following new title:

1 **“TITLE IX—PROHIBITION ON**
2 **CERTAIN BULK COLLECTIONS**

3 **“SEC. 901. PROHIBITION ON BULK COLLECTION OF ELEC-**
4 **TRONIC COMMUNICATIONS RECORDS.**

5 “(a) IN GENERAL.—Notwithstanding any other pro-
6 vision of law, the Federal Government may not acquire
7 (including through the installation or use of a pen register
8 or trap and trace device) under this Act records of any
9 electronic communication without the use of specific iden-
10 tifiers or selection terms.

11 “(b) DEFINITION OF ELECTRONIC COMMUNICA-
12 TIONS.—In this section, the term ‘electronic communica-
13 tion’ has the meaning given such term under section 2510
14 of title 18, United States Code.

15 “(c) EFFECTIVE DATE.—This section shall take ef-
16 fect on the date this 180 days after the date of the enact-
17 ment of the FISA Transparency and Modernization Act.”.

18 (b) TABLE OF CONTENTS AMENDMENT.—The table
19 of contents in the first section of such Act is amended
20 by adding at the end the following new items:

 “TITLE IX—PROHIBITION ON CERTAIN BULK COLLECTIONS

 “Sec. 901. Prohibition on bulk collection of electronic communications
 records.”.

1 **SEC. 4. PROHIBITION ON BULK COLLECTION OF CERTAIN**
2 **BUSINESS RECORDS.**

3 (a) PROHIBITION.—Title IX of the Foreign Intel-
4 ligence Surveillance Act of 1978, as added by section 3(a),
5 is amended by adding at the end the following new section:

6 **“SEC. 902. PROHIBITION ON BULK COLLECTION OF CER-**
7 **TAIN BUSINESS RECORDS.**

8 “Notwithstanding any other provision of law, the
9 Federal Government may not acquire under this Act li-
10 brary circulation records, library patron lists, book sales
11 records, book customer lists, firearm sales records, tax re-
12 turn records, educational records, or medical records con-
13 taining information that would identify a person without
14 the use of specific identifiers or selection terms.”.

15 (b) TABLE OF CONTENTS AMENDMENT.—The table
16 of contents in the first section of such Act, as amended
17 by section 3(b), is further amended by adding at the end
18 the following new item:

“Sec. 902. Prohibition on bulk collection of certain business records.”.

19 **SEC. 5. APPOINTMENT OF AMICUS CURIAE.**

20 Section 103 of the Foreign Intelligence Surveillance
21 Act of 1978 (50 U.S.C. 1803) is amended by adding at
22 the end the following new subsection:

23 “(i) AMICUS CURIAE.—

24 “(1) AUTHORIZATION.—Notwithstanding any
25 other provision of law, a court established under

1 subsection (a) or (b) may, consistent with the re-
2 quirement of subsection (c) and any other statutory
3 requirement that the court act expeditiously or with-
4 in a stated time, appoint amicus curiae to assist the
5 court in the consideration of a covered matter.

6 “(2) DESIGNATION.—The courts established by
7 subsection (a) and (b) shall each designate 1 or
8 more individuals who have been determined by ap-
9 propriate executive branch officials to be eligible for
10 access to classified information who may be ap-
11 pointed to serve as amicus curiae. In appointing an
12 amicus curiae pursuant to paragraph (1), the court
13 may choose from among those so designated.

14 “(3) EXPERTISE.—An individual appointed as
15 an amicus curiae under paragraph (1) may be a spe-
16 cial counsel or an expert on privacy and civil lib-
17 erties, intelligence collection, telecommunications, or
18 any other area that may lend legal or technical ex-
19 pertise to the court.

20 “(4) DUTIES.—An amicus curiae appointed
21 under paragraph (1) to assist with the consideration
22 of a covered matter shall carry out the duties as-
23 signed by the appointing court. That court may au-
24 thorize, to the extent consistent with the case or
25 controversy requirements of article III of the Con-

1 stitution of the United States and the national secu-
2 rity of the United States, the amicus curiae to re-
3 view any application, certification, petition, motion,
4 or other submission that the court determines is rel-
5 evant to the duties assigned by the court.

6 “(5) NOTIFICATION.—A court established under
7 subsection (a) or (b) shall notify the Attorney Gen-
8 eral of each exercise of the authority to appoint an
9 amicus curiae under paragraph (1).

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

15 “(7) ADMINISTRATION.—A court established
16 under subsection (a) or (b) may provide for the des-
17 ignation, appointment, removal, training, support, or
18 other administration of an amicus curiae appointed
19 under paragraph (1) in a manner that is not incon-
20 sistent with this subsection.

21 “(8) CONGRESSIONAL OVERSIGHT.—The Attor-
22 ney General shall submit to the appropriate commit-
23 tees of Congress an annual report on the number of
24 notices described in paragraph (5) received by the
25 Attorney General for the preceding 12-month period.

1 Each such report shall include the name of each in-
2 dividual appointed as an amicus curiae during such
3 period.

4 “(9) DEFINITIONS.—In this subsection:

5 “(A) APPROPRIATE COMMITTEES OF CON-
6 GRESS.—The term ‘appropriate committees of
7 Congress’ means—

8 “(i) the Committee on the Judiciary
9 and the Select Committee on Intelligence
10 of the Senate; and

11 “(ii) the Committee on the Judiciary
12 and the Permanent Select Committee on
13 Intelligence of the House of Representa-
14 tives.

15 “(B) COVERED MATTER.—The term ‘cov-
16 ered matter’ means an application for an order
17 or review made to a court established under
18 subsection (a) or (b)—

19 “(i) that, in the opinion of such a
20 court, presents a legal or technical issue
21 regarding which the court’s deliberations
22 would benefit from participation by an
23 amicus curiae; and

24 “(ii) that is—

1 “(I) an application for an order
2 under this title, title III, IV, or V of
3 this Act, or section 703 or 704 of this
4 Act;

5 “(II) a review of a certification
6 or procedures under section 502 or
7 702 of this Act; or

8 “(III) a notice of non-compliance
9 with any such order, certification, or
10 procedures.”.

11 **SEC. 6. REPORTING REQUIREMENTS FOR DECISIONS OF**
12 **THE FOREIGN INTELLIGENCE SURVEIL-**
13 **LANCE COURT.**

14 Section 601(c)(1) of the Foreign Intelligence Surveil-
15 lance Act of 1978 (50 U.S.C. 1871(c)) is amended to read
16 as follows:

17 “(1) not later than 45 days after the date on
18 which the Foreign Intelligence Surveillance Court or
19 the Foreign Intelligence Surveillance Court of Re-
20 view issues a decision, order, or opinion that in-
21 cludes a significant construction or interpretation of
22 any provision of this Act or a denial of a request for
23 an order or a modification of a request for an order,
24 or results in a change of application of any provision

1 of this Act or a new application of any provision of
2 this Act—

3 “(A) a copy of such decision, order, or
4 opinion and any pleadings, applications, or
5 memoranda of law associated with such deci-
6 sion, order, or opinion; and

7 “(B) with respect to such decision, order,
8 or opinion, a brief statement of the relevant
9 background factual information, questions of
10 law, legal analysis, and decision rendered; and”.

11 **SEC. 7. DECLASSIFICATION OF DECISIONS, ORDERS, AND**
12 **OPINIONS.**

13 (a) DECLASSIFICATION.—Title VI of the Foreign In-
14 telligence Surveillance Act of 1978 (50 U.S.C. 1871 et
15 seq.) is amended—

16 (1) in the heading, by striking “**REPORT-**
17 **ING REQUIREMENT**” and inserting “**OVER-**
18 **SIGHT**”; and

19 (2) by adding at the end the following new sec-
20 tion:

21 **“SEC. 602. DECLASSIFICATION OF SIGNIFICANT DECISIONS,**
22 **ORDERS, AND OPINIONS.**

23 “(a) DECLASSIFICATION REQUIRED.—Subject to
24 subsection (b), the Director of National Intelligence shall
25 conduct a declassification review of each decision, order,

1 or opinion issued by the Foreign Intelligence Surveillance
2 Court or the Foreign Intelligence Surveillance Court of
3 Review that includes significant construction or interpre-
4 tation of any provision of this Act and, consistent with
5 that review, make publicly available to the greatest extent
6 practicable each such decision, order, or opinion.

7 “(b) REDACTED FORM.—The Director of National
8 Intelligence may satisfy the requirement under subsection
9 (a) to make a decision, order, or opinions described in such
10 subsection publicly available to the greatest extent prac-
11 ticable by making such decision, order, or opinion publicly
12 available in redacted form.

13 “(c) NATIONAL SECURITY WAIVER.—The Director of
14 National Intelligence may waive the requirement to declas-
15 sify and make publicly available a particular decision,
16 order, or opinion under subsection (a) if the Director—

17 “(1) determines that a waiver of such require-
18 ment is necessary to protect the national security of
19 the United States or properly classified intelligence
20 sources or methods; and

21 “(2) makes publicly available an unclassified
22 statement—

23 “(A) summarizing the significant construc-
24 tion or interpretation of a provision under this
25 Act; and

1 “(B) that specifies that the statement has
2 been prepared by the Director of National In-
3 telligence and constitutes no part of the opinion
4 of the Foreign Intelligence Surveillance Court
5 or the Foreign Intelligence Surveillance Court
6 of Review.”.

7 (b) DEFINITIONS.—Title VI of such Act (50 U.S.C.
8 1871 et seq.) is further amended—

9 (1) in section 601, by striking subsection (e);
10 and

11 (2) by adding at the end the following new sec-
12 tion:

13 **“SEC. 603. DEFINITIONS.**

14 “In this title:

15 “(1) FOREIGN INTELLIGENCE SURVEILLANCE
16 COURT.—The term ‘Foreign Intelligence Surveillance
17 Court’ means the court established under section
18 103(a).

19 “(2) FOREIGN INTELLIGENCE SURVEILLANCE
20 COURT OF REVIEW.—The term ‘Foreign Intelligence
21 Surveillance Court of Review’ means the court estab-
22 lished under section 103(b).”.

23 (c) TABLE OF CONTENTS AMENDMENTS.—The table
24 of contents in the first section of such Act is amended—

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

“TITLE VI—OVERSIGHT”; AND

3 (2) by inserting after the item relating to sec-
4 tion 601 the following new items:

“Sec. 602. Declassification of significant decisions, orders, and opinions.
“Sec. 603. Definitions.”.

5 **SEC. 8. PUBLIC REPORTING ON INCIDENTAL COLLECTION**
6 **OF UNITED STATES PERSON INFORMATION.**

7 Section 601 of the Foreign Intelligence Surveillance
8 Act of 1978 (50 U.S.C. 1871), as amended by section 7(c)
9 of this Act, is further amended by adding at the end the
10 following new subsection:

11 “(e) PUBLIC REPORTING ON INCIDENTAL COLLEC-
12 TION OF UNITED STATES PERSON INFORMATION.—The
13 Attorney General shall annually make publicly available
14 a report describing the number of identified instances in
15 which the contents of a communication of a United States
16 person was acquired under this Act when the acquisition
17 authorized by this Act that resulted in the collection of
18 such contents could not reasonably have been anticipated
19 to capture such contents.”.

1 **SEC. 9. ANNUAL REPORTS ON VIOLATIONS OF LAW OR EX-**
2 **ECUTIVE ORDER.**

3 (a) IN GENERAL.—Title V of the National Security
4 Act of 1947 (50 U.S.C. 3091 et seq.) is amended by add-
5 ing at the end the following:

6 **“SEC. 509. ANNUAL REPORT ON VIOLATIONS OF LAW OR EX-**
7 **ECUTIVE ORDER.**

8 “(a) ANNUAL REPORTS REQUIRED.—Not later than
9 April 1 of each year, the Director of National Intelligence
10 shall submit to the congressional intelligence committees
11 a report on violations of law or executive order by per-
12 sonnel of an element of the intelligence community that
13 were identified during the previous calendar year.

14 “(b) ELEMENTS.—Each report required subsection
15 (a) shall include a description of any violation of law or
16 executive order (including Executive Order No. 12333 (50
17 U.S.C. 3001 note)) by personnel of an element of the intel-
18 ligence community in the course of such employment that,
19 during the previous calendar year, was determined by the
20 director, head, general counsel, or inspector general of any
21 element of the intelligence community to have occurred.”.

22 (b) CLERICAL AMENDMENT.—The table of contents
23 in the first section of such Act is amended by inserting
24 after the item relating to section 508 the following new
25 item:

“Sec. 509. Annual report on violations of law or Executive order.”.

1 **SEC. 10. PERIODIC REVIEW OF INTELLIGENCE COMMUNITY**
2 **PROCEDURES FOR THE ACQUISITION, RETEN-**
3 **TION, AND DISSEMINATION OF INTEL-**
4 **LIGENCE.**

5 (a) IN GENERAL.—Title V of the National Security
6 Act of 1947 (50 U.S.C. 3091 et seq.), as amended by sec-
7 tion 9, is further amended by adding at the end the fol-
8 lowing new section:

9 **“SEC. 510. PERIODIC REVIEW OF INTELLIGENCE COMMU-**
10 **NITY PROCEDURES FOR THE ACQUISITION,**
11 **RETENTION, AND DISSEMINATION OF INTEL-**
12 **LIGENCE.**

13 “(a) HEAD OF AN ELEMENT OF THE INTELLIGENCE
14 COMMUNITY DEFINED.—In this section, the term ‘head
15 of an element of the intelligence community’ means, as
16 appropriate—

17 “(1) the head of an element of the intelligence
18 community; or

19 “(2) the head of the department or agency con-
20 taining such element.

21 “(b) REVIEW OF PROCEDURES APPROVED BY THE
22 ATTORNEY GENERAL.—

23 “(1) REQUIREMENT FOR IMMEDIATE RE-
24 VIEW.—Each head of an element of the intelligence
25 community that has not obtained the approval of the
26 Attorney General for the procedures, in their en-

1 tirety, required by section 2.3 of Executive Order
2 12333 (50 U.S.C. 3001 note) within 5 years prior
3 to the date of the enactment of the FISA Trans-
4 parency and Modernization Act, shall initiate, not
5 later than 180 days after such date of enactment, a
6 review of the procedures for such element, in accord-
7 ance with paragraph (3).

8 “(2) REQUIREMENT FOR REVIEW.—Not less
9 frequently than once every 5 years, each head of an
10 element of the intelligence community shall conduct
11 a review of the procedures approved by the Attorney
12 General for such element that are required by sec-
13 tion 2.3 of Executive Order 12333 (50 U.S.C. 3001
14 note), or any successor order, in accordance with
15 paragraph (3).

16 “(3) REQUIREMENTS FOR REVIEWS.—In coordi-
17 nation with the Director of National Intelligence and
18 the Attorney General, the head of an element of the
19 intelligence community required to perform a review
20 under paragraph (1) or (2) shall—

21 “(A) review existing procedures for such
22 element that are required by section 2.3 of Ex-
23 ecutive Order 12333 (50 U.S.C. 3001 note), or
24 any successor order, to assess whether—

1 “(i) advances in communications or
2 other technologies since the time the proce-
3 dures were most recently approved by the
4 Attorney General have affected the privacy
5 protections that the procedures afford to
6 United States persons, to include the pro-
7 tections afforded to United States persons
8 whose nonpublic communications are inci-
9 dentally acquired by an element of the in-
10 telligence community; or

11 “(ii) aspects of the existing proce-
12 dures impair the acquisition, retention, or
13 dissemination of timely, accurate, and in-
14 sightful information about the activities,
15 capabilities, plans, and intentions of for-
16 eign powers, organization, and persons,
17 and their agents; and

18 “(B) propose any modifications to existing
19 procedures for such element in order to—

20 “(i) clarify the guidance such proce-
21 dures afford to officials responsible for the
22 acquisition, retention, and dissemination of
23 intelligence;

1 “(ii) eliminate unnecessary impedi-
2 ments to the acquisition, retention, and
3 dissemination of intelligence; or

4 “(iii) ensure appropriate protections
5 for the privacy of United States persons
6 and persons located inside the United
7 States.

8 “(4) NOTICE.—The Director of National Intel-
9 ligence and the Attorney General shall notify the
10 congressional intelligence committees following the
11 completion of each review required under this sec-
12 tion.

13 “(5) REQUIREMENT TO PROVIDE PROCE-
14 DURES.—Upon the implementation of any modifica-
15 tions to procedures required by section 2.3 of Execu-
16 tive Order 12333 (50 U.S.C. 3001 note), or any suc-
17 cessor order, the head of the element of the intel-
18 ligence community to which the modified procedures
19 apply shall promptly provide a copy of the modified
20 procedures to the congressional intelligence commit-
21 tees.”.

22 (b) CLERICAL AMENDMENT.—The table of sections
23 in the first section of the National Security Act of 1947,
24 as amended by section 9, is further amended by adding
25 after the section relating to section 509 the following:

“Sec. 510. Periodic review of intelligence community procedures for the acquisition, retention, and dissemination of intelligence.”.

1 **SEC. 11. PROCEDURES FOR TARGETED ACQUISITIONS OF**
2 **TERRORIST AND FOREIGN AGENT NON-CON-**
3 **TENT COMMUNICATIONS RECORDS.**

4 (a) IN GENERAL.—Title V of the Foreign Intelligence
5 Surveillance Act of 1978 (50 U.S.C. 1861 et seq.) is
6 amended—

7 (1) by redesignating section 502 as section 503;
8 and

9 (2) by inserting after section 501 the following
10 new section:

11 **“SEC. 502. PROCEDURES FOR TARGETED ACQUISITIONS OF**
12 **TERRORIST AND FOREIGN AGENT NON-CON-**
13 **TENT COMMUNICATIONS RECORDS.**

14 “(a) AUTHORIZATION.—Notwithstanding any other
15 provision of law, upon the issuance of an order in accord-
16 ance with subsection (i)(3) or a determination under sub-
17 section (c)(2), the Attorney General and the Director of
18 National Intelligence may authorize jointly, for a period
19 of up to 1 year from the effective date of the authoriza-
20 tion, the acquisition from an electronic communication
21 service provider of records created as a result of commu-
22 nications of an individual or facility who, based on reason-
23 able and articulable suspicion, is—

1 “(1) a foreign power or the agent of a foreign
2 power;

3 “(2) associated with a foreign power or the
4 agent of a foreign power; or

5 “(3) in contact with, or known to, a suspected
6 agent of a foreign power.

7 “(b) LIMITATIONS.—An acquisition authorized under
8 subsection (a) shall—

9 “(1) be reasonably designed not to acquire—

10 “(A) the contents associated with any com-
11 munication;

12 “(B) records of wire or electronic commu-
13 nications without the use of specific identifiers
14 or selection terms;

15 “(C) information for an investigation of a
16 United States person conducted solely upon the
17 basis of activities protected by the first amend-
18 ment to the Constitution; or

19 “(D) the name, address, social security
20 number, employer or taxpayer identification
21 number, date of birth, or credit card number of
22 any United States person; and

23 “(2) comply with the fourth amendment to the
24 Constitution of the United States.

25 “(c) CONDUCT OF ACQUISITION.—

1 “(1) IN GENERAL.—An acquisition authorized
2 under subsection (a) shall be conducted only—

3 “(A) in accordance with the selection and
4 civil liberties and privacy protection procedures
5 adopted in accordance with subsections (d) and
6 (e); and

7 “(B) upon submission of a certification in
8 accordance with subsection (g).

9 “(2) DETERMINATION.—A determination under
10 this paragraph and for purposes of subsection (a) is
11 a determination by the Attorney General and the Di-
12 rector of National Intelligence that exigent cir-
13 cumstances exist because, without immediate imple-
14 mentation of an authorization under subsection (a),
15 intelligence important to the national security of the
16 United States may be lost or not timely acquired
17 and time does not permit the issuance of an order
18 pursuant to subsection (i)(3) prior to the implemen-
19 tation of such authorization.

20 “(3) TIMING OF DETERMINATION.—The Attor-
21 ney General and the Director of National Intel-
22 ligence may make the determination under para-
23 graph (2)—

24 “(A) before the submission of a certifi-
25 cation in accordance with subsection (g); or

1 “(B) by amending a certification pursuant
2 to subsection (i)(1)(C) at any time during
3 which judicial review under subsection (i) of
4 such certification is pending.

5 “(d) SELECTION PROCEDURES.—

6 “(1) REQUIREMENT TO ADOPT.—The Attorney
7 General, in consultation with the Director of Na-
8 tional Intelligence, shall adopt selection procedures
9 that are reasonably designed to ensure that any ac-
10 quisition authorized under subsection (a) complies
11 with the requirements and limitations relating to
12 such acquisitions under subsections (a) and (b).

13 “(2) JUDICIAL REVIEW.—The procedures
14 adopted in accordance with paragraph (1) shall be
15 subject to judicial review pursuant to subsection (i).

16 “(e) CIVIL LIBERTIES AND PRIVACY PROTECTION
17 PROCEDURES.—

18 “(1) REQUIREMENT TO ADOPT.—The Attorney
19 General, in consultation with the Director of Na-
20 tional Intelligence, shall adopt civil liberties and pri-
21 vacy protection procedures that are jointly deter-
22 mined by the Attorney General and the Director to
23 be consistent with national security and reasonably
24 designed to—

1 “(A) minimize the impact of any acquisi-
2 tion authorized by (a) on the privacy and civil
3 liberties of United States persons; and

4 “(B) reasonably limit the receipt, reten-
5 tion, use, and disclosure of records created as
6 a result of communications of an individual or
7 facility that are associated with a specific per-
8 son when such records are not necessary to un-
9 derstand foreign intelligence information or as-
10 sess the importance of such information.

11 “(2) JUDICIAL REVIEW.—The civil liberties and
12 privacy protection procedures adopted in accordance
13 with paragraph (1) shall be subject to judicial review
14 pursuant to subsection (i).

15 “(f) GUIDELINES FOR COMPLIANCE WITH LIMITA-
16 TIONS.—

17 “(1) REQUIREMENT TO ADOPT.—The Attorney
18 General, in consultation with the Director of Na-
19 tional Intelligence, shall adopt guidelines to ensure—

20 “(A) compliance with the requirements and
21 limitations under subsections (a) and (b); and

22 “(B) that an application for a court order
23 is filed as required by this title.

1 “(2) SUBMISSION OF GUIDELINES.—The Attor-
2 ney General shall provide the guidelines adopted in
3 accordance with paragraph (1) to—

4 “(A) the congressional intelligence commit-
5 tees;

6 “(B) the Committees on the Judiciary of
7 the Senate and the House of Representatives;
8 and

9 “(C) the Foreign Intelligence Surveillance
10 Court.

11 “(g) CERTIFICATION.—

12 “(1) IN GENERAL.—

13 “(A) REQUIREMENT TO SUBMIT CERTIFI-
14 CATION.—Subject to subparagraph (B), prior to
15 the implementation of an authorization under
16 subsection (a), the Attorney General and the
17 Director of National Intelligence shall provide
18 to the Foreign Intelligence Surveillance Court a
19 written certification and any supporting affi-
20 davit, under oath and under seal, in accordance
21 with this subsection.

22 “(B) EXCEPTION.—If the Attorney Gen-
23 eral and the Director of National Intelligence
24 make a determination under subsection (c)(2)
25 and time does not permit the submission of a

1 certification under this subsection prior to the
2 implementation of an authorization under sub-
3 section (a), the Attorney General and the Direc-
4 tor of National Intelligence shall submit to the
5 Court a certification for such authorization as
6 soon as practicable but in no event later than
7 7 days after such determination is made.

8 “(2) CERTIFICATION REQUIREMENTS.—A cer-
9 tification made under this subsection shall—

10 “(A) attest that—

11 “(i) procedures have been approved,
12 have been submitted for approval, or will
13 be submitted with the certification for ap-
14 proval by the Foreign Intelligence Surveil-
15 lance Court that are reasonably designed
16 to ensure compliance with the require-
17 ments and limitations under subsections
18 (a) and (b);

19 “(ii) the civil liberties and privacy pro-
20 tection procedures to be used with respect
21 to such acquisition—

22 “(I) meet the requirements of
23 civil liberties and privacy protection
24 procedures adopted under subsection
25 (e); and

1 “(II) have been approved, have
2 been submitted for approval, or will be
3 submitted with the certification for
4 approval by the Foreign Intelligence
5 Surveillance Court;

6 “(iii) guidelines have been adopted in
7 accordance with subsection (f) to ensure
8 compliance with the requirements and limi-
9 tations under subsections (a) and (b) and
10 to ensure that an application for a court
11 order is filed as required by this chapter;

12 “(iv) the procedures and guidelines re-
13 ferred to in clauses (i), (ii), and (iii) are
14 consistent with the requirements of the
15 fourth amendment to the Constitution of
16 the United States;

17 “(v) a significant purpose of the ac-
18 quisition is to obtain foreign intelligence
19 information;

20 “(vi) the acquisition involves obtaining
21 foreign intelligence information from or
22 with the assistance of an electronic com-
23 munications service provider; and

24 “(vii) the acquisition complies with
25 the limitations in subsection (b);

1 “(B) include the procedures adopted in ac-
2 cordance with subsections (d) and (e);

3 “(C) be supported, as appropriate, by the
4 affidavit of any appropriate official in the area
5 of national security who is—

6 “(i) appointed by the President, by
7 and with the advice and consent of the
8 Senate; or

9 “(ii) the head of an element of the in-
10 telligence community;

11 “(D) include—

12 “(i) an effective date for the author-
13 ization that is at least 30 days after the
14 submission of the written certification to
15 the court; or

16 “(ii) if the acquisition has begun or
17 the effective date is less than 30 days after
18 the submission of the written certification
19 to the court, the date the acquisition began
20 or the effective date for the acquisition;
21 and

22 “(E) if the Attorney General and the Di-
23 rector of National Intelligence make a deter-
24 mination under subsection (c)(2), include a

1 statement that such determination has been
2 made.

3 “(3) CHANGE IN EFFECTIVE DATE.—The At-
4 torney General and the Director of National Intel-
5 ligence may advance or delay the effective date re-
6 ferred to in paragraph (2)(D) by submitting an
7 amended certification in accordance with subsection
8 (i)(1)(C) to the Foreign Intelligence Surveillance
9 Court for review pursuant to subsection (i).

10 “(4) MAINTENANCE OF CERTIFICATION.—The
11 Attorney General or a designee of the Attorney Gen-
12 eral shall maintain a copy of a certification made
13 under this subsection.

14 “(5) JUDICIAL REVIEW.—A certification sub-
15 mitted in accordance with this subsection shall be
16 subject to judicial review pursuant to subsection (i).

17 “(h) DIRECTIVES.—

18 “(1) AUTHORITY.—With respect to an acquisi-
19 tion authorized under subsection (a), the Attorney
20 General and the Director of National Intelligence
21 may direct, in writing, an electronic communications
22 service provider to—

23 “(A) immediately provide the Government
24 with—

1 “(i) records, whether existing or cre-
2 ated in the future, in the format specified
3 by the Government and in a manner that
4 will protect the secrecy of the acquisition;
5 and

6 “(ii) information, facilities, or assist-
7 ance necessary to provide the records de-
8 scribed in clause (i); and

9 “(B) maintain under security procedures
10 approved by the Attorney General and the Di-
11 rector of National Intelligence any records con-
12 cerning the aid furnished that such electronic
13 communication service provider wishes to re-
14 tain.

15 “(2) COMPENSATION AND ASSISTANCE.—The
16 Government shall compensate, at the prevailing rate,
17 an electronic communications service provider for
18 providing records in accordance with directives
19 issued pursuant to paragraph (1). The Government
20 may provide any information, facilities, or assistance
21 necessary to aid an electronic communications serv-
22 ice provider in complying with a directive issued pur-
23 suant to paragraph (1).

24 “(3) RECORD REQUIREMENT.—For any direc-
25 tive issued under paragraph (1), the Attorney Gen-

1 eral shall retain a record of the information indi-
2 cating that, at the time the directive was issued, the
3 directive complied with the selection procedures es-
4 tablished by subsection (d).

5 “(4) JUDICIAL REVIEW.—

6 “(A) REQUIREMENT TO PROVIDE DIREC-
7 TIVES AND SUPPORTING RECORDS.—The Attor-
8 ney General shall promptly provide to the For-
9 eign Intelligence Surveillance Court a copy of
10 each directive issued under paragraph (1) and
11 a copy of each record prepared under para-
12 graph (3).

13 “(B) REMEDY FOR IMPROPER DIREC-
14 TIVES.—The court shall promptly consider each
15 directive and record provided under subpara-
16 graph (A), and if the court finds that a record
17 prepared under paragraph (3) does not meet
18 the requirements of the selection procedures es-
19 tablished by subsection (d), the court may order
20 that the production of records under the appli-
21 cable directive be terminated or modified, that
22 the information produced in response to the di-
23 rective be destroyed, or another appropriate
24 remedy.

25 “(5) CHALLENGING OF DIRECTIVES.—

1 “(A) AUTHORITY TO CHALLENGE.—An
2 electronic communications service provider re-
3 ceiving a directive issued pursuant to paragraph
4 (1) may file a petition to modify or set aside
5 such directive with the Foreign Intelligence
6 Surveillance Court, which shall have jurisdiction
7 to review such petition. Such petition may in-
8 clude a challenge to a specific identifier or se-
9 lection term that an electronic communications
10 service provider believes does not meet the re-
11 quirements of this section.

12 “(B) ASSIGNMENT.—The presiding judge
13 of the Court shall assign a petition filed under
14 subparagraph (A) to 1 of the judges serving in
15 the pool established under section 103(e)(1) not
16 later than 24 hours after the filing of such peti-
17 tion.

18 “(C) STANDARDS FOR REVIEW.—A judge
19 considering a petition filed under subparagraph
20 (A) may grant such petition only if the judge
21 finds that the directive does not meet the re-
22 quirements of this section or is otherwise un-
23 lawful.

24 “(D) PROCEDURES FOR INITIAL RE-
25 VIEW.—A judge shall conduct an initial review

1 of a petition filed under subparagraph (A) not
2 later than 5 days after being assigned such pe-
3 tition. If the judge determines that such peti-
4 tion consists of claims, defenses, or other legal
5 contentions that are not warranted by existing
6 law or consists of a frivolous argument for ex-
7 tending, modifying, or reversing existing law or
8 for establishing new law, the judge shall imme-
9 diately deny such petition and affirm the direc-
10 tive or any part of the directive that is the sub-
11 ject of such petition and order the recipient to
12 comply with the directive or any part of it.
13 Upon making a determination under this sub-
14 paragraph or promptly thereafter, the judge
15 shall provide a written statement for the record
16 of the reasons for such determination.

17 “(E) PROCEDURES FOR PLENARY RE-
18 VIEW.—If a judge determines that a petition
19 filed under subparagraph (A) requires plenary
20 review, the judge shall affirm, modify, or set
21 aside the directive that is the subject of such
22 petition not later than 30 days after being as-
23 signed such petition. If the judge does not set
24 aside the directive, the judge shall immediately
25 affirm or affirm with modifications the direc-

1 tive, and order the recipient to comply with the
2 directive in its entirety or as modified. The
3 judge shall provide a written statement for the
4 record of the reasons for a determination under
5 this subparagraph.

6 “(F) CONTINUED EFFECT.—Any directive
7 not explicitly modified or set aside under this
8 paragraph shall remain in full effect.

9 “(G) CONTEMPT OF COURT.—Failure to
10 obey an order issued under this paragraph may
11 be punished by the Court as contempt of court.

12 “(6) ENFORCEMENT OF DIRECTIVES.—

13 “(A) ORDER TO COMPEL.—If an electronic
14 communications service provider fails to comply
15 with a directive issued pursuant to paragraph
16 (1), the Attorney General may file a petition for
17 an order to compel the service to comply with
18 the directive with the Foreign Intelligence Sur-
19 veillance Court, which shall have jurisdiction to
20 review such petition.

21 “(B) ASSIGNMENT.—The presiding judge
22 of the Court shall assign a petition filed under
23 subparagraph (A) to 1 of the judges serving in
24 the pool established under section 103(e)(1) not

1 later than 24 hours after the filing of such peti-
2 tion.

3 “(C) PROCEDURES FOR REVIEW.—A judge
4 considering a petition filed under subparagraph
5 (A) shall, not later than 30 days after being as-
6 signed such petition, issue an order requiring
7 the electronic communications service provider
8 to comply with the directive or any part of it,
9 as issued or as modified, if the judge finds that
10 the directive meets the requirements of this sec-
11 tion and is otherwise lawful. The judge shall
12 provide a written statement for the record of
13 the reasons for a determination under this
14 paragraph.

15 “(D) CONTEMPT OF COURT.—Failure to
16 obey an order issued under this paragraph may
17 be punished by the Court as contempt of court.

18 “(E) PROCESS.—Any process under this
19 paragraph may be served in any judicial district
20 in which the electronic communications service
21 provider may be found.

22 “(7) APPEAL.—

23 “(A) APPEAL TO THE COURT OF RE-
24 VIEW.—The Government or an electronic com-
25 munications service provider receiving a direc-

1 tive issued pursuant to paragraph (1) may file
2 a petition with the Foreign Intelligence Surveil-
3 lance Court of Review for review of a decision
4 issued pursuant to paragraph (4) or (5). The
5 Court of Review shall have jurisdiction to con-
6 sider such petition and shall provide a written
7 statement for the record of the reasons for a
8 decision under this subparagraph.

9 “(B) CERTIORARI TO THE SUPREME
10 COURT.—The Government or an electronic com-
11 munications service provider receiving a direc-
12 tive issued pursuant to paragraph (1) may file
13 a petition for a writ of certiorari for review of
14 a decision of the Court of Review issued under
15 subparagraph (A). The record for such review
16 shall be transmitted under seal to the Supreme
17 Court of the United States, which shall have ju-
18 risdiction to review such decision.

19 “(8) RULE OF CONSTRUCTION.—Nothing in
20 this subsection shall be construed—

21 “(A) to prevent a directive issued under
22 paragraph (1) from requiring an electronic com-
23 munications service provider to produce addi-
24 tional records, whether existing or created in

1 the future, based on records produced by a pre-
2 vious directive issued under paragraph (1); or

3 “(B) as requiring an electronic commu-
4 nications service provider to—

5 “(i) retain any record for a longer pe-
6 riod of time than the electronic commu-
7 nications service provider otherwise would
8 retain such record in the ordinary course
9 of business; or

10 “(ii) retain the results produced in re-
11 sponse to a directive under this subsection.

12 “(i) JUDICIAL REVIEW OF CERTIFICATIONS AND
13 PROCEDURES.—

14 “(1) IN GENERAL.—

15 “(A) REVIEW BY THE FOREIGN INTEL-
16 LIGENCE SURVEILLANCE COURT.—The Foreign
17 Intelligence Surveillance Court shall have juris-
18 diction to review a certification submitted in ac-
19 cordance with subsection (g) and the selection
20 and civil liberties and privacy protection proce-
21 dures adopted in accordance with subsections
22 (d) and (e), and amendments to such certifi-
23 cation or such procedures.

24 “(B) TIME PERIOD FOR REVIEW.—The
25 Court shall review a certification submitted in

1 accordance with subsection (g) and the selection
2 and civil liberties and privacy protection proce-
3 dures adopted in accordance with subsections
4 (d) and (e) and shall complete such review and
5 issue an order under paragraph (3) not later
6 than 30 days after the date on which such cer-
7 tification and such procedures are submitted.

8 “(C) AMENDMENTS.—The Attorney Gen-
9 eral and the Director of National Intelligence
10 may amend a certification submitted in accord-
11 ance with subsection (g) or the selection and
12 civil liberties and privacy protection procedures
13 adopted in accordance with subsections (d) and
14 (e) as necessary at any time, including if the
15 Court is conducting or has completed review of
16 such certification or such procedures, and shall
17 submit the amended certification or amended
18 procedures to the Court not later than 7 days
19 after amending such certification or such proce-
20 dures. The Court shall review any amendment
21 under this subparagraph under the procedures
22 set forth in this subsection. The Attorney Gen-
23 eral and the Director of National Intelligence
24 may authorize the use of an amended certifi-
25 cation or amended procedures pending the

1 Court's review of such amended certification or
2 amended procedures.

3 "(2) REVIEW.—The Court shall review the fol-
4 lowing:

5 "(A) CERTIFICATION.—A certification sub-
6 mitted in accordance with subsection (g) to de-
7 termine whether the certification contains all
8 the required elements.

9 "(B) SELECTION PROCEDURES.—The se-
10 lection procedures adopted in accordance with
11 subsection (d) to assess whether the procedures
12 are reasonably designed to meet the require-
13 ments of subsection (d).

14 "(C) CIVIL LIBERTIES AND PRIVACY PRO-
15 TECTION PROCEDURES.—The civil liberties and
16 privacy protection procedures adopted in ac-
17 cordance with subsection (e) to assess whether
18 such procedures meet the requirements of sub-
19 section (e).

20 "(3) ORDERS.—

21 "(A) APPROVAL.—If the Court finds that
22 a certification submitted in accordance with
23 subsection (g) contains all the required ele-
24 ments and that the selection and civil liberties
25 and privacy protection procedures adopted in

1 accordance with subsections (d) and (e) are
2 consistent with the requirements of those sub-
3 sections and with the fourth amendment to the
4 Constitution of the United States, the Court
5 shall enter an order approving the certification
6 and the use, or continued use in the case of an
7 acquisition authorized pursuant to a determina-
8 tion under subsection (e)(2), of the procedures
9 for the acquisition.

10 “(B) CORRECTION OF DEFICIENCIES.—If
11 the Court finds that a certification submitted in
12 accordance with subsection (g) does not contain
13 all the required elements, or that the proce-
14 dures adopted in accordance with subsections
15 (d) and (e) are not consistent with the require-
16 ments of those subsections or the fourth
17 amendment to the Constitution of the United
18 States, the Court shall issue an order directing
19 the Government to, at the Government’s elec-
20 tion and to the extent required by the Court’s
21 order—

22 “(i) correct any deficiency identified
23 by the Court’s order not later than 30 days
24 after the date on which the Court issues
25 the order; or

1 “(ii) cease, or not begin, the imple-
2 mentation of the authorization for which
3 such certification was submitted.

4 “(C) REQUIREMENT FOR WRITTEN STATE-
5 MENT.—In support of an order under this sub-
6 section, the Court shall provide, simultaneously
7 with the order, for the record a written state-
8 ment of the reasons for the order.

9 “(4) APPEAL.—

10 “(A) APPEAL TO THE COURT OF RE-
11 VIEW.—The Government may file a petition
12 with the Foreign Intelligence Surveillance Court
13 of Review for review of an order under this sub-
14 section. The Court of Review shall have juris-
15 diction to consider such petition. For any deci-
16 sion under this subparagraph affirming, revers-
17 ing, or modifying an order of the Foreign Intel-
18 ligence Surveillance Court, the Court of Review
19 shall provide for the record a written statement
20 of the reasons for the decision.

21 “(B) CONTINUATION OF ACQUISITION
22 PENDING REHEARING OR APPEAL.—Any acqui-
23 sition affected by an order under paragraph
24 (3)(B) may continue—

1 “(i) during the pendency of any re-
2 hearing of the order by the Court en banc;
3 and

4 “(ii) if the Government files a petition
5 for review of an order under this section,
6 until the Court of Review enters an order
7 under subparagraph (C).

8 “(C) IMPLEMENTATION PENDING AP-
9 PEAL.—Not later than 60 days after the filing
10 of a petition for review of an order under para-
11 graph (3)(B) directing the correction of a defi-
12 ciency, the Court of Review shall determine,
13 and enter a corresponding order regarding,
14 whether all or any part of the correction order,
15 as issued or modified, shall be implemented
16 during the pendency of the review.

17 “(D) CERTIORARI TO THE SUPREME
18 COURT.—The Government may file a petition
19 for a writ of certiorari for review of a decision
20 of the Court of Review issued under subpara-
21 graph (A). The record for such review shall be
22 transmitted under seal to the Supreme Court of
23 the United States, which shall have jurisdiction
24 to review such decision.

25 “(5) SCHEDULE.—

1 “(A) REAUTHORIZATION OF AUTHORIZA-
2 TIONS IN EFFECT.—If the Attorney General
3 and the Director of National Intelligence seek
4 to reauthorize or replace an authorization
5 issued under subsection (a), the Attorney Gen-
6 eral and the Director of National Intelligence
7 shall, to the extent practicable, submit to the
8 Court the certification prepared in accordance
9 with subsection (g) and the procedures adopted
10 in accordance with subsections (d) and (e) at
11 least 30 days prior to the expiration of such au-
12 thorization.

13 “(B) REAUTHORIZATION OF ORDERS, AU-
14 THORIZATIONS, AND DIRECTIVES.—If the At-
15 torney General and the Director of National In-
16 telligence seek to reauthorize or replace an au-
17 thorization issued under subsection (a) by filing
18 a certification pursuant to subparagraph (A),
19 that authorization, and any directives issued
20 thereunder and any order related thereto, shall
21 remain in effect, notwithstanding the expiration
22 provided for in subsection (a), until the Court
23 issues an order with respect to such certifi-
24 cation under paragraph (3) at which time the

1 provisions of that paragraph and paragraph (4)
2 shall apply with respect to such certification.

3 “(j) JUDICIAL PROCEEDINGS.—

4 “(1) EXPEDITED JUDICIAL PROCEEDINGS.—Ju-
5 dicial proceedings under this section shall be con-
6 ducted as expeditiously as possible.

7 “(2) TIME LIMITS.—A time limit for a judicial
8 decision in this section shall apply unless the Court,
9 the Court of Review, or any judge of either the
10 Court or the Court of Review, by order for reasons
11 stated, extends that time as necessary for good
12 cause in a manner consistent with national security.

13 “(k) MAINTENANCE AND SECURITY OF RECORDS
14 AND PROCEEDINGS.—

15 “(1) STANDARDS.—The Foreign Intelligence
16 Surveillance Court shall maintain a record of a pro-
17 ceeding under this section, including petitions, ap-
18 peals, orders, and statements of reasons for a deci-
19 sion, under security measures adopted by the Chief
20 Justice of the United States, in consultation with
21 the Attorney General and the Director of National
22 Intelligence.

23 “(2) FILING AND REVIEW.—All petitions under
24 this section shall be filed under seal. In any pro-
25 ceedings under this section, the Court shall, upon re-

1 quest of the Government, review ex parte and in
2 camera any Government submission, or portions of
3 a submission, which may include classified informa-
4 tion.

5 “(3) RETENTION OF RECORDS.—The Attorney
6 General and the Director of National Intelligence
7 shall retain a directive or an order issued under this
8 section for a period of not less than 10 years from
9 the date on which such directive or such order is
10 issued.

11 “(1) ASSESSMENTS AND REVIEWS.—

12 “(1) SEMIANNUAL ASSESSMENT.—Not less fre-
13 quently than once every 6 months, the Attorney
14 General and Director of National Intelligence shall
15 assess compliance with the selection and civil lib-
16 erties and privacy protection procedures adopted in
17 accordance with subsections (d) and (e) and the
18 guidelines adopted in accordance with subsection (f).
19 The assessment shall also include the aggregate
20 number of directives issued under subsection (h)
21 during the relevant time period. The Attorney Gen-
22 eral and Director of National Intelligence shall sub-
23 mit each assessment to—

24 “(A) the Foreign Intelligence Surveillance
25 Court; and

1 “(B) consistent with the Rules of the
2 House of Representatives, the Standing Rules
3 of the Senate, and Senate Resolution 400 of the
4 94th Congress or any successor Senate resolu-
5 tion—

6 “(i) the congressional intelligence
7 committees; and

8 “(ii) the Committees on the Judiciary
9 of the House of Representatives and the
10 Senate.

11 “(2) AGENCY ASSESSMENT.—The Inspector
12 General of the Department of Justice and the In-
13 spector General of each element of the intelligence
14 community authorized to acquire communications
15 records under subsection (a), with respect to the de-
16 partment or element of such Inspector General—

17 “(A) are authorized to review compliance
18 with the selection and civil liberties and privacy
19 protection procedures adopted in accordance
20 with subsections (d) and (e) and the guidelines
21 adopted in accordance with subsection (f);

22 “(B) shall provide each such review to—

23 “(i) the Attorney General;

24 “(ii) the Director of National Intel-
25 ligence; and

1 “(iii) consistent with the Rules of the
2 House of Representatives, the Standing
3 Rules of the Senate, and Senate Resolution
4 400 of the 94th Congress or any successor
5 Senate resolution—

6 “(I) the congressional intelligence
7 committees; and

8 “(II) the Committees on the Ju-
9 diciary of the House of Representa-
10 tives and the Senate.

11 “(m) DEFINITIONS.—In this section:

12 “(1) The terms ‘contents’, ‘wire communica-
13 tion’, and ‘electronic communication’ have the mean-
14 ing given such terms in section 2510 of title 18,
15 United States Code.

16 “(2) The term ‘electronic communication serv-
17 ice provider’ has the meaning given such term in
18 section 701.

19 “(3) The terms ‘foreign power’ and ‘agent of a
20 foreign power’ have the meanings given such terms
21 in section 101.

22 “(4) The term ‘Foreign Intelligence Surveil-
23 lance Court’ means the court established under sec-
24 tion 103(a).

1 “(5) The term ‘Foreign Intelligence Surveil-
 2 lance Court of Review’ means the court established
 3 under section 103(b).”.

4 (b) TABLE OF CONTENTS AMENDMENT.—The table
 5 of contents in the first section of the Foreign Intelligence
 6 Surveillance Act of 1978 (50 U.S.C. 1801 note) is amend-
 7 ed by striking the item relating to section 502 and the
 8 following new items:

“Sec. 502. Procedures for targeted acquisitions of terrorist and foreign agent
 non-content communications records.

“Sec. 503. Congressional oversight.”.

9 (c) CONFORMING AMENDMENTS.—The Foreign Intel-
 10 ligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.)
 11 is amended—

12 (1) in section 103(e)(1) (50 U.S.C. 1803(e)(1)),
 13 by striking “501(f)(1) or 702(h)(4)” and inserting
 14 “501(f)(2), 502(h)(5), or 702(h)(4)”; and

15 (2) in section 802(a)(3) (50 U.S.C.
 16 1885a(a)(3)), by striking “or 702(h)” and inserting
 17 “502(h), or 702(h)”.

18 **SEC. 12. CONTINUOUS EVALUATION AND SHARING OF DE-**
 19 **ROGATORY INFORMATION REGARDING PER-**
 20 **SONNEL WITH ACCESS TO CLASSIFIED IN-**
 21 **FORMATION.**

22 Section 102A(j) of the National Security Act of 1947
 23 (50 U.S.C. 3024(j)) is amended—

1 (1) in the heading, by striking “SENSITIVE
2 COMPARTMENTED INFORMATION” and inserting
3 “CLASSIFIED INFORMATION”;

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

6 (3) in paragraph (4), by striking the period and
7 inserting a semicolon; and

8 (4) by adding at the end the following new
9 paragraphs:

10 “(5) ensure that the background of each em-
11 ployee or officer of an element of the intelligence
12 community, each contractor to an element of the in-
13 telligence community, and each individual employee
14 of such a contractor who has been determined to be
15 eligible for access to classified information is mon-
16 itored on a continual basis under standards devel-
17 oped by the Director, including with respect to the
18 frequency of evaluation, during the period of eligi-
19 bility of such employee or officer of an element of
20 the intelligence community, such contractor, or such
21 individual employee to such a contractor to deter-
22 mine whether such employee or officer of an element
23 of the intelligence community, such contractor, and
24 such individual employee of such a contractor con-

1 continues to meet the requirements for eligibility for ac-
2 cess to classified information; and

3 “(6) develop procedures to require information
4 sharing between elements of the intelligence commu-
5 nity concerning potentially derogatory security infor-
6 mation regarding an employee or officer of an ele-
7 ment of the intelligence community, a contractor to
8 an element of the intelligence community, or an indi-
9 vidual employee of such a contractor that may im-
10 pact the eligibility of such employee or officer of an
11 element of the intelligence community, such con-
12 tractor, or such individual employee of such a con-
13 tractor for a security clearance.”.

14 **SEC. 13. REQUIREMENTS FOR INTELLIGENCE COMMUNITY**
15 **CONTRACTORS.**

16 (a) REQUIREMENTS.—Section 102A of the National
17 Security Act of 1947 (50 U.S.C. 3024) is amended by
18 adding at the end the following new subsection:

19 “(x) REQUIREMENTS FOR INTELLIGENCE COMMU-
20 NITY CONTRACTORS.—The Director of National Intel-
21 ligence, in consultation with the head of each department
22 of the Federal Government that contains an element of
23 the intelligence community and the Director of the Central
24 Intelligence Agency, shall—

25 “(1) ensure that—

1 “(A) any contractor to an element of the
2 intelligence community with access to a classi-
3 fied network or classified information develops
4 and operates a security plan that is consistent
5 with standards established by the Director of
6 National Intelligence for intelligence community
7 networks; and

8 “(B) each contract awarded by an element
9 of the intelligence community includes provi-
10 sions requiring the contractor comply with such
11 plan and such standards;

12 “(2) conduct periodic assessments of each secu-
13 rity plan required under paragraph (1)(A) to ensure
14 such security plan complies with the requirements of
15 such paragraph; and

16 “(3) ensure that the insider threat detection ca-
17 pabilities and insider threat policies of the intel-
18 ligence community apply to facilities of contractors
19 with access to a classified network.”.

20 (b) APPLICABILITY.—The amendment made by sub-
21 section (a) shall apply with respect to contracts entered
22 into or renewed after the date of the enactment of this
23 Act.

1 **SEC. 14. SUNSETS.**

2 (a) USA PATRIOT IMPROVEMENT AND REAUTHOR-
3 IZATION ACT OF 2005.—Section 102(b)(1) of the USA
4 PATRIOT Improvement and Reauthorization Act of 2005
5 (50 U.S.C. 1805 note) is amended—

6 (1) by striking “June 1, 2015” and inserting
7 “December 31, 2017”; and

8 (2) by striking “sections 501, 502, and
9 105(c)(2)” and inserting “section 105(c)(2) and title
10 V”.

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

