

U.S. HOUSE OF REPRESENTATIVES  
PERMANENT SELECT COMMITTEE  
ON INTELLIGENCE

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## Highlights of H.R. 4478

FISA Amendments Reauthorization Act of 2017

On November 29, 2017, Chairman Nunes introduced H.R. 4478, the FISA Amendments Reauthorization Act of 2017. The House Permanent Select Committee on Intelligence voted the bill out of Committee on December 1, 2017, and it will be amended by an additional Manager's Amendment prior to a floor vote.

**This legislation reauthorizes Title VII of FISA, which includes FISA Section 702, for four years.** FISA Section 702 is a critical national security tool used by the Intelligence Community (IC) to target foreigners overseas to obtain foreign intelligence information. The bill supports the IC's continued use of FISA Section 702, but includes several important provisions to enhance transparency and U.S. person privacy. Specifically, the legislation enhances privacy by:

- Requiring specific FISA Section 702 query procedures, separate from the existing minimization procedures, which must be reviewed by the Foreign Intelligence Surveillance Court (FISC) every year;
- Adding an optional permissive order requirement for the FBI to view query returns and codifying restrictions on the use of FISA Section 702 communications in criminal prosecutions against U.S. people. Under this legislation, the only way the government may use FISA Section 702 information in a criminal case against a U.S. person is if:
  - (1) the FBI obtained an order from the FISC to view the content of Section 702 communications that were returned after querying its data for criminal purposes, or
  - (2) the Attorney General approves the use of FISA Section 702 collection in a criminal case against a U.S. person, and the crime is national security-related or one of the severe crimes identified in the bill such as murder or kidnapping;
- Temporarily codifying an end to the NSA's FISA Section 702 "abouts" collection until the government develops new procedures and briefs the congressional intelligence and judiciary committees;
- Enhancing the Privacy and Civil Liberties Oversight Board by giving their members more flexibility in their meetings and staffing decisions; and
- Requiring the declassification review and publication of FISA Section 702 minimization procedures.